REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the definition, description, presentation, labelling and the protection of
geographical indications of aromatised wine products
(COM(2011)0530 – C7-0234/2011 – 2011/0231(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Paolo Bartolozzi

Rapporteur for opinion (*): Herbert Dorfmann, Committee on Agriculture and
Rural Development

(*) Associated committee – Rule 50 of the Rules of Procedure
Symbols for procedures

* Consultation procedure
*** Consent procedure
****I Ordinary legislative procedure (first reading)
****II Ordinary legislative procedure (second reading)
****III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in **bold italics**. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products
(COM(2011)0530 – C7-0234/2011 – 2011/0231(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2011)0530),

– having regard to Article 294(2) and Articles 43(2) and 114 of the Treaty on the Functioning of the European Union (TFEU), pursuant to which the Commission submitted the proposal to Parliament (C7-0234/2011),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the reasoned opinion submitted by the Luxembourg Chamber of Deputies under the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, in which it is argued that the draft legislative act is not consistent with the principle of subsidiarity,

– having regard to the opinion of the European Economic and Social Committee of 7 December 2011,

– having regard to Rule 55 of its Rules of Procedure,

– having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A7-0158/2012),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 43, 15.2.2012, p. 67.
Amendment 1

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

(11a) Where aromatised wine products satisfy the requirements laid down in Council Regulation (EC) 834/2007 of 28 June 2007 on organic production and labelling of organic products¹, they should be allowed to indicate the organic nature of the products used.

__________________


Justification

Pending forthcoming developments in the regulation of oenological practices for organic wine-making, and with a view to establishing a basis for such regulation at this stage, the legal framework for organic production should also be mentioned in connection with aromatised wine products.

Amendment 2

Proposal for a regulation
Article 2 – point 1 – introductory part

Text proposed by the Commission

(1) “Aromatised wine products”: means products obtained from products of the wine sector as referred to in Regulation (EU) No [XXXX/20XX. COM(2010) 799 final aligned sCMO], and which have been flavoured. They are classified as follows:

Amendment

(1) “Aromatised wine products”: means products obtained from products of the wine sector as referred to in Regulation (EU) No [XXXX/20XX. COM(2010) 799 final aligned sCMO], and which have been flavoured in accordance with the requirements laid down in Annex I. They are classified as follows:

Justification

It is important to mention all aspects of the manufacture of aromatised wine products (aromatisation, addition of alcohol where applicable, sweetening and colouring), so as to bring the text of the definitions into line with the respective content of Annexes I and II. Lastly, it should be stated that the addition of alcohol is allowed for aromatised wines but not
for other product categories, except those for which a specific exception is made in the definitions set out in Annex II.

Amendment 3
Proposal for a regulation
Article 2 – point 2 – point c a (new)

Text proposed by the Commission
Amendment

(ca) to which alcohol and/or colours may have been added, and/or which may have been sweetened, in accordance with the requirements laid down in Annex I;

Justification

It is important to mention all aspects of the manufacture of aromatised wine products (aromatisation, addition of alcohol where applicable, sweetening and colouring), so as to bring the text of the definitions into line with the respective content of Annexes I and II. Lastly, it should be stated that the addition of alcohol is allowed for aromatised wines but not for other product categories, except those for which a specific exception is made in the definitions set out in Annex II.

Amendment 4
Proposal for a regulation
Article 2 – point 3 – point c a (new)

Text proposed by the Commission
Amendment

(ca) to which colours may have been added, and/or which may have been sweetened, in accordance with the requirements laid down in Annex I;

Justification

It is important to mention all aspects of the manufacture of aromatised wine products (aromatisation, addition of alcohol where applicable, sweetening and colouring), so as to bring the text of the definitions into line with the respective content of Annexes I and II. Lastly, it should be stated that the addition of alcohol is allowed for aromatised wines but not for other product categories, except those for which a specific exception is made in the definitions set out in Annex II.
Amendment 5
Proposal for a regulation
Article 2 – point 3 – point d a (new)

Text proposed by the Commission

(da) to which no alcohol has been added, except where Annex II provides otherwise, or to which alcohol may have been added, in which case its actual alcoholic strength by volume shall be at least 7 % vol.;

Justification

It is important to mention all aspects of the manufacture of aromatised wine products (aromatisation, addition of alcohol where applicable, sweetening and colouring), so as to bring the text of the definitions into line with the respective content of Annexes I and II. Lastly, it should be stated that the addition of alcohol is allowed for aromatised wines but not for other product categories, except those for which a specific exception is made in the definitions set out in Annex II.

Amendment 6
Proposal for a regulation
Article 2 – point 4 – point b a (new)

Text proposed by the Commission

(ba) to which colours may have been added, and/or which may have been sweetened, in accordance with the requirements laid down in Annex I;

Justification

It is important to mention all aspects of the manufacture of aromatised wine products (aromatisation, addition of alcohol where applicable, sweetening and colouring), so as to bring the body of the definitions into line with the respective content of Annexes I and II. Lastly, it is important to state that the addition of alcohol is allowed for aromatised wines but not for other product categories, except those for which a specific exception is made in the definitions set out in Annex II.
Amendment 7
Proposal for a regulation
Article 2 – point 4 – point d

Text proposed by the Commission  Amendment
(d) to which no alcohol has been added; (d) to which no alcohol has been added, except where Annex II provides otherwise;

Justification
It is important to mention all aspects of the manufacture of aromatised wine products (aromatisation, addition of alcohol where applicable, sweetening and colouring), so as to bring the text of the definitions into line with the respective content of Annexes I and II. Lastly, it should be stated that the addition of alcohol is allowed for aromatised wines but not for other product categories, except those for which a specific exception is made in the definitions set out in Annex II.

Amendment 8
Proposal for a regulation
Article 3 – paragraph 1 a (new)

Text proposed by the Commission  Amendment
1a. Organic aromatised wine products may be produced in accordance with Council Regulation (EC) 834/2007, in particular Articles 6 and 19 thereof, and in accordance with the implementing rules adopted pursuant to Article 38 thereof.

Justification
Based on AM 11 by the Rapporteur. The reference should also cover follow-up legislation (Commission implementing acts) which are based on Regulation 834/2007. As such, Regulation 889/2008 and its amending regulations lay down detailed rules for the implementation of Regulation 834/2007 (e.g. specific production methods and allowed substances). Furthermore, the AM was switched to Article 3, which is about production processes.
Amendment 9

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The sales denominations for aromatised wine products as provided for in Annex II shall be used in the Union. Those denominations may be used only for the marketing of aromatised wine products which comply with the requirements laid down in that Annex for the corresponding sales denomination.

Amendment

1. Only the sales denominations for aromatised wine products as provided for in Annex II shall be used in the Union. Those denominations may be used only for the marketing of aromatised wine products which comply with the requirements laid down in that Annex for the corresponding sales denomination.

Justification

In order to ensure legal coherence between the text and the annexes, it is important to reaffirm the principle of exclusivity such that only the sales denominations listed in Annex II may be used in the Union. This also makes it possible to prohibit generic names from being used as sales denominations, thereby ensuring the provision of accurate information to consumers.

Amendment 10

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Aromatised wine products which comply with the requirements of more than one sales denomination may use only one corresponding sales denomination.

Amendment

2. Except where Annex II provides otherwise, aromatised wine products which comply with the requirements of more than one sales denomination may use only one corresponding sales denomination.

Justification

In order to ensure legal coherence between the text and the annexes, it is important to mention once again the possibility of special provisions applicable to certain traditional products, such as the use of more than one sales denomination for the same product. In relation to Sangria and Clarea, for example, Annex II provides that the description ‘Sangria’/’Clarea’ may replace the description ‘aromatised wine-based drink’ only where the drink in question was manufactured in Spain or Portugal, in the case of Sangria, or in Spain, in the case of Clarea.
Amendment 11

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. An alcoholic beverage not fulfilling the requirements laid down in this Regulation shall not be described, presented or labelled by associating words or phrases such as "like", "type", "style", "made", "flavour" or any other term similar to any of the sales denominations established in this Regulation.

Amendment

3. An alcoholic beverage not fulfilling the requirements laid down in this Regulation shall not be described, presented or labelled by associating words or phrases such as "like", "type", "style", "made", "flavour" or any other similar terms, or graphic components that are liable to mislead the consumer.

Amendment 12

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The terms ‘semi-sweet’ and ‘sweet’ may be replaced by an indication of the sugar content, expressed in grams of invert sugar per litre.

Amendment

The terms ‘semi-sweet’ and ‘sweet’ may be accompanied by an indication of the sugar content, expressed in grams of invert sugar per litre.

Justification

Although it may be useful for consumers to know the sugar content expressed in invert sugar per litre, this may not be very meaningful for them. Consumers may not be able to make the difference between a sweet and semi-sweet aromatized wine only on the basis of the sugar content. The latter can be usefully be added, but not totally replacing the particulars ‘sweet’ and ‘semi-sweet’.

Amendment 13

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

An indication of the place of provenance of the primary ingredient is not required.

Amendment

deleted
Justification

If the provenance of a product is given, it must also refer to the provenance of the grapes, in order not to mislead consumers.

Amendment 14
Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission
Sales denominations and additional particulars provided for in this Regulation shall, where expressed in words, appear at least in one or more of the official languages of the Union.

Amendment
Sales denominations and additional particulars shall appear in a language easily understood by the consumers of the Member States where a wine product is marketed.

Amendment 15
Proposal for a regulation
Article 9 – point b

Text proposed by the Commission
(b) the sales denominations and descriptions laid down in Annex II.

Amendment
deleted

Justification
The updating of sales denominations and descriptions of aromatised wine products should not be made through delegated acts but through the ordinary legislative procedure, given that it is an essential element of this Regulation.

Amendment 16
Proposal for a regulation
Article 10

Text proposed by the Commission
For the purposes of this Chapter, "geographical indication" means an indication referring to a region, a specific place or a country, used to describe an aromatised wine product where a given quality, reputation or other characteristics of that product is essentially attributable to

Amendment
For the purposes of this Chapter, "geographical indication" means an indication referring to a region, a specific place or a country, used to describe an aromatised wine product where the wine product comes from the Union and where a given quality, reputation or other
its geographical origin. characteristics of that wine product is essentially attributable to its geographical origin.

Amendment 17
Proposal for a regulation
Article 11 – paragraph 2 – point b

Text proposed by the Commission

(b) a description of the product, in particular its principal analytical characteristics as well as an evaluation or indication of its organoleptic characteristics;

Amendment

(b) a description of the product, in particular its principal analytical characteristics as well as an indication of its organoleptic characteristics.

Amendment 18
Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

6. Member States shall adopt the laws, regulations or administrative provisions necessary to comply with this Article by 1st December 2012.

Amendment

6. Member States shall adopt the laws, regulations or administrative provisions necessary to comply with this Article by 1st December 2013.

Justification

There is always the possibility that the Regulation cannot be published by 1 December 2012 for administrative or timing reasons, so the deadline should be extended a little.

Amendment 19
Proposal for a regulation
Article 15 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the Commission considers that the conditions laid down in this Chapter are met, it shall, by means of implementing acts without the assistance of the Committee referred to in Article 36, decide to publish in the Official Journal of the European Union the single document referred to in Article 11(1)(d) and the reference to the publication of the
referred to in Article 11(1)(d) and the reference to the publication of the product specification referred to in Article 14(5).

**Amendment 20**
Proposal for a regulation
Article 21 – paragraph 2 – point c

*Text proposed by the Commission*

(c) any other false or misleading indication as to the provenance, origin, *nature* or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

*Amendment*

(c) any other false or misleading indication as to the provenance, origin, *composition, wine and/or alcohol content, production method* or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

**Amendment 21**
Proposal for a regulation
Article 27 – paragraph 3

*Text proposed by the Commission*

3. Existing geographical designations referred to in paragraph 1, for which the information referred to in paragraph 2 is not submitted by [2 years after entry into force], shall lose protection under this Regulation. The Commission shall, by means of implementing acts *without the assistance of the Committee referred to in Article 36*, take the corresponding formal step of removing such names from the register provided for in Article 22.

*Amendment*

3. Existing geographical designations referred to in paragraph 1, for which the information referred to in paragraph 2 is not submitted by [2 years after entry into force], shall lose protection under this Regulation. The Commission shall, by means of implementing acts, take the corresponding formal step of removing such names from the register provided for in Article 22.

**Amendment 22**
Proposal for a regulation
Article 27 – paragraph 4 – subparagraph 1

EN
Text proposed by the Commission

Amendment

Article 26 shall not apply in respect of
existing protected geographical
designations referred to in paragraph 1 of
this Article.

Justification

The possibility of cancelling existing geographical indications was not provided for in
Regulation 2081/92 on the protection of geographical indications and designations of origin
for agricultural products and foodstuffs (the forerunner to Regulation 510/2006) nor does it
appear in Regulation 110/2008 on geographical indications for spirit drinks.

Amendment 23

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

Amendment

2. In order to ensure product quality and
traceability, the Commission may, by
means of delegated acts, provide for the
conditions under which product
specifications may include additional
requirements as referred to in Article 11
(2)(f).

2. In order to ensure product quality and
traceability, the Commission shall be
empowered to adopt delegated acts, in
accordance with Article 35:

(a) concerning the information to be
provided in the product specification with
regard to the link between the
geographical area and the final product;
(b) laying down the conditions under
which product specifications may include
additional requirements as referred to in
point (f) of Article 11(2).

Justification

The information included in the product specification concerning the link between the
geographical area and the final product is quite important for the consumer's choice and
should therefore be regarded as a non-essential element of this Regulation requiring adoption
by means of delegated acts.
Amendment 24
Proposal for a regulation
Article 29 – paragraph 6

Text proposed by the Commission
6. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission may, by means of delegated acts, adopt the necessary measures regarding the notification of operators to the competent authorities.

Amendment
6. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission shall be empowered to adopt delegated acts, in accordance with Article 35, regarding the notification of operators to the competent authorities, as well as regarding checks and verification to be carried out by the Member States, including testing.

Justification
Checks and verification tasks are important for the protection of producers' and consumers' interests and should therefore be regarded as a non-essential element of this Regulation requiring adoption by means of delegated acts.

Amendment 25
Proposal for a regulation
Article 30 – paragraph 1 – point a

Text proposed by the Commission
(a) the information to be provided in the product specification with regard to the link between the geographical area and the final product;

Amendment
deleted

Justification
The information included in the product specification concerning the link between the geographical area and the final product is quite important for the consumer's choice and should therefore be regarded as a non-essential element of this Regulation requiring adoption by means of delegated acts.

Amendment 26
Proposal for a regulation
Article 30 – paragraph 1 – point b

Text proposed by the Commission
(b) the making of decisions on protection or rejection available to the public;

Amendment
deleted

Justification

There is no reason not to inform the public about a decision on protection.

Proposal for a regulation
Article 30 – paragraph 1 – point f

Text proposed by the Commission
(f) checks and verification to be carried out by the Member States, including testing.

Amendment
deleted

Justification

Checks and verification tasks are important for the protection of producers' and consumers' interests and should therefore be regarded as a non-essential element of this Regulation requiring adoption by means of delegated acts.

Proposal for a regulation
Article 31 – title

Text proposed by the Commission
Implementing acts to be adopted without the assistance of the Committee referred to in Article 36

Amendment
Inadmissibility of an application or request

Justification

Correction to align the text with a technical correction already accepted in the Council working groups. The correction needs to be made here to ensure consistency with the amendment made to this Article.
Amendment 29
Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time.

Amendment

2. The power to adopt delegated acts referred to in Articles 3, 9, 29 and 33 shall be conferred on the Commission for a period of five years from ...*. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

* OJ: please insert the date of entry into force of this Regulation.

Justification

It is suggested that, in accordance with the provisions of the wine CMO, the delegation of power conferred on the Commission be limited to a specified period of time.

Amendment 30
Proposal for a regulation
Annex I – point 7 a (new)

Text proposed by the Commission

(7a) Oenological practices:
The oenological practices recommended and published by the OIV may be applied to the basic products and finished products covered by this Regulation.

Amendment

Justification

It is important that specific reference be made to the resolutions adopted by the International Organisation of Vine and Wine (OIV), as is already the case in Regulation 1234/2007.
Amendment 31

Proposal for a regulation
Annex II - part A - point 1

Text proposed by the Commission
(1) Aromatised wine:
Aromatized wine to which no alcohol has been added.

Amendment
(1) Aromatised wine:
Aromatised wine with or without the addition of alcohol.

Justification
One sales denomination is enough: the description of aromatised wine should cover both aromatized wine to which no alcohol has been added and aromatised wine to which alcohol has been added.

Amendment 32

Proposal for a regulation
Annex II - part A - point 2

Text proposed by the Commission
(2) Aromatised fortified wine:
Aromatised wine to which alcohol has been added.

Amendment
deleted

Justification
One sales denomination is enough: the description of aromatised wine should cover both aromatized wine to which no alcohol has been added and aromatised wine to which alcohol has been added.

Amendment 33

Proposal for a regulation
Annex II – part A – point 4 – third indent

Text proposed by the Commission
– which may have been sweetened only by means of caramelized sugar, sucrose, grape must, rectified concentrated grape

Amendment
– which may have been sweetened in accordance with the requirements laid down in Annex 1.
must and concentrated grape must.

Justification

Consideration must be given to developments in sweetening techniques and practices since 1991. The proposal for a regulation takes account of the progress made as a result of legislative and technical developments in the regulation of this sector; the stipulation inserted here is intended solely to make the content of the sales denomination consistent with what is already specified in Annex I.

Amendment 34

Proposal for a regulation
Annex II – part A – point 6 – third indent

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>– which has a sugar content expressed in terms of invert sugar of more than 200 grams and a minimum egg yolk content of 10 grams per litre of finished product.</td>
<td>– which has a sugar content expressed in terms of invert sugar of more than 200 grams.</td>
</tr>
</tbody>
</table>

Justification

This amendment modifies the definition in the light of the fact that there is no adequate technique for measuring cholesterol content at present, pending work to determine a specific method of analysis.

Amendment 35

Proposal for a regulation
Annex II – part A – point 6 – indent 3 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>– in the preparation of which the minimum quantity of egg yolk used in the mixture is 10 grams per litre.</td>
<td></td>
</tr>
</tbody>
</table>

Justification

This amendment modifies the definition in the light of the fact that there is no adequate technique for measuring cholesterol content at present, pending work to determine a specific method of analysis.
Amendment 36  
Proposal for a regulation  
Annex II – part B – paragraph 3 – subparagraph 2

\[\text{Text proposed by the Commission}\]

The description ‘Sangria’ must be accompanied by the words ‘produced in …’ followed by the name of the Member State of production or of a more restricted region except where the product is produced in Spain or Portugal.

\[\text{Amendment}\]

Where the drink is manufactured in a Member State other than Spain or Portugal, the word ‘Sangria’ may be used in addition to the sales denomination ‘aromatised wine-based drink’, which must be accompanied by the words ‘produced in …’ followed by the name of the Member State of production or of a more restricted region.

\[\text{Justification}\]

This amendment seeks to retain the status quo as per Regulation (EEC) No 1601/1991, protecting the word ‘Sangria’, which originated in Spain and Portugal. It is necessary to clarify that the word ‘Sangria’, in any Member State other than Spain and Portugal, is not a sales denomination but an optional indication or term.

Amendment 37  
Proposal for a regulation  
Annex II – part B – paragraph 3 – subparagraph 3

\[\text{Text proposed by the Commission}\]

The description ‘Sangria’ may replace the description ‘aromatised wine-based drink’ only where the drink is manufactured in Spain or Portugal.

\[\text{Amendment}\]

The word ‘Sangria’ may replace the sales denomination ‘aromatised wine-based drink’ only where the drink is manufactured in Spain or Portugal.

\[\text{Justification}\]

This amendment seeks to retain the status quo as per Regulation (EEC) No 1601/1991, protecting the word ‘Sangria’, which originated in Spain and Portugal. It is necessary to clarify that the word ‘Sangria’, in any Member State other than Spain and Portugal, is not a sales denomination but an optional indication or term. A clear distinction needs to be drawn between ‘sales denomination’, which includes the description ‘aromatised wine-based drink’ and the word ‘Sangria’.

Amendment 38
Proposal for a regulation  
Annex II – part B – paragraph 4 – subparagraph 2

<table>
<thead>
<tr>
<th><strong>Text proposed by the Commission</strong></th>
<th><strong>Amendment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>The description</em> «Clarea» must be accompanied by the words «produced in ...» followed by the name of the Member State of production or of a more restricted region <em>except where the product is produced in Spain.</em></td>
<td>*Where the drink is manufactured in a Member State other than Spain, the word ‘Clarea’ <em>may be used in addition to the sales denomination ‘aromatised wine-based drink’, which must be accompanied by the words ‘produced in …’ followed by the name of the Member State of production or of a more restricted region.</em></td>
</tr>
</tbody>
</table>

**Justification**

This amendment seeks to retain the status quo as per Regulation (EEC) No 1601/1991, given that the word ‘Clarea’ needs to be protected. It is necessary to clarify that the word ‘Clarea’, in any Member State other than Spain, is not a sales denomination but an optional indication or term.

**Amendment 39**
Proposal for a regulation  
Annex II – part B – paragraph 4 – subparagraph 3

<table>
<thead>
<tr>
<th><strong>Text proposed by the Commission</strong></th>
<th><strong>Amendment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>The description</em> «Clarea» may replace the description «aromatised wine-based drink» only where the drink is manufactured in Spain.*</td>
<td><em>The word</em> ‘Clarea’ <em>may replace the sales denomination ‘aromatised wine-based drink’ only where the drink is manufactured in Spain.</em></td>
</tr>
</tbody>
</table>

**Justification**

This amendment seeks to retain the status quo as per Regulation (EEC) No 1601/1991, given that the word ‘Clarea’ needs to be protected and a clear distinction needs to be drawn between ‘word’ and ‘sales denomination’. The word ‘Clarea’, in any Member State other than Spain, is not a sales denomination but an optional indication or term.
EXPLANATORY STATEMENT

Aromatised wine products play an important role for consumers, producers and the wider agricultural sector in the European Union. They represent a significant proportion of the EU’s wine sector, forming an extremely important market in terms of both quality and size, both domestically and internationally. The EU accounts for about 90% of world production of aromatised wine products (approximately 3 million hectolitres per year); there are long-established traditional producers in many Member States, in particular in the south of the continent, but also in the north and east.

Background to EU legislation

The proposal for a regulation fits into a European legislative framework of which a key aspect cannot be overlooked: the reform of wine sector policy. As part of the process of simplifying the Common Agricultural Policy, and alongside the development and adoption of the Single CMO Regulation (Council Regulation (EC) No 1234/2007), which replaced the 21 existing common market organisations (CMOs) for different branches of agriculture and laid down common standards for the management of agricultural markets, the marketing of agricultural products and EU exports and imports, the Council negotiated a reform of wine sector policy (Regulation (EC) No 479/2008), which is now fully incorporated into the Single CMO Regulation.

The 2008 reform reorganised the management of the EU’s wine market. It was designed to allow rapid restructuring of the sector through the gradual removal of ineffective and expensive intervention measures and the redirection of spending with a view to better meeting consumer demand and making European wine more competitive.

Aim of the current Commission proposal

The Commission’s proposal for a regulation is intended to update Regulation (EEC) 1601/91 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails.

Based on Article 43(2) and 114 TFEU, the proposal for a regulation lays down rules on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products; it applies to all aromatised wine products marketed in the EU, whether they are produced in the Member States or in third countries, as well as to those produced in the Union for export.

The main aims of the proposal are to enhance the applicability and clarity of EU legislation on aromatised wine products and to introduce a well-defined quality policy for such products. Certain sales denominations will be updated in the light of the possibility of increasing wine content instead of adding alcohol directly, so as to ensure that consumers are properly informed and that the definitions used are updated in the light of technical developments. The existing rules on geographical indications will be brought into line with the WTO Trade-Related Aspects of Intellectual Property Rights Agreement (the TRIPS Agreement).
Another aim is to bring the rules into line with the Treaty on the Functioning of the European Union (TFEU). The objectives, principles and other essential elements relating to the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products will be determined by the legislator, while the Commission, by means of delegated acts (Article 290 TFEU), should be able to adopt rules on production processes and methods of analysis, the necessary amendments to the definitions, requirements, restrictions, sales denominations and descriptions, and the necessary rules on geographical indications. Furthermore, the legislator should grant the Commission the power to adopt implementing acts (Article 291(2) TFEU), especially with regard to the uniform application of the rules on aromatised wine products relating to geographical indications, administrative and physical checks and the exchange of information.

The proposal does not change the scope of the existing rules applicable to this sector, but simply adapts them to obligations already taken on by the Union.

**Rapporteur’s position**

The rapporteur welcomes the main points of the Commission proposal, especially the objectives of simplifying and enhancing the rules.

The proposal for a regulation simplifies and updates Regulation (EEC) No 1601/91, which currently covers aromatised wine products; in the light of technological innovations and ever-changing consumer expectations, that regulation is repealed and replaced by a new text. The rapporteur consequently supports the Commission’s efforts to modernise a mechanism which has hitherto ensured the smooth functioning of the market in aromatised wines, but which needs to adapt to regulatory developments in this area.

The rapporteur endorses the general approach adopted in the text with a view to harmonising the regulation in question with legislative developments in the area of wine quality policy, to adapt it to the CMO rules and to bring it into line with the TFEU.

The proposal for a regulation, which also includes measures connected with the description, presentation and labelling of aromatised wine products, has to be consistent with the new rules on the provision of food information to consumers (Regulation (EU) No 1169/2011). Given that the proposal for a regulation fits into a legislative context already subject to those rules, the rapporteur has adopted the general approach of harmonising it with Regulation (EU) No 1169/2011.

A number of the proposed amendments are motivated by these considerations.

In line with the simplification introduced by the CMO of 2008, for example, which allowed the labelling of EU wines without a geographical indication to mention the vine variety, the rapporteur would like the same possibility to be introduced for aromatised wine products, in accordance with the requirements laid down in Regulation (EC) 607/2009.

The rapporteur also considers it necessary to insert a clear reference in the text to allowing aromatised wine products to feature a reference to the organic nature of the products used. In his view, this amendment makes a positive contribution to the future regulation of
oenological practices for organic wine-making.

The rapporteur believes that the body of the text should be brought into line with the respective content of Annexes I (technical definitions, requirements and restrictions) and II (sales denominations and descriptions of aromatised wine products), and has consequently proposed a number of technical amendments. For example, he considers it necessary to mention all aspects of the manufacture of aromatised wine products: aromatisation, the addition of alcohol where applicable, sweetening and colouring. As regards sales denominations, he feels it is important to reaffirm the principle of exclusivity such that only the sales denominations set out in Annex II can be used in the EU. This makes it possible to prohibit generic names from being used as sales denominations, thereby ensuring the provision of accurate information to consumers. Again with a view to ensuring legal coherence, he has inserted a reference to the possibility of special provisions applicable to certain traditional products, such as the use of more than one sales denomination for the same product.

The rapporteur also considers it necessary to amend the annexes in the light of technical and legislative developments in this sector. Specifically, on account of developments in sweetening techniques and practices since 1991, the list of sweetening methods allowed for vermouth should be extended to bring it into line with the practices already provided for in Annex I, and the definition of egg-based aromatised wine should be changed in view of the fact that there is no specific method for measuring its cholesterol content.

According to one of the main aims of the proposal, namely to bring the regulation into line with the provisions of the TFEU, the text also provides for the delegation of a series of powers to the Commission. While the rapporteur agrees that the text should be brought into line with its legal basis, he has amended it in order to limit the delegation of powers to a specified period of time. Further consideration must be given to the possibility of defining those powers in more detail and providing for greater involvement of the EU delegations in adopting the acts in question.

Lastly, it is important to mention the section on geographical indications. As stated above, one of the aims of the proposal is to establish criteria for recognising geographical indications. In accordance with the existing rules on wine products, the proposal lays down specific rules for aromatised products falling outside the scope of the regulation on agricultural product quality schemes, the Single CMO Regulation and the regulation on spirit drinks. The rapporteur endorses the Commission’s intentions and objectives, and is in favour of a legal requirement such that processed products must also be covered by a comprehensive, complementary framework in respect of geographical indications.
29.3.2012

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products
(COM(2011)0530 – C7-0234/2011 – 2011/0231(COD))

Rapporteur (*): Herbert Dorfmann
(*) Associated committee – Rule 50 of the Rules of Procedure

SHORT JUSTIFICATION

1. MAIN ELEMENTS OF THE PROPOSAL

The Commission proposal seeks to replace Council Regulation N° 1601/91 of 10 June 1991 which deals with the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails («aromatised wine products»). In the light of technologic innovation, market developments and evolving consumer expectations it has been considered necessary to update the rules applicable to the definition, description, presentation, labelling and protection of geographical indications of certain aromatised wine products, while taking into account traditional production methods.

The proposal simplifies the existing rules and, in particular, adapts the definitions used to the technical evolution and puts the existing rules on geographical indications in line with the Trade-Related Aspects of Intellectual Property Rights agreement (TRIPs agreement). It also aims at aligning the text with the Treaty on the Functioning of the European Union (TFEU) concerning "delegated acts" and "implementing acts" (Articles 290 and 291 TFEU respectively).

The Commission, in its explanatory memorandum, points out "a consensus among the producers of aromatised wine products to keep the same framework and similar rules" and that "only minor technical adjustments seem to be necessary". The Commission notes that those technical adjustments were communicated to its services by the representatives of the sector, after informal consultation of the main European producers and national organisations.

The Commission points out as further main objectives of its proposal, the enhanced
applicability and clarity of the Union legislation; a well defined quality policy based on the definitions of products; the updating of certain sales denominations in the light of the possibility to increase the level of wine instead of directly adding alcohol; increased flexibility by shifting the competence to amend the definitions and descriptions of products from the present co-decision procedure to the Commission by means of delegated acts; the adaptation of the Union rules to new technical requirements and to WTO requirements, including the TRIPs Agreement; and the definition of criteria guiding the recognition of new geographical indications.

2. STRUCTURE OF THE DRAFT REGULATION

The draft Regulation consists of 4 Chapters and 3 Annexes:

Chapter I lays down the basic definition and classification of products.

Chapter II deals with the description, presentation and labelling. It refers to the requirements and restrictions laid down in Annexes I and II, and delegates to the Commission the establishment of further authorised production processes. It refers to international methods for the analyses of aromatised wine products, and establishes specific labelling rules for those products.

Chapter II further establishes, by referring to Annexes I and II, a coherent system based on traditional quality practices and new developments as regards the quality of products. It aims at providing clear information to the consumer on the nature of products (sales denominations) and obliges the producer to provide all information necessary to avoid that the consumer is misled.

Chapter III lays down the rules on geographical indications in accordance with the international obligations of the EU. The geographical indications presently listed in Regulation No 1601/91 are transferred to the register which is established pursuant to Article 22 of the present Regulation.

Chapter IV sets out General, Transitional and Final Measures.

Annex I includes the technical definitions and requirements for the production of aromatised wine products.

Finally, Annex II includes their sales denominations and associated description.

3. AMENDMENTS SUGGESTED BY THE RAPPORTEUR

The draftsman agrees with most elements of the Commission proposal, which concerns indeed technical adjustments without a real policy change, as also indicated by the representatives of the sector. He proposes therefore that the proposal should be approved, however with certain amendments. Namely:

- the draftsman takes the view that the updating of sales denominations and descriptions of
aromatised wine products is, in fact, an essential element of this Regulation and therefore it should not be made through delegated acts, as the Commission suggests, but through the ordinary legislative procedure;

- the consumer should know whether the place of provenance of the primary ingredient is indeed the same as the place of provenance of the aromatised wine itself (a similar provision has been included in Article 26 (3) of the recently adopted Regulation 1169/2011 on the provision of food information to consumers);

- similarly, for aromatised wine products protected through geographical indications, the consumer should know whether the place of provenance of the grapes used is indeed the same as the place of provenance of the product;

- the description of aromatised wine should cover both aromatized wine to which no alcohol has been added and aromatized wine to which alcohol has been added;

- where alcohol has been added to an "aromatised wine-based drink", the latter's actual alcoholic strength by volume should be at least 7.5 % vol.;

- the information included in the product specification concerning the link between the geographical area and the final product is quite important for the consumer's choice and should therefore be regarded as a non-essential element of this Regulation. The relevant measures should hence be adopted by means of delegated acts;

- similarly, measures regarding checks and verification tasks should be adopted by means of delegated acts because they are important for the protection of both producers' and consumers' interests;

- finally, it is appropriate to introduce into the body of product definitions the characteristic elements of their preparation (flavouring, addition or not of alcohol, colouring, sweetening).

**AMENDMENTS**

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

**Amendment 1**

**Proposal for a regulation**

**Article 2 – point 1 – introductory part**

<table>
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<th>Amendment</th>
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<tr>
<td>(1) &quot;Aromatised wine products&quot;: means products obtained from products of the</td>
<td>(1) &quot;Aromatised wine products&quot;: means products obtained from products of the</td>
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</tbody>
</table>

PE480.816v02-00 28/40 RR\900987EN.doc
wine sector as referred to in Regulation (EU) No [XXXX/20XX. COM(2010) 799 final aligned sCMO], and which have been flavoured. They are classified as follows:

justification

It is appropriate to introduce into the body of product definitions the characteristic elements of their preparation (flavouring, addition or not of alcohol, colouring, sweetening). Technical details shall be laid down in the Annexes. Addition of alcohol is optional for aromatised wines, and it is not allowed for the other product categories except for specific products which are particularly defined in Annex II.

Amendment 2

Proposal for a regulation
Article 2 – point 2 – subpoint c a (new)

Text proposed by the Commission

(ce) which may have been the object of alcohol addition, colouring and/or sweetening under the conditions laid down in Annex I;

justification

It needs to be made clear that these techniques are optional.

Amendment 3

Proposal for a regulation
Article 2 – point 3 – subpoint c a (new)

Text proposed by the Commission

(ce) which may have been the object of colouring and/or sweetening under the conditions laid down in Annex I;

justification

It needs to be made clear that these techniques are optional.
Amendment 4
Proposal for a regulation
Article 2 – point 3 – subpoint cb (new)

Text proposed by the Commission

Amendment
(cb) which has not been the object of alcohol addition, save as provided otherwise in Annex II;

Justification
It is appropriate to introduce into the body of product definitions the characteristic elements of their preparation (flavouring, addition or not of alcohol, colouring, sweetening). Technical details shall be laid down in the Annexes. Addition of alcohol is optional for aromatised wines, and it is not allowed for the other product categories except for specific products which are particularly defined in Annex II.

Amendment 5
Proposal for a regulation
Article 2 – point 3 – subpoint da (new)

Text proposed by the Commission

Amendment
(da) to which alcohol may have been added, in which case its actual alcoholic strength by volume shall be at least 7 % vol.

Amendment 6
Proposal for a regulation
Article 2 – point 4 – subpoint ba (new)

Text proposed by the Commission

Amendment
(ba) which may have been the object of colouring and/or sweetening under the conditions laid down in Annex I;

Justification
It needs to be made clear that these techniques are optional.
Amendment 7

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. *The* sales denominations for aromatised wine products *as* provided for in Annex II shall be used in the Union. Those denominations may be used only for the marketing of aromatised wine products which comply with the requirements laid down in that Annex for the corresponding sales denomination.

Amendment

1. *Only the* sales denominations for aromatised wine products *that are* provided for in Annex II shall be used in the Union *in respect of those products*. Those denominations may be used only for the marketing of aromatised wine products which comply with the requirements laid down in that Annex for the corresponding sales denomination.

Justification

*It is appropriate to ensure that the generic denomination "aromatised wine product" cannot be used as sales denomination since it does not represent any product category precisely enough to inform the consumers.*

Amendment 8

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Aromatised wine products which comply with the requirements of more than one sales denomination may use only one corresponding sales denomination.

Amendment

2. *Save as provided otherwise in Annex II,* aromatised wine products which comply with the requirements of more than one sales denomination may use only one corresponding sales denomination.

Justification

*It is appropriate to allow to provisions which are specific to certain traditional products and which apply to production and labelling, to remain in force under conditions identical to the present situation.*

Amendment 9
Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. An alcoholic beverage not fulfilling the requirements laid down in this Regulation shall not be described, presented or labelled by associating words or phrases such as "like", "type", "style", "made", "flavour" or any other term similar to any of the sales denominations established in this Regulation.

Amendment

3. An alcoholic beverage not fulfilling the requirements laid down in this Regulation shall not be described, presented or labelled by associating words or phrases such as "like", "type", "style", "made", "flavour" or any other similar terms, or graphic components that are liable to mislead the consumer.

Amendment 10

Proposal for a regulation
Article 4 – paragraph 5a (new)

Text proposed by the Commission

5a. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure on a proposal from the Commission, may update the sales denominations and descriptions laid down in Annex II.

Amendment

5a. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure on a proposal from the Commission, may update the sales denominations and descriptions laid down in Annex II.

Justification

The updating of sales denominations and descriptions of aromatised wine products should not be made through delegated acts but through the ordinary legislative procedure, given that it is an essential element of this Regulation.

Amendment 11

Proposal for a regulation
Article 6 – second paragraph

Text proposed by the Commission

An indication of the place of provenance of the primary ingredient is not required.

Amendment

deleted
Justification

There is indeed no need to indicate the place of provenance of the primary ingredient. The Commission’s reference to it in the legislative text is therefore superfluous. Rules governing the indication of the place of provenance of the primary ingredient of aromatised wine products should not deviate from the general approach taken in Regulation (EU) No 1169/2011 on food information to consumers.

Amendment 12

Proposal for a regulation
Article 9 – point b

Text proposed by the Commission

(b) the sales denominations and descriptions laid down in Annex II.

Amendment

deleted

Justification

The updating of sales denominations and descriptions of aromatised wine products should not be made through delegated acts but through the ordinary legislative procedure, given that it is an essential element of this Regulation.

Amendment 13

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. In order to ensure product quality and traceability, the Commission may, by means of delegated acts, provide for the conditions under which product specifications may include additional requirements as referred to in Article 11 (2)(f).

Amendment

2. In order to ensure product quality and traceability, the Commission shall be empowered to adopt delegated acts, in accordance with Article 35:

(a) concerning the information to be provided in the product specification with regard to the link between the geographical area and the final product;

(b) laying down the conditions under which product specifications may include additional requirements as referred to in
Article 11 (2)(f).

Justification

The information included in the product specification concerning the link between the geographical area and the final product is quite important for the consumer’s choice and should therefore be regarded as a non-essential element of this Regulation requiring adoption by means of delegated acts.

Amendment 14
Proposal for a regulation
Article 29 – paragraph 6

Text proposed by the Commission

6. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission may, by means of delegated acts, adopt the necessary measures regarding the notification of operators to the competent authorities.

Amendment

6. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission shall be empowered to adopt delegated acts, in accordance with Article 35, regarding the notification of operators to the competent authorities, as well as regarding checks and verification to be carried out by the Member States, including testing.

Justification

Checks and verification tasks are important for the protection of producers’ and consumers’ interests and should therefore be regarded as a non-essential element of this Regulation requiring adoption by means of delegated acts.

Amendment 15
Proposal for a regulation
Article 30 – paragraph 1 – point a

Text proposed by the Commission

(a) the information to be provided in the product specification with regard to the link between the geographical area and the final product;

Amendment

deleted
**Justification**

The information included in the product specification concerning the link between the geographical area and the final product is quite important for the consumer's choice and should therefore be regarded as a non-essential element of this Regulation requiring adoption by means of delegated acts.

**Amendment 16**

Proposal for a regulation
Article 30 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) checks and verification to be carried out by the Member States, including testing.

Deleted

Justification

Checks and verification tasks are important for the protection of producers' and consumers' interests and should therefore be regarded as a non-essential element of this Regulation requiring adoption by means of delegated acts.

**Amendment 17**

Proposal for a regulation
Annex II - part A - point 1

Text proposed by the Commission

Amendment

(1) Aromatised wine:

Aromatized wine to which no alcohol has been added.

Aromatized wine with or without the addition of alcohol.

Justification

One sales denomination is enough: the description of aromatised wine should cover both aromatized wine to which no alcohol has been added and aromatized wine to which alcohol has been added.
Amendment 18
Proposal for a regulation
Annex II - part A - point 2

Text proposed by the Commission

(2) Aromatised fortified wine: deleted
Aromatised wine to which alcohol has been added.

Justification
One sales denomination is enough: the description of aromatised wine should cover both aromatized wine to which no alcohol has been added and aromatized wine to which alcohol has been added.

Amendment 19
Proposal for a regulation
Annex II - part A - point 4 - third indent

Text proposed by the Commission

– which may have been sweetened only by means of caramelized sugar, sucrose, grape must, rectified concentrated grape must and concentrated grape must.

– which may have been sweetened only by means of products referred to in point 2 of Annex I.

Justification
Products provided for under point 2 of Annex I should be allowed to be used for the sweetening of vermouth.

Amendment 20
Proposal for a regulation
Annex II – part B – point 3 – second paragraph

Text proposed by the Commission

The description ‘Sangria’ must be accompanied by the words ‘produced in …’ followed by the name of the Member State of production or of a more restricted region except where the product is produced in Spain or Portugal.

When the drink is manufactured in a Member State other than Spain or Portugal, the word ‘Sangria’ may be used in addition to the sales denomination ‘aromatised wine-based drink’, which must be accompanied by the words
‘produced in …’ followed by the name of the Member State of production or of a more restricted region.

Justification

This amendment seeks to retain the status quo as per Regulation (EEC) No 1601/1991, protecting the word ‘Sangria’, which originated in Spain and Portugal.

Amendment 21

Proposal for a regulation
Annex II – part B – point 3 – third paragraph

Text proposed by the Commission

The description ‘Sangria’ may replace the description ‘aromatised wine-based drink’ only where the drink is manufactured in Spain or Portugal.

Amendment

The word ‘Sangria’ may replace the sales denomination ‘aromatised wine-based drink’ only where the drink is manufactured in Spain or Portugal.

Justification

A clear distinction needs to be drawn between ‘sales denomination’, which includes the description ‘aromatised wine-based drink’ and the word ‘Sangria’.

Amendment 22

Proposal for a regulation
Annex II – part B – point 4 – second paragraph

Text proposed by the Commission

The description ‘Clarea’ must be accompanied by the words ‘produced in …’ followed by the name of the Member State of production or of a more restricted region except where the product is produced in Spain.

Amendment

When the drink is manufactured in a Member State other than Spain, the word ‘Clarea’ may be used in addition to the sales denomination ‘aromatised wine-based drink’. The word “Clarea” must be accompanied by the words ‘produced in …’ followed by the name of the Member State of production or of a more restricted region.

Justification

This amendment seeks to retain the status quo, given that the word ‘Clarea’ needs to be
**Amendment 23**

**Proposal for a regulation**

**Annex II – part B – point 4 – third paragraph**

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<tr>
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<td>The <em>description</em> ‘Clarea’ may replace the <em>description</em> ‘aromatised wine-based drink’ only where the drink is manufactured in Spain.</td>
<td>The <em>word</em> ‘Clarea’ may replace the <em>sales denomination</em> ‘aromatised wine-based drink’ only where the drink is manufactured in Spain.</td>
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</table>

**Justification**

*A clear distinction needs to be drawn between ‘word’ and ‘sales denomination’.*
## Procedure

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<thead>
<tr>
<th>Title</th>
<th>Geographical indications of aromatised wine products</th>
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<tbody>
<tr>
<td>Committee responsible</td>
<td></td>
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<tr>
<td>Date announced in plenary</td>
<td>ENVI</td>
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<tr>
<td>Rapporteur(s)</td>
<td>Herbert Dorfmann</td>
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<tr>
<td>Date appointed</td>
<td>23.11.2011</td>
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<td>Date adopted</td>
<td>27.3.2012</td>
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<td>Luís Paulo Alves, Maria do Céu Patrão Neves, Daciana Octavia Sârbu</td>
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### PROCEDURE

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<td>Discussed in committee</td>
<td>29.2.2012</td>
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<td>Vicky Ford, Jacqueline Foster, Julie Girling, Judith A. Merkies, Miroslav Mikolašík, Vittorio Prodi, Michèle Rivasi, Renate Sommer, Struan Stevenson, Anna Záborská, Andrea Zanoni</td>
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<td>Substitute(s) under Rule 187(2) present for the final vote</td>
<td>Hans-Peter Mayer</td>
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