



EUROPEAN PARLIAMENT

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Committee on Agriculture and Rural Development

2011/0231(COD)

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

PA_Legam

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

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 ***under the conditions laid down in Annex I***. 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

Amendment

(ca) 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

Amendment

(ca) 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 b a (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

Amendment

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.

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

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

Amendment

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

Amendment

(b) the sales denominations and ***deleted***

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 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.**

(1) Aromatised wine:
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

Amendment

(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.*

Amendment

– 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.***

Amendment

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 protected.

Amendment 23

Proposal for a regulation

Annex II – part B – point 4 – third paragraph

Text proposed by the Commission

The **description** ‘Clarea’ may replace the

Amendment

The **word** ‘Clarea’ may replace the **sales**

description ‘aromatised wine-based drink’
only where the drink is manufactured in
Spain.

denomination ‘aromatised wine-based
drink’ only where the drink is
manufactured in Spain.

Justification

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

PROCEDURE

Title	Geographical indications of aromatised wine products	
References	COM(2011)0530 – C7-0234/2011 – 2011/0231(COD)	
Committee responsible Date announced in plenary	ENVI 15.9.2011	
Committee(s) asked for opinion(s) Date announced in plenary	AGRI 15.9.2011	
Associated committee(s) - date announced in plenary	15.12.2011	
Rapporteur(s) Date appointed	Herbert Dorfmann 23.11.2011	
Discussed in committee	24.1.2012	29.2.2012
Date adopted	27.3.2012	
Result of final vote	+: 37	-: 1
	0: 0	
Members present for the final vote	John Stuart Agnew, Liam Aylward, José Bové, Luis Manuel Capoulas Santos, Vasilica Viorica Dăncilă, Michel Dantin, Albert Deß, Herbert Dorfmann, Hynek Fajmon, Iratxe García Pérez, Julie Girling, Béla Glattfelder, Sergio Gutiérrez Prieto, Martin Häusling, Esther Herranz García, Peter Jahr, Elisabeth Jeggle, Elisabeth Köstinger, George Lyon, Gabriel Mato Adrover, Mairead McGuinness, Krisztina Morvai, James Nicholson, Rareş-Lucian Niculescu, Wojciech Michał Olejniczak, Georgios Papastamkos, Marit Paulsen, Britta Reimers, Ulrike Rodust, Alfreds Rubiks, Giancarlo Scottà, Czesław Adam Siekierski, Sergio Paolo Francesco Silvestris, Csaba Sándor Tabajdi, Marc Tarabella, Janusz Wojciechowski	
Substitute(s) present for the final vote	Luís Paulo Alves, Maria do Céu Patrão Neves, Daciana Octavia Sârbu	