

L.N. 190 of 2006

**WINE ACT
(CAP. 436)**

**Denomination of Origin and of Geographic Indications
Regulations, 2006**

IN exercise of the powers conferred by articles 12, 13, 14 and 27 of the Wine Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

1. (1) The title of these regulations is the Denomination of Origin and of Geographic Indications Regulations, 2006; Title and commencement.

(2) These regulations shall be deemed to have come into force on the 1st June, 2005.

2. In these regulations, the following words and phrases shall have the following meanings:- Interpretation.

“the Act” means the Wine Act;

“the Director” means the Director of Agriculture;

“the Minister” means the Minister responsible for agriculture;

“the Unit” means the office responsible for viticulture and oenology within the Department of Agriculture;

“Quality Wine Produced in a Specified Region” or “QWPSR” means those wines which have the necessary requisites laid down in Council Regulation (EC) 1493/1999 and subsequent modifications.

Part I

Classification of the Denomination of Origin and Geographic Indications and the scope of application

3. (1) Denomination of Origin for wines, hereinafter referred to as DO, refers to the geographical name of a viticultural region, used to produce a quality and well known product, whose characteristics are related to the natural environment and human factors. Denomination of Origin and Geographic Indications.

(2) Geographic Indication for table wines, hereinafter referred to as GI, refers to the geographical name of a region used for a product derived from that particular region. The geographic indications have to include a viticultural area and should produce wines with typical characteristics.

(3) The denomination of origin and the geographic indications are reserved for musts and wines with conditions that are in accordance with these regulations.

Utilization of the DO and of the GI.

4. (1) The Denominations of Origin and their subregions, and the geographic indications, referred to in regulation 3 of these regulations, are utilized for wines belonging to more than one producer.

(2) The geographical names which constitute the Denominations of Origin or the Geographic Indications can neither be used to describe similar or alternative products from those in regulation 3 of these regulations, nor be used in such a way to confuse consumers in the identification of the products.

(3) Any other drink based on must or wine, as well as aerated sparkling and aerated semi-sparkling wines cannot use the DOs or GIs in their designation and presentation.

Classification of the DO and of GI.

5. (1) The DOs and GIs referred to in regulation 3 of these regulations, with regards to the products within the present regulations, are classified as:

(i) *Denominazzjoni ta' Ori!ini Kontrollata* (DOK); and

(ii) *Indikazzjoni Ġeografika Tipika* (IGT).

(2) Musts and wines qualifying for the above classifications may utilise the abbreviations DOK and IGT in their designations.

(3) *Denominazzjoni ta' Ori!ini Kontrollata* (Controlled Denomination of Origin) refers to the specified mention used in Malta to designate the wines defined by the European Union in Council Regulation (EC) 1493/1999 as QWPSR (Quality Wines Produced in Specified Regions), QSWPSR (Quality Sparkling Wines Produced in Specified Regions), QASWPSR (Quality Aerated Semi-Sparkling Wines Produced in Specified Regions) and QLWPSR (Quality Liqueur Wines Produced in Specified Regions). The definitions of the European Union are supplementary and not substitutive of the Maltese mentions.

6. (1) Denominations of Origin and Geographic Indications Territorial scope. refer to the geographical names and the geographical qualifiers corresponding to the regions of production, used to designate the wines referred to in regulation 3 of these regulations, whose characteristics depend on the natural conditions, correlated to its vitivinicultural dedication.

(2) Within the region of production more restricted areas can exist, referred to as subregions, having specific environmental characteristics or which are traditionally renowned, designated with a specific geographical or historic-geographic or administrative name, insofar as they are expressly foreseen and more rigidly regulated in the relative production protocols and insofar as they are only associated to the relative denomination of origin.

(3) DOK wines can include on the label the vine varieties or their synonyms, specific mentions, reference to particular vinification techniques and specific qualifications of the product as regulated by Commission Regulation (EC) 753/2002. The mentions above must be foreseen in the production protocol.

(4) IGT wines can use in their labelling an indication to the vine varieties or their synonyms and to the colour of the wine as long as such indications are foreseen in the production protocol.

7. (1) The mention “*Riserva*” is attributed to DOK wines which Specifications and mentions. are not sparkling and which have been subject to a period of ageing as indicated in the production protocol and, shall not be less than two years. The protocol, besides other modalities, must establish the obligation to indicate the vintage year on the label and the rules for its mention in case of a mixture of wines from different vintage years.

(2) The mention “vineyard” or “Estate” preceded by the topographic name, can be used only for the presentation and designation of DOK wines obtained from the vineyard corresponding to the topographic name, which is registered in the list of vineyards referred to in regulation 15 of these regulations and as declared in the annual wine production declaration according to regulation 16 of these regulations, with the condition that vinification of the corresponding grapes is carried out separately.

(3) The Minister may, with the advice of the Wine Regulation Board, modify requisites and the conditions foreseen for the utilization of the additional mentions for the application of the applicative regulations of the European Union or of particular exigencies in connection with the sector’s evolution.

Coexistence in the same region of production of DOK and IGT wines and changes in classification.

8. (1) The coexistence of the production of DOK and IGT wines in the same region of production even those made from the same vineyards, is permitted, on condition that the holder of this right must each year declare, according to the relative production protocols, the harvesting choice of each area which is listed separately in the list of vineyards of the vineyard register referred to in regulation 15 of these regulations.

(2) The passage from the level of highest classification of DOK to IGT is allowed, within the limits of Council Regulation (EC) 1493/99, for the musts and wines obtained, as long as they are found in the same viticultural area and that the product has the required requisites for the designation chosen. The reclassification can be affected by the proprietor himself, as established by Council Regulation (EC) 1493/99 and must, for each lot, communicate to the Unit, before the relative obligatory annotation in the registers.

(3) The geographical names and the subregions used to designate DOK wines cannot be used to designate IGT wines.

(4) The blending of two or more musts or wines classified as DOK or IGT leads to the loss of right to the use of the denomination of origin for the product obtained, which can however be classified as an IGT wine if it has the necessary characteristics.

(5) The Director may, with the advice of the Wine Regulation Board, authorise for a transitional period of up to a maximum of five years, the use of a recognised IGT, linked to an unclassified variety, for which a request exists for its recognition within the list of vine varieties which are authorized or under observation. When these vine varieties are classified, the use of the relative IGT becomes definite.

Recognition of a DOK or an IGT. Approval of production protocols.

9. (1) The DOK and the IGT are reserved to the products of which at regulation 3 of these regulations, corresponding to the conditions and requisites established for each of them, in the relative production protocols.

(2) The recognition of DOK and IGT and the delimitation of the respective regions of production shall become effective by the approval of the relative production protocols by the Director with the advice of the Wine Regulation Board.

(3) The approval of the recognition of which at sub-regulation (2) hereof, shall establish the date in which the protocol comes into force, and can, if necessary, make the necessary provisions for a transition period. The approval shall be published in the Gazette.

(4) The DOK and IGT are invalidated when the wine is blended in another country with another wine in any measure and of any origin, even if such practice is accepted by the norms of the country in which this practice is carried out and in which the product obtained is bottled.

10. (1) In the production protocols of DOK wines, which are proposed by the interested parties and approved by the Director, the following elements must be established: Production protocols.

(i) the Denomination of Origin, the possible subregions and the different typology of wines;

(ii) the delimitation of the production region of the grapes; areas which are not particularly dedicated to quality are excluded; such exclusions shall be verified by the Unit;

(iii) the production conditions and in particular the natural characteristics of the environment, including the climate, the soil, the orientation, the altitude, and the exposure;

(iv) the ampelographic scope including the vine varieties making up the various wine typologies and their percentage use;

(v) the minimum vine density and the training forms, pruning systems, the prohibition of an elevated production;

(vi) the maximum yield expressed in wine per hectare, based on the quantitative and qualitative results of the preceding five years. The limits of yield in wine per hectare may be differentiated by variety, subregion and fractions. The Director may, on the basis of controls carried out by the Unit and with the advice of the Wine Regulation Board, decrease or increase the maximum yield by a maximum of 20%, depending on the characteristics of the wine year or to create equilibrium in the market;

(vii) the minimum natural alcoholic content of grapes at harvesting, expressed in volume per volume. This shall be based on the results of the previous five years and shall be distinct for each vine variety and subregion concerned. This value shall be in accordance with European Union norms regarding community viticultural zones with regards to QWPSR. Within the same region, the above natural alcoholic content has to be progressively higher for DOK wines with respect to IGT wines. In respect of Council Regulation (EC) 1493/99 and acting on a report to be drawn up by the Unit taking into consideration the evolution of the climatic

conditions of the region and with the advice of the Wine Regulation Board, the Director may modify on an annual basis the value of the minimum natural alcoholic content of grapes that qualify for the production of DOK wines;

(viii) the vinification protocols including: the region of vinification, the region of bottling, for the various typologies; the methods of grape processing, the eventual date on which it is put on the market, the limits to any oenological practices that are allowed by Community and national regulations (enrichment, acidification etc);

(ix) the physical-chemical and organoleptic characteristics of the wine, including the minimum alcoholic content in volume per volume of the various wine typologies at consumption;

(x) details and modalities for the possibility of a minimal period of aging in wooden barrels and maturation in the bottle;

(xi) any particular norms for the designation and presentation like optional mentions, referrals to a locality, character size and positioning on the label, the use of the vintage year on the label and the rules for it's maintenance in case of blending of wines from different vintages;

(xii) any particular norms with respect to those in force for the packaging including nominal volumes, type of recipients, closure systems.

(2) The Director may establish further elements to be included in the protocols on a facultative basis.

(3) The protocols may be modified upon a documented request presented to the Unit from the interested parties and to which a draft copy of the new protocol must be attached.

(4) The requests for modification must be accompanied by:

(i) a report compiled by experts particularly competent on the matter, in which reference must be made to the experimental data of at least three years of research and certify the objectiveness and validity of the request;

(ii) a chemical-physical analysis which proves the absence of negative influences on samples of wines obtained through the modifications requested;

(iii) an organoleptic analysis, supported by a specific report from the competent tasting panel, which shows a sensorial improvement of the product which validates the requests, or else the maintenance of the average qualitative level of the wines already in production.

(2) The Wine Regulation Board may nominate commissions made up of its own members and of external experts, to carry out the verifications necessary for the approval of the modifications proposed.

(3) Requests for modifications to the production protocols shall follow the regulations foreseen for the recognition of the DOK and IGT.

(4) In the production protocols of IGT wines which are to be approved by the Director, the following are established:

- (i) the geographical indication;
- (ii) the oenological typologies, including those with a reference to a vine variety and to colour;
- (iii) the delimitation of the region of production of the grapes;
- (iv) the vine varieties which form part of the ampelographic platform;
- (v) the maximum production of wine per hectare;
- (vi) the minimum natural alcoholic volume present in the grapes;
- (vii) the minimum alcoholic content of the wine at consumption;
- (viii) the organoleptic characteristics of the wine at consumption;
- (ix) any authorized corrective practices (enrichment, acidification, etc.).

11. (1) The request for recognition or the modification of a DOK or an IGT, must be presented by associative organisms of the producers, supported by the documentation requested in regulation 10

Modalities and procedures for the recognition of DOK and IGT.

of these regulations, to the Unit which will take the necessary action to forward it to the Director and Wine Regulation Board for examination.

(2) Such organisms, as referred to in sub-regulation (1) hereof must, represent at least 35% (20% in case of IGT) of the interested vine growers and of 35% of the interested production.

(3) For the expression of its advice for the approval of the DOK and IGT, five eighths of the members of the Wine Regulation Board must vote in favour.

(4) For the expression of its advice regarding the approval of subregions or with regards to the modification of the production protocols, a majority of five eighths of the members of the Wine Regulation Board must vote in favour.

(5) The production protocols of the DOK and IGT are approved by relative regulations made under the Act and come into force on the date indicated. The production protocols may be published in the English language only.

(6) The Minister may establish transitional derogations regarding the date in which the protocol comes into force.

(7) The Minister, with the advice of the Wine Regulation Board, may establish transitional derogations regarding the production protocols to safeguard the productions of the same wines and according to the exigencies and evolution of the sector.

Wine Regulation Board.

12. (1) The organism for the evaluation of the protocols for DOK wines and IGT wines is the Wine Regulation Board and its technical sub-committee.

(2) The composition, organisation and the tasks of the Wine Regulation Board, is regulated by the Act.

Part II

Claims to DOK and IGT productions

Claims to the productions.

13. (1) The claim to DOK and IGT productions is done annually by the interested wine producer through the production declaration of the relative grapes and the declarations as prescribed in regulation 16 of these regulations. This is allowed as long as the vineyards from which the grapes were produced are listed in the Vineyard Register and in the

list of vineyards as prescribed in regulations 14 and 15 of these regulations.

(2) In order to legitimize the claim, the wines must undergo the chemical-physical and organoleptic analysis, as prescribed in regulation 17 of these regulations, so as to certify that the characteristics correspond to those mentioned within the production protocol. The positive certification is an indispensable condition for the utilization of the denomination.

14. (1) The grape-growers must declare to the Unit, the areas under vine destined for the production of DOK and IGT wines in order to constitute the list of vineyards for DOK or for IGT. Declaration of vineyard areas.

(2) The Unit establishes the modalities for the declarations referred to in sub-regulation (1) hereof.

15. (1) For each wine with a denomination of origin or a geographic indication, the respective areas under vine must, upon declaration of the interested grape-grower, be registered in the appropriate list of vineyards for wines with a denomination of origin or with a geographic indication, and rendered distinct by the respective DO and by the subregion, if foreseen by the production protocol, or by the geographic indication, by the vine variety or other regulated typologies. List of vineyards.

(2) The Unit establishes the modalities for the registration to the list of vineyards, for their updates and for their upkeep.

Part III

Modality for the claim to productions

16. (1) The claim to the denominations of origin and the geographic indications shall be affected annually by the grape-grower through the harvest declaration, in accordance with the form obtainable from the Unit. Harvest declarations.

(2) The declaration must be presented by the interested grape-grower to the Unit in two copies, one of which shall be an original. The Unit shall return the copy of the declaration with the necessary stamps and signatures as a receipt to the grape-grower who presents the declaration.

(3) Together with the procedure in sub-regulation (2) hereof, the Unit shall insert in the Vineyard Register the relative information

acquired from the harvest declarations and the DOK or IGT certificates issued.

(4) To ensure that the data given by the grape-grower corresponds to the actual production the Unit must annually:

(i) determine the average unit production indicative of the DOK, based on the minimum natural alcoholic content of the grapes and on the climatic progress and of any other cultivation conditions; and

(ii) ascertain that the total production of grapes per hectare of the vineyards for the production of DOK is not more than that foreseen by the relative production protocol, taking into consideration any increases or decreases established on a yearly basis by the Director.

(5) The Unit shall control annually the respective maximum yield limits and the minimum natural alcoholic volume of each DOK and IGT.

(6) In regions where different denominations of origin co-exist having the same ampelographic platform and in which the option referred to in regulation 8 of these regulations may be exercised at harvest, the harvest declaration must be made in conformity with the modalities established by the production protocols.

(7) The surplus of wine produced corresponding to 20% of the maximum yield in wine as established in the production protocol cannot be used for the production of the relative DOK; but may be used for the production of IGT wines where the necessary conditions and requisites of the relative production protocols are respected. When the yield is higher than 20%, all the production loses the right to claim the denomination of origin.

Part IV

Chemical and organoleptic analysis

Chemical-physical
and organoleptic
analysis.

17. (1) Wines produced following the regulations foreseen for the designation and presentation of the DOK and the specific production protocols shall be submitted for chemical-physical and organoleptic analysis prior to the bottling phase, i.e. before their designation and presentation, and a second sample after bottling. The analysis shall certify that their characteristics correspond to those described in the respective production protocols.

(2) The analytical examination shall at least include the values of the elements characteristic of the typology of the wine in question as indicated by the respective production protocol.

(3) The organoleptic examination shall include the colour, clarity, smell and taste as indicated by the respective production protocol.

(4) The chemical-physical analysis as indicated in sub-regulation (1) hereof shall be carried out, on request of the interested parties, by the Unit's laboratory; the organoleptic examination as indicated in sub-regulation (1) hereof shall be carried out by an appropriate Tasting Panel nominated by the Director.

(5) The Tasting Panel shall provide a report on one single wine within a maximum of 30 days from the presentation of the request for the analysis presented by a producer.

(6) Any appeal with regards to the analytical chemical-physical and sensorial results by single producers must be presented to the Unit within seven days from the date on which the results of the first analysis were received. In case of an appeal, the wine shall be re-examined by another authorised laboratory, for the chemical-physical analysis, and by the appeals tasting panel, for the sensorial analysis within 15 days from the date in which the appeal is presented.

(7) The appeals tasting panel shall be nominated by the Minister. The members of the Appeals Tasting Panel shall not form part of the Tasting Panel.

(8) Sampling, on request of the interested parties, shall be carried out by officers from the Unit and shall have the powers conferred to them by article 19 of the Act.

(9) Sampling shall be carried out in accordance with article 20 of the Act and the official procedures of the Unit.

Part V

Designation and presentation of wines with a denomination of origin and with a geographic indication

18. For the designation, the presentation and the protection of DOK and IGT wines, the regulations established by Council Regulation (EC) 1493/1999 and Commission Regulation (EC) 753/2002 and subsequent modifications, together with the national regulations issued in application of Community regulations apply.

Designation for the presentation of wines.

19. (1) As of the date on which they are recognised according to regulation 9 of these regulations, the denominations of origin and the geographic indications cannot be used if they are not in conformity with what is established in the recognition.

(2) As of the same date in which at sub-regulation (1) hereof it is prohibited to qualify, directly or indirectly, products which carry a denomination of origin or a geographic indication in a way which is not allowed by the recognition.

(3) The use of a denomination of origin is not considered such, in the present regulations' scope, if the geographic name forms part of a proper name, a society name or addresses of companies, wineries, farms, or others. In case these names contain in part or in whole geographic terms reserved to DOK and IGT wines or could create confusion with them, the characters used to indicate them shall not exceed three millimetres in height and two millimetres in width and shall not be more than a quarter of, both in width and height, the characters used for the denomination of the product and for the indication of the name of the company or society of the producer, merchant or bottler.

(4) The recognition of a DOK or an IGT excludes the possibility of using geographical names used to designate brands and carries the obligation for the minimisation of the characters for proper names of companies as in sub-regulation (3) hereof.

(5) Notwithstanding regulation 4 (2) of these regulations, in the case of homonymous DO or GI, the recognition may be given to each of them. The Director shall determine the practical conditions by which valid elements of differentiation are introduced, the interested producers may receive an equal treatment and which do not mislead the consumers.

(6) The recognition of a denomination of origin excludes the possibility of using the same denomination for a geographic indication.

(7) The use of the indication of a vine variety or a geographic indication for a DOK or IGT wine, affected in any modality, on the label, container, packaging, neck tag or sale documents, constitutes a declaration that the wine is in conformity to the indication and denomination used.

Part VI

Sanctioning system

20. (1) Whoever produces, sells or distributes products for consumption with a geographic indication wines that do not possess the requisites necessary for the use of such indication shall be guilty of an offence under the Act. Violations in the use of DO and GI.

(2) Whoever produces, sells, or distributes products for consumption, with a denomination of origin wines that do not possess the requisites necessary for the use of such a denomination shall be guilty of an offence under the Act.

(3) Sub-regulations (1) and (2) hereof do not apply to any merchant who sells or distributes for consumption DOK or IGT wines in their original packaging, save any merchant who participates in the crime.

(4) Whoever uses the denomination of origin or the geographic indications for wines which do not possess the requisites for the use of such denominations or indications, or with additions such as “kind”, “type”, “style”, “imitation”, “brand” or the like or uses diminutive or majorative terms or other deformations of the same denomination or indication or however uses indications, illustrations or signs that may mislead the consumer, shall be guilty of an offence under the Act. Such an offence shall also take place when the said words or altered denominations and indications are shown on the covers, packaging, commercial documents and on any publicity material.

(5) The term “Quality wine(s)” shall be reserved to QWPSR wines only. Whoever uses such a description for wines which do not possess the necessary requisites shall be guilty of an offence under the Act.

(6) Whoever adopts denominations of origin or geographic indications as a company name or as a “firm”, “winery”, “farmhouse”, “estate” or similar or their addresses shall be guilty of an offence under the Act. The provisions of this sub-regulation shall apply after two years from the entry into force of an approved DOK or IGT.

(7) The whole lot of wine found in breach of these regulations shall be put on hold and shall, following the conviction of any person by the Court and upon an order to that effect given by such Court, be removed from the market and destroyed under the supervision of an official appointed by the Director.

Omission of
declarations and
falsification.

21. (1) Whoever omits making such declarations as are referred to in sub-regulations (1) and (2) of regulation 14 of these regulations shall be guilty of an offence under the Act.

(2) Whoever, being bound by the declarations referred to in sub-regulations (1) and (2) of regulation 15, declares a quantity of grapes or wine which is greater than that actually produced, shall be guilty of an offence under the Act.

Breach of
Community
regulations.

22. Whoever breaches the Council Regulation (EC) 1493/99 and Commission Regulation (EC) 753/2002, with regards to the modalities of designation and presentation for labelling of bottles or other containers having a capacity not greater than 5 litres, containing DOK and IGT wines, shall be guilty of an offence under the Act.