Commission Implementing Regulation (EU) 2019/1718 of 14 October 2019 protecting the traditional terms ‘Opolo’, ‘Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)’, ‘Kvalitetno biser vino’, ‘Mlado vino’, ‘Vrhunsko pjenušavo vino’ and ‘Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)’ identifying wines produced in Croatia

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1718

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products[(1)], and in particular Article 115(2) and (3) thereof,

Whereas:

(1) Commission Regulation (EC) No 607/2009[(2)] laid down certain detailed rules as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products. Regulation (EC) No 607/2009 was repealed by Delegated Regulation (EU) 2019/33[(3)] on 14 January 2019.

(2) Pursuant to Article 61(5) of Delegated Regulation (EU) 2019/33, Regulation (EC) No 607/2009 shall continue to apply to applications for protection and to objection procedures concerning traditional terms for which an application for protection was pending at the date of the entry into force of Delegated Regulation (EU) 2019/33.

(3) Pursuant to Article 30 of Regulation (EC) No 607/2009, on 17 May 2013, Croatia submitted an application to the Commission for the protection of the names ‘*Opolo*’, ‘*Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)*’, ‘*Kvalitetno biser vino*’, ‘*Mlado vino*’, ‘*Vrhunsko pjenušavo vino*’ and ‘*Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)*’ as traditional terms (hereinafter ‘the Croatian traditional terms’ or ‘the traditional terms for which Croatia requested protection’).

(4) The application for the protection of the Croatian traditional terms was published in the *Official Journal of the European Union*[(4)] on 10 February 2018, and, on 4 April 2018, the Commission received a statement of objection to the application for protection of the traditional terms from Bosnia and Herzegovina, pursuant to Article 37(1) of Regulation (EC) No 607/2009.

(5) The Commission examined the reasoned statement of objection and the supporting documents provided by Bosnia and Herzegovina and found the objection to be admissible, in accordance with Article 38 of Regulation (EC) No 607/2009.

(6) Bosnia and Herzegovina objected to the application for protection on the grounds that the traditional terms for which Croatia requested protection are regulated by the laws of Bosnia and Herzegovina as terms describing certain wines according to their quality, colour or residual sugar content, and are terms which are traditionally used by its winemakers. Bosnia and Herzegovina also submitted that those traditional terms for which Croatia requested protection are part of the legal heritage of the former Socialist Federal Republic of Yugoslavia ('SFRY') and were therefore transferred into the legislation of the countries derived from the breakup of the former SFRY. Finally, Bosnia and Herzegovina emphasised that the Croatian language is one of the official languages of Bosnia and Herzegovina, which explains the existence of certain terms that are homonyms of terms used in Croatia to describe wines. On that basis, Bosnia and Herzegovina requested the safeguard of the right of its producers to continue to use those terms after the entry into force of the legal act conferring protection over the Croatian traditional terms.

(7) By letter of 28 August 2018, the Commission transmitted the files related to the objection to Croatia and invited Croatia to file observations within two months from the issuance of the Commission's letter, pursuant to Article 39(1) of Regulation (EC) No 607/2009.

(8) By electronic mails, Croatia and Bosnia and Herzegovina communicated to the Commission their intention to meet with a view to reaching an agreement. Both countries requested to the Commission to be present at the meeting.

(9) In the meeting held on 30 January 2019, Croatia acknowledged that the traditional terms at issue have been in use in several regions of the former SFRY for decades and assured Bosnia and Herzegovina that Croatia would not claim their exclusive use. However, Croatia expressed its concerns as regards the use of certain of the traditional terms for which Croatia requested protection in Bosnia and Herzegovina to describe wines without a protected designation of origin or protected geographical indication. Bosnia and Herzegovina provided assurances that the ongoing alignment of Bosnia and Herzegovina legislation with Union law as regards traditional terms would address this concern.

(10) Both countries acknowledged that they not only share the legal heritage of the former SFRY but that they also inevitably use the same basic Slavic words as synonyms of terms such as 'protected designation of origin', 'quality wine', 'young wine'. Both countries accepted that if those terms were to be protected for use by only one country, it would be impossible for the other country to replace terms, which have been used for several decades with terms that are not identical to the Croatian traditional terms.

(11) Therefore, Croatia and Bosnia and Herzegovina agreed that a transitional period should be provided for during which Bosnia and Herzegovina should be permitted to use the protected traditional terms on grapevine products that do not comply with the definition

and conditions of use of those terms laid down in this Regulation. This transitional period should enable Bosnia and Herzegovina to complete the progressive alignment of its legislation with Union law, or, alternatively, to adapt the labelling of wines bearing those Croatian traditional terms.

(12) The content of the agreement reached between Croatia and Bosnia and Herzegovina is not contrary to Union law.

(13) Furthermore, since the relevant legislation of Bosnia and Herzegovina is not yet fully aligned with Union law, including Article 35(1)(c)(ii) of Regulation (EC) No 607/2009, a parallel application for direct protection by Bosnia and Herzegovina under that Regulation could not represent a possible solution.

(14) Therefore, taking into account the interest of producers and operators who have been lawfully using those terms to-date, and in order to overcome the temporary difficulties faced by Bosnia and Herzegovina, it is appropriate to grant a transitional period to allow for the progressive harmonisation of the legislation of Bosnia and Herzegovina with Union legislation.

(15) However, as this Regulation only applies within the territory of the Union, the transitional period only concerns grapevine products originating in Bosnia and Herzegovina, and which are imported into and marketed in the Union using the protected Croatian traditional terms, despite not complying with the definition and conditions of use.

(16) In light of the above and considering that the application submitted by Croatia satisfies the conditions laid down in Article 112 of Regulation (EU) No 1308/2013 and referred to in Article 40(1) of Regulation (EC) No 607/2009, the Croatian traditional terms identifying wines produced in Croatia should be protected and recorded in the electronic register e-Bacchus.

(17) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The following traditional terms identifying grapevine products produced in Croatia shall be protected and recorded in the electronic register e-Bacchus:

(a) traditional terms within the meaning of point (a) of Article 112 of Regulation (EU) No 1308/2013:
- ‘Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)’;
- ‘Kvalitetno biser vino’;
- ‘Vrhunsko pjenušavo vino’;
- ‘Kvalitetno vino s kontroliranim zemljopisnim podrijetlom (Kvalitetno vino KZP)’;

(b) traditional terms within the meaning of point (b) of Article 112 of Regulation (EU) No 1308/2013:

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1718. (See end of Document for details)*

— ‘Opolo’;
— ‘Mlado vino’.

The definitions and conditions of use of the traditional terms are set out in the Annex to this Regulation.

Article 2

The terms protected pursuant to Article 1 may be used for a period of five years from the date of entry into force of this Regulation to designate grapevine products which do not comply with the definition and conditions of use of the protected terms referred to in that Article, and which are imported into and marketed within the territory of the Union from Bosnia and Herzegovina if those terms are traditionally used in the territory of that third country.

At the expiry of the five-year period, only grapevine products referred to in the first paragraph which have been imported into the Union from Bosnia and Herzegovina before the expiry of the five year period may be lawfully marketed until all existing stocks are exhausted.

Article 3

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

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

Done at Brussels, 14 October 2019.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1718. (See end of Document for details)*

ANNEX

Definitions and conditions of use of the traditional terms referred to in Article 1

'Opolo'

Denomination: Opolo

Language: Croatian

Definition:'Opolo' is a traditional term under Article 112(b) of Regulation (EU) No 1308/2013. This traditional term is authorised for still rosé wine, with predominant fruit flavours and produced exclusively from red grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014). Wines described with the traditional term 'Opolo' are produced with the technology used for the production of white wines and have a minimum actual alcohol content of 11 % vol. The maximum yield for those wines is 12 000 kg/ha. Analytical and organoleptic testing is obligatory. The color of 'Opolo' wines may vary from light to intense pink.

List of protected designations of origin or geographical indications concerned: The traditional term 'Opolo' can be used to describe wines with the protected designations of origin 'Primorska Hrvatska', 'Hrvatska Istra', 'Hrvatsko primorje', 'Sjeverna Dalmacija', 'Dalmatinska zagora' and 'Srednja i Južna Dalmacija' that meet the requirements for the use of this traditional term.

Grapevine products categories: Wine as defined under point 1 of Annex VII, Part II, of Regulation (EU) No 1308/2013.

'Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)'

Denomination: Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP), whether or not supplemented by:

— Arhivsko vino: for wines kept in cellar for five or more years, of which at least three years in the bottle;

— Desertno vino: for wines obtained by processing overripe or dried grapes without adding any substances and having a natural alcoholic strength of not less than 16 % vol. and actual alcoholic strength of not less than 9 % vol;

— Kasna berba: for wines produced from overripe grapes, which have at least 94° Oechsle;

— Izborna berba: for wines produced from specially selected grapes, which contain at least 105° Oechsle;

— Izborna berba bobica: for wines produced from selected, overripe and botrytis infected grapes, which contain at least 127° Oechsle;

— Izborna berba prosušenih bobica: for wines produced from selected berries of overripe grapes, which contain at least 154° Oechsle;

— Ledeno vino: for wines produced from grapes harvested at temperature of at least – 7 °C and processed while frozen, which contain at least 127° Oechsle.

Language: Croatian

Definition:'Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)' is a traditional term under Article 112(a) of Regulation (EU) No 1308/2013. This traditional term is a synonym of the term 'protected designation of origin', authorised for the description of wines produced from grapes of recommended varieties *Vitis vinifera*, in accordance with the Ordinance on the National list of Certified Grape Varieties (Official Gazette No 53/2014). The natural alcoholic strength of those wines must be of not less than: