Commission Implementing Regulation (EU) 2015/48 of 14 January 2015 entering a name in the register of protected designations of origin and protected geographical indications [Vinagre de Montilla-Moriles (PDO)]

COMMISSION IMPLEMENTING REGULATION (EU) 2015/48

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entering a name in the register of protected designations of origin and protected geographical indications [Vinagre de Montilla-Moriles (PDO)]

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs[(1)], and in particular Article 52(3)(b) thereof,

Whereas:

(1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs[(2)].

(2) Pursuant to Article 6(2) of Regulation (EC) No 510/2006, Spain's application to register the name ‘Vinagre de Montilla-Moriles’ was published in the *Official Journal of the European Union*[(3)].

(3) Italy objected to the registration in accordance with Article 7 of Regulation (EC) No 510/2006. The Commission has examined the statement of objection and deemed it admissible within the meaning of Article 10 of Regulation (EU) No 1151/2012. The statement of objection relates to the possible threat to the existence of a product which was legally on the market for at least five years prior to the date of publication or to products covered by the Protected Geographical Indication ‘Aceto Balsamico di Modena’, to non-compliance with the labelling provisions of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs[(4)] and to non-compliance with specific provisions concerning the marketing of the categories of grapevine products established by Council Regulation (EC) No 1234/2007[(5)] [replaced by 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 and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007[(6)]].

(4) In a letter dated 10 June 2013, the Commission asked Spain and Italy to seek agreement among themselves in accordance with Article 51(3) of Regulation (EU) No 1151/2012. Pursuant to that Article, Spain sent by letter of 10 October 2013 its report on the

end of the consultation period. In a letter dated 25 October 2013, Italy reiterated its opposition to the registration, citing reasons different to those evoked originally. Since no agreement was reached between these Member States within three months, the Commission must take a decision in accordance with Article 52(3)(b) of the said Regulation.

(5) As regards the possible threat to the existence of a product which was legally on the market for at least five years prior to the date of publication or to products covered by the Protected Geographical Indication 'Aceto Balsamico di Modena', it appears from an examination of the documents provided by the parties that that ground for opposition has not been established. Besides, Italy no longer invokes it as a reason for maintaining its opposition. Consequently that reason must be rejected.

(6) As regards non-compliance with the provisions of Article 2 of Directive 2000/13/EC, the statement of opposition mentions that the specific labelling provisions concerning types of vinegar (añada, crianza, reserva, gran reserva, 'Vinagre al Pedro Ximénez' and 'Vinagre al moscatel') are ambiguous indications that may mislead the consumer, in particular as to the characteristics of the foodstuff. It appears from an examination of the documents provided by the parties that that ground for opposition has not been established. Besides, Italy no longer invokes it as a reason for maintaining its opposition. Consequently that reason must be rejected.

(7) As regards non-compliance with specific provisions concerning the marketing of the categories of grapevine products established by Regulation (EC) No 1234/2007, Italy argues that 'Vinagre de Montilla-Moriles' cannot be eligible for the name 'wine vinegar' set out in Annex XIb, point 17 of Regulation (EC) No 1234/2007 (now Annex VII, part II, point 17 of Regulation (EU) No 1308/2013). Spain has changed the description of the product in the specification and in point 3.2 of the Single Document by distinguishing between 'wine vinegar' and vinegar made from 'wine vinegar'. Consequently the use of the name 'wine vinegar' for the corresponding distinct product appears to comply with Annex VII, part II, point 17 of Regulation (EU) No 1308/2013. In accordance with Article 51(4) of Regulation (EU) No 1151/2012, this non-substantive amendment does not require a new examination of the application by the Commission.

(8) As regards its decision to maintain its opposition, Italy claims that the registration application is contrary to Article 3(4) of Commission Regulation (EC) No 1898/2006[(7)], as it covers two fundamentally different products that are not of the same type and that the name is not used to designate the two products, in particular the vinegar. It should be noted, firstly, that the said article [now Article 5 of Commission Implementing Regulation (EU) No 668/2014[(8)]] does not preclude the registration of distinct products of the same type and, secondly, that Italy does not provide any evidence in support of its claims concerning the use of the name. Consequently that reason must be rejected.

(9) In the light of the above, the name 'Vinagre de Montilla-Moriles' should be entered in the register of protected designations of origin and protected geographical indications and the Single Document should be updated accordingly and published.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee for agricultural product quality policy,

HAS ADOPTED THIS REGULATION:

Article 1

The name ‘Vinagre de Montilla-Moriles’ (PDO) is hereby entered in the register.

The name referred to in the first paragraph identifies a product in Class 1.8. Other products of Annex I to the Treaty (spices, etc.) in Annex XI to Implementing Regulation (EU) No 668/2014.

Article 2

The updated Single Document is contained in the Annex to this Regulation.

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 January 2015.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/48. (See end of Document for details)*

ANNEX

SINGLE DOCUMENT Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs[9]**'VINAGRE DE MONTILLA-MORILES'**EC No: ES-PDO-0005-0726 — 03.11.2008**PGI () PDO (X)**

1. **Name**

'Vinagre de Montilla-Moriles'

2. **Member State or third country**

Spain

3. **Description of the agricultural product or foodstuff**

3.1. *Type of product*

Class 1.8.Other products listed in Annex I to the Treaty (spices, etc.)

3.2. *Description of the product to which the name in (1) applies*

'Vinagre de Montilla-Moriles' is wine vinegar obtained by the acetous fermentation of certified 'Montilla-Moriles' PDO wine or, where appropriate, vinegar from wine vinegar obtained by the acetous fermentation of certified 'Montilla-Moriles' PDO wine, with the addition of certified must of that wine, followed by ageing.

The following types of 'Vinagre de Montilla-Moriles' are produced:
Aged vinegars

Vinegar covered by the PDO that has undergone a specific ageing process for a specific period and available in the following categories:

— 'Añada' : subject to 'static' ageing (i.e. in the same cask) for three years or more.

Vinegars aged using the dynamic 'criaderas y solera' system (a combination of young –'criaderas'– vinegars and older –'solera'– vinegars) fall into the following categories, depending on the ageing period:

— 'Crianza' : aged in the wood for at least six months,
— 'Reserva' : aged in the wood for at least two years,
— 'Gran Reserva' : aged in the wood for at least 10 years.

Sweet vinegars

The following types are produced, depending on the variety of must added, in all of the above categories:

— 'Vinagre al Pedro Ximénez' : to which must of raisined grapes of the Pedro Ximénez variety is added during the maturing process.
— 'Vinagre al Moscatel' : to which must of grapes or raisined grapes of the muscatel variety is added during the maturing process.

The protected vinegars have the following analytical characteristics:

— the residual alcohol content must not exceed 3 % by volume,
— the total acetic acid content must be at least 60 g/l,
— the soluble dry extract must be at least 1,30 g/l and percentage point of acetic acid,

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/48. (See end of Document for details)*

— the ash content must be between 2 and 7 g/l, except for sweet vinegars, which must have between 3 and 14 g/l of ash,

— the acetoin content must be at least 100 mg/l,

— for Pedro Ximénez and muscatel sweet vinegars, the reducing sugar content must be at least 70 g/l.

The protected vinegars have the following organoleptic characteristics:
Aged vinegars

Visual phase	:	clean and bright colour, ranging from amber to intense mahogany, almost jet.
Olfactory phase	:	soft acetic acid aromas with notes of oak wood, fragrance of esters, especially of ethyl acetate, and spicy, roasted and empyreumatic notes.
Gustative phase	:	soft, balanced flavour, glyceric with high persistence in the mouth.

Sweet Pedro Ximénez vinegar

Visual phase	:	syrupy, clean and bright, with colour ranging from intense mahogany to jet, with light, violet highlights.
Olfactory phase	:	intense aromas of raisined grapes, with a grape-stalk fragrance recalling 'Pedro Ximénez' sweet wine, which balance the acetic-acid, ethyl-acetate and oak-wood aromas.
Gustative phase	:	well-balanced, bitter-sweet flavour, with high persistence in the mouth.

Muscatel sweet vinegar

Visual phase	:	syrupy, clean and bright, with mahogany colours of varying intensity.
Olfactory phase	:	intense aromas of muscatel grapes, which balance the acetic-acid, ethyl-acetate and oak-wood aromas.
Gustative phase	:	very well-balanced, bitter-sweet flavour, with high persistence in the mouth. Aromas of the variety that gives these vinegars their name are reinforced retronasally.

3.3. *Raw materials (for processed products only)*

'Vinagre de Montilla-Moriles' vinegars are obtained exclusively from certified 'Montilla-Moriles' PDO wines, with or without the addition of grape must with fermentation arrested by the addition of alcohol. The must has to be from grapes or raisined grapes, as the case may be, of the Pedro Ximénez and muscatel varieties certified as 'Montilla-Moriles' PDO.

3.4. *Feed (for products of animal origin only)*

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3.5. *Specific steps in production that must take place in the identified geographical area*

The production of the wine and the must and the acetification and maturing of the vinegar are carried out in the defined geographical area.

Acetification involves the transformation of the alcoholic content of the wine into acetic acid through the action of acetic acid bacteria. Two methods are used to produce 'Vinagre de Montilla-Moriles':

1. in 'Bodegas de Elaboración de Vinagre' (vinegar-production cellars) using industrial production methods or submerged fermentation;

2. in 'Bodegas de envejecimiento y crianza de vinagre' (vinegar-ageing and maturing cellars) using the traditional method or surface fermentation.

3.6. *Specific rules concerning slicing, grating, packaging, etc.*