Commission Regulation (EC) No 1416/2006 of 26 September 2006 laying down specific rules on the implementation of Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine concerning the protection of US names of origin in the Community

COMMISSION REGULATION (EC) No 1416/2006

of 26 September 2006

laying down specific rules on the implementation of Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine concerning the protection of US names of origin in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2006/232/EC of 20 December 2005 on the conclusion of the Agreement between the European Community and the United States of America on trade in wine[(1)], and in particular Article 3 thereof,

Whereas:

(1) In accordance with Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine[(2)] (hereinafter referred to as 'the Agreement'), the Community shall provide that the names of viticultural significance listed in Annex V of the Agreement may be used as names of origin for wine only to designate wines of the origin indicated by such name.

(2) This Regulation should not affect existing intellectual property rights existing in the Community.

(3) Therefore, the protection in the Community of US names of origin as provided for by the Agreement and in particular by Article 7(2) and (3) in conjunction with Article 12 thereof should be foreseen.

(4) The Agreement entered into force on 10 March 2006[(3)]. This Regulation should therefore enter into force on the day of its publication in the *Official Journal of the European Union*.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

1 The US names of origin listed in the Annex may be used as names of origin for wine only to designate wines of the origin indicated by such name. The competent authorities of the Member States shall take measures to ensure that any wine not labelled in conformity with this Article is not placed on or is withdrawn from the market until it is labelled in conformity with this Article.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1416/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

2 Paragraph 1 shall not:

a affect intellectual property rights existing in the Community or the use of the sign protected as an intellectual property right in the course of trade in the Community before the date of entry into force of this Regulation;

b prevent measures, as appropriate, to allow the use of homonymous names of origin where consumers will not be misled or to allow a person to use, in the course of trade, that person's name or the name of that person's predecessor in business in a manner that does not mislead the consumer.

Article 2

This Regulation shall enter into force on the day 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.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 1416/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F1ANNEX

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) No 1212/2011 of 23 November 2011 amending Regulation (EC) No 1416/2006 laying down specific rules on the implementation of Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine concerning the protection of US names of origin in the Community.

PART A

Alexander Valley
Alexandria Lakes
Alta Mesa
Altus
Anderson Valley
Antelope Valley of the California High Desert
Applegate Valley
Arkansas Mountain
Arroyo Grande Valley
Arroyo Seco
Atlas Peak
Augusta
Bell Mountain
Ben Lomond Mountain
Benmore Valley
Bennett Valley
Borden Ranch
California Shenandoah Valley
Calistoga
Capay Valley
Carmel Valley
Carneros (Los Carneros)
Catoctin
Cayuga Lake
Central Coast
Central Delaware Valley
Chalk Hill
Chalone
Chehalem Mountains
Chiles Valley
Cienega Valley
Clarksburg
Clear Lake
Clements Hills
Cole Ranch

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1416/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Columbia Gorge
Columbia Valley
Cosumnes River
Covelo
Cucamonga Valley
Cumberland Valley
Diablo Grande
Diamond Mountain District
Dos Rios
Dry Creek Valley
Dundee Hills
Dunnigan Hills
Edna Valley
El Dorado
Eola-Amity Hills
Escondido Valley
Fair Play
Fennville
Fiddletown
Finger Lakes
Fredericksburg in the Texas Hill Country
Grand River Valley
Grand Valley
Green Valley of Russian River Valley
Guenoc Valley
Hames Valley
Haw River Valley
Hermann
High Valley
Horse Heaven Hills
Howell Mountain
Hudson River Region
Isle St. George
Jahant
Kanawha River Valley
Knights Valley
Lake Chelan
Lake Erie
Lake Michigan Shore
Lake Wisconsin
Lancaster Valley
Leelanau Peninsula
Lehigh Valley
Leona Valley
Lime Kiln Valley

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 1416/2006. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Linganore
Livermore Valley
Lodi
Long Island
Loramie Creek
Los Carneros
Madera
Malibu-Newton Canyon
Martha's Vineyard
McDowell Valley
McMinnville
Mendocino
Mendocino Ridge
Merritt Island
Mesilla Valley
Middle Rio Grande Valley
Mimbres Valley
Mississippi Delta
Mokelumne River
Monterey
Monticello
Mt. Harlan
Mt. Veeder
Napa Valley
Niagara Escarpment
North Coast
North Fork of Long Island
North Fork of Roanoke
North Yuba
Northern Neck George Washington Birthplace
Northern Sonoma
Oak Knoll District of Napa Valley
Oakville
Ohio River Valley
Old Mission Peninsula
Outer Coastal Plain
Ozark Highlands
Ozark Mountain
Pacheco Pass
Paicines
Paso Robles
Potter Valley
Puget Sound
Ramona Valley
Rattlesnake Hills