

Georgia



Protection of Georgian Wine Appellations

Project Supported by the Canadian International Development Agency



Food and Agriculture Organization
of the United Nations



European Bank
for Reconstruction and Development



FAO/EBRD - Protection of Georgian Wine Appellations

Table of Contents

Foreword.....	1
Phase I	
• Recommendation Note and Annexes.....	5
• December 2005 Workshop.....	89
- Agenda	93
- List of Participants	95
- Workshop Summary	101
Phase II	
• Action Plan for Phase II.....	107
• Activity I. Working Group on Institutional Framework.....	113
• Italy Study Tour July 2007.....	115
- Seminar Agenda.....	119
- Study Tour Agenda.....	121
- List of Participants.....	122
• Italian Wine Sector Diagram.....	123
• Italy Vine and Wine Sector Regulation.....	127
• The Georgia-Ukraine Bilateral Agreement on GIs for Wines, Alcoholic Drinks and Mineral Waters.....	133
• Comments by FAO on the Georgia-Ukraine Agreement.....	139

• Activity II. Support to Legal Case.....	143
• Preliminary Legal opinion by FAO on the Case Filed in Israel Relating to Certain Georgian Wine Appellations.....	145
• Activity III. Training in Negotiations.....	151
• Negotiations Workshop, 28-29 June 2006, Tbilisi.....	153
- Agenda.....	157
- List of Participants.....	159
• Activity IV. Joining the Madrid Agreement.....	161
• Note by FAO on the Costs, Benefits, Process and Legislative Implications of Acceding to the Madrid Agreement.....	163
• Activity V. Manuals on Local and International Wine Legal Frameworks.....	171
• Outline of the Manual on Wine and Vine Legislation in Georgia.....	173
• Outline of the Practitioner’s Guide to the International Legal Framework for the Protection of Georgia’s Wine Appellations and Geographical Indications.....	183
• Activity VI. Training on International Legal Framework.....	189
• Activity VII. Updating of Technical Standards to International Level.....	191
• Proposed Improvements of the Oenological Substances and Practices applied in the Wine Production in Georgia.....	193
• Activity VIII. Improvement of Documentation for Grape Production and Wine Processing and Review of Passportization System.....	229
• EC Regulation 884/2001 on Rules of Application Concerning Documents Accompanying the Carriage of Wine Production and the Records to be Kept in the Wine Sector.....	231
• Activity IX. Updating Current Set of Laws Regulating the Wine Sector.....	237
• Comments on Proposed Amendments to the Wine Law prepared by the Agrarian Committee of the Parliament.....	239
• Proposed Provisions to be Inserted in the Law on Wine and Vine.....	247
• Activity X. Coordination and Supervision.....	255

Phase II

Phase II of the project consisted in implementing a series of concrete activities aimed at limiting the counterfeiting of Georgian wines. Activities were defined after the endorsement of the Recommendation Note prepared under Phase 1 by key wine sector stakeholders. The activities of Phase 2 were summarized in an Action Plan that received formal approval from the Government of Georgia, the EBRD, and the Government of Canada – as donor to the project. The Action Plan is presented hereafter.

Action Plan for Phase II

Protection of Georgian Wine Appellations: Which Way Forward?

Activities Proposed for Phase 2

Activity	Ref. ^(*)	Main Outputs	Local Coordinator	Other Institutions and Donors to Involve	Main FAO Inputs	Local/Other Inputs
Improvement of the Institutional Framework						
① Working Group on Institutional Framework	(i), (ii), (iii)	<ul style="list-style-type: none"> • key stakeholders exposed to international best practices • options proposed to Government 	Ministry of Agriculture	Ministry of Agriculture (MoA), Agrarian Committee of the Parliament (ACP), Ministry of Finance (MoF), Georgian Chamber of Commerce (GCCJ), SAMTRESTI, SAKPATENTI, Union of Georgian Wine Producers (UGWP), Foundation ^(*) Donors: GTZ, EU, US AID, EBRD	<ul style="list-style-type: none"> • report on international examples • organisation and moderation of 3 workshops • organization of 1 study tour (10 participants) • drafting of recommendations 	<ul style="list-style-type: none"> • meeting facilities and interpretation provided by Ministry of Agriculture • interpretation provided by Union of Georgian Wine Producers • private wineries might want to join study tour at their own expenses
International Legal Action and Other Short Term Actions						
② Support to legal case (country to be decided)	(i)	• one legal case won	SAKPATENTI	MoA, SAMTRESTI, UGWP, Ministry of foreign Affairs(MoFA)	• advisory services from Legal Office	• legal support provided by Union of Georgian Wine Producers
③ Training in Negotiations (Ukraine, Russia, EU)	(ii)	• group of negotiators and other interested parties trained (training workshop)	SAKPATENTI	MoA, MoFA, Ministry of Economy (MoE), UGWP, SAMTRESTI Donors: GTZ, EU	• organisation of a training module	• Workshop facilities provided by SAKPATENTI
④ Joining Madrid Agreement	(iii)	• decision on joining the Madrid Agreement	SAKPATENTI	MoA, MoFA, ACP, SAMTRESTI	• note on costs and benefits of joining Madrid Agreement	

Activity	Ref. (*)	Main Outputs	Local Coordinator	Other Institutions and Donors to Involve	Main FAO Inputs	Local/Other Inputs
⑤ Manual on local and international legal framework	(iv)	<ul style="list-style-type: none"> reference manual providing guidance to stakeholders in complying with the law 	Ministry of Agriculture	SAMTRESTI, ACP, GCCI, UGWP, SAKPATENTI, Foundation, Research Institute on Viticulture and wine Making (RIVW), MoF <u>Donors: GTZ</u>	<ul style="list-style-type: none"> prep. and dissemination of reference manual 	<ul style="list-style-type: none"> translation services to be provided by SAMTRESTI Publication and dissemination of manual to wine-makers taken care of by Union
⑥ Training on international legal framework	(iv)	<ul style="list-style-type: none"> key stakeholders trained and acquainted with WIPO, WTO, etc and other systems to protect appellations 	SAKPATENTI	MoA, SAMTRESTI, MoFA, MoED, legal staff of private wineries	<ul style="list-style-type: none"> organisation of study tour (10 participants) 	<ul style="list-style-type: none"> travelling expenses of private wineries' legal staff paid by companies themselves Translation during study tour
⑦ Updating of technical standards to international level	(v-ii)	<ul style="list-style-type: none"> Suggested set of new standards proposed to MoA /Parliament 	Ministry of Agriculture	SAMTRESTI, RIVW, ACP, MoED/Standards Agency(*) <u>Donors: GTZ, EU</u>	<ul style="list-style-type: none"> report reviewing current standards and analysis procedures and proposing updated technical standards and procedures in line with international practices 	<ul style="list-style-type: none"> EU providing advisory services (FSP, ENP or GEPLAC) Translation services to be provided by SAMTRESTI
⑧ Improvement of documentation for grape production and wine processing and review of passportization system	(vi)	<ul style="list-style-type: none"> Set of new documents proposed to SAMTREST /MoA 	SAMTRESTI	MoA, ACP, RIVW, GCCI <u>Donors: GTZ</u>	<ul style="list-style-type: none"> audit report on existing documents and recommendations on new set of documents 	<ul style="list-style-type: none"> Translation services to be provided by SAMTRESTI
⑨ Updating current set of laws regulating the wine sector	(v-i)	<ul style="list-style-type: none"> Proposed amendments of Wine Law proposed 	MoA/CAP	SAMTREST, SAKPATENTI, RIVW, GCCI, UGWP, MoED, MoF <u>Donors: GTZ</u>	<ul style="list-style-type: none"> report proposing amendments to the Wine Law 	<ul style="list-style-type: none"> Translation services to be provided by SAMTRESTI

Activity	Ref. (*)	Main Outputs	Local Coordinator	Other Institutions and Donors to Involve	Main FAO Inputs	Local/Other Inputs
Coordination and Supervision						
Ⓣ Coordination and Supervision		<ul style="list-style-type: none"> All above activities coordinated and supervised 	MoA		<ul style="list-style-type: none"> hiring of project support staff (translation, logistical organisation) 1 computer with internet access, 1 printer 	<ul style="list-style-type: none"> MoA provides office space for local coordinator and meetings MoA appoints focal point

(*) Acronyms and abbreviations:

MoA	Ministry of Agriculture
ACP	Agrarian Committee of the Parliament of Georgia
MoF	Ministry of Finance
MoFA	Ministry of Foreign Affairs
MoED	Ministry of Economic Development
UGWP	Union of Georgian Wine Producers
GCCI	Georgian Chamber of Commerce and Industry
Foundation	Foundation for the Wine Quality System (GTZ-sponsored)
RIVW	Research Institute on Viticulture and Wine-Making
Standards Agency	Georgian National Agency for Standards, Technical Regulations and Metrology
GEPLAC	Georgian European Policy and Legal Advice Service (EU sponsored)
ENP	EU Neighbouring Policy Project (EU sponsored)
Ref.	Reference to workshop conclusions

Activity I. Working Group on Institutional Framework

The aim of activity 1 was to encourage the Government of Georgia to create a more structured forum of discussion between public authorities and the private sector to improve the legal and institutional framework of the Georgia wine sector. To do that, the FAO team created an informal Working Group consisting of key wine sector stakeholders and exposed its members to international best practices. Working Group members were exposed to international best practices through (i) a Study Tour which took place in Italy in July 2007 and (ii) a series of notes and documents that were circulated by the FAO team.

- (i) A **Study tour on Italian appellations** took place in July 2007. The study tour was designed to improve the capacity of Georgian wine producers to stimulate demand for their products in the global market. The tour included a seminar on "*How Italy protects and promotes its wine appellations?*", with presentations by representatives of the Italian wine sector. The seminar was followed by a series of visits to associations involved in the protection and promotion of wine appellations (*consorzi*), laboratories and wineries in three different regions. Attached are the seminar agenda, the study tour agenda, the list of participants, a diagram describing how the Italian wine sector is organized and a description of the regulatory framework of the Italian vine and wine sector.
- (ii) Among other documents, the FAO team circulated information on how tasting commissions, involving wine sector representatives, are organized in other wine producing countries. Further discussions on how to improve the institutional framework of the Georgian wine sector will also take place at the occasion of the **final workshop** of the project in November 2007.

The **main outcome** of activity 1 was an improvement of institutions involved in the wine sector and improved coordination between private and public stakeholders. The Government of Georgia decided to create a committee, involving private and public stakeholders, to discuss any further policy, legal or institutional development. While public institutions like the Ministry of Agriculture and SAMTREST are still understaffed and lack financial resources to accomplish their important missions, there were improvements: the role of SAMTREST was better defined in the latest amendments to the Wine Law, a wine tasting commission – drawing from international examples – was created, and laboratories are working better – thanks to the combined efforts of Government, GTZ and other donors. In the private sector, the most active association remains the Union of Georgian Wines Producers but associations in charge of defending and promoting individual appellations (similar to the Italian *consorzi*) have also started to emerge.

Italy Study Tour July 2007



How does Italy protect and promote its wine appellations? 16-19 July 2007



In the context of the FAO/EBRD

"Protection of Georgian Wine

Appellations" project, TCIE organized on 16-19 July 2007 a study tour on Italy's wine appellation system. The study tour aimed to improve Georgian wine producers capacity to stimulate demand for their products in the global market.

The tour included a seminar on *"How does Italy protect and promote its wine*

appellations?" with presentations by representatives of the Italian wine sector. At the same time the aim was to discuss the geographical appellations issue and learn from the Italian know-how how best to protect and promote such appellations.

The event was followed by visits of associations of wine-makers, laboratories and wineries in 3 different regions.

> Kyrgyzstan:
Expanding Finance in
Rural Areas, Bishkek
and Osh 5&7
December 2006

> Tajikistan:
Expanding Finance in
Rural Areas,
Dushanbe 28&29
November 2006

> 9th CEI SEF
2006: Integration of
Western Balkans
agricultural markets
into EU markets

> EastAgri
Annual Meeting, 4 & 5
May 2006

> Dynamics of
Vertical Coordination
in the Agro-food
Chains in Europe and
Central Asia

How does Italy protect and promote its wine appellations?

Seminar Agenda
Austria Room, C 237
Monday, 16 July 2007
09:00- 12:30

08:45 Arrival of participants/registration

09:00 Emmanuel Hidier, Economist, TCIE

Opening note

09:15 Ms Lily Begiashvili, Deputy Ministry of
Agriculture

*Introductory note: the role of the Georgian Ministry of Agriculture in promoting
and protecting Georgian wine appellations*

09:30 Frédéric Julia, International Wine Expert

*Geographic indications, varieties, brands - How to sell wine on international
markets?*

09:45 Mr Luca Lauro , Secretary General - National
Committee of Wine Appellations (Ministry
of Agriculture, Italy)

*General overview of the Italian wine sector and the role of geographic
appellations in the promotion of Italian wines. Brief presentation of the private
and public institutions involved in the wine sector and public-private dialogue
mechanisms.*

10:00 Mr Ottavio Cagiano de Azevedo, Director -
Italian Federation of Industrial Producers,
Exporters and Importers of Wine, Liquors,
Spirits, Vinegar and related (Federvini)

Presentation of Federvini and the role it plays in the promotion and protection of wine appellations.

10:15 Coffee break

10:30 Mr Stefano Raimondi, Representative- Italian Trade Commission - ICE

Involvement of ICE in the promotion of Italian wines. Examples of public-private initiatives.

10:45 Ms Franca Ciccarelli, Rome officer
Representative, Italian Union of Wine (UIV)

Presentation of UIV and the role it plays in the promotion and protection of wine appellations.

11:15 Q&A session

12:00 Lunch FAO cafeteria 8th Floor

14h00-16h00

Working session

The EBRD/FAO "Protection of Georgian Wine Appellations project" – Status of Work – Further inputs from FAO and Georgian.

Moderators: Victor Mosoti, Frederic Julia, Emmanuel Hidier

Wine protection of Appellations Study Tour Agenda 16-19 July 2007

Sunday 15 July

Arrival of participants

Monday 16 July

09:00	Seminar in FAO
10:15	Coffee Break
10:45	Seminar
12:30	Lunch Break (FAO Cafeteria)
14:00	Working Group
16:00	Departure to Titigliano (Umbria Region)
20:30	Group dinner

Tuesday 17 July

09:30	Departure from Titigliano
10:30	Visit Antinori Winery
13:00	Lunch
13:30	Departure to Florence
15:30	Visit Chianti Classico Consortium

Wednesday 18 July

10:00	Visit of Ruffino Winery
13:00	Lunch and Departure to Verona
17:00	Visit of Masi Winery and dinner

Thursday 19 July

09:30	Visit UIV Laboratory
12:30	Lunch
14:00-17:00	Tour of Verona
18:00	Train back to Rome
22:30	Arrival in Rome

Friday 20 July

Departure to Tbilisi

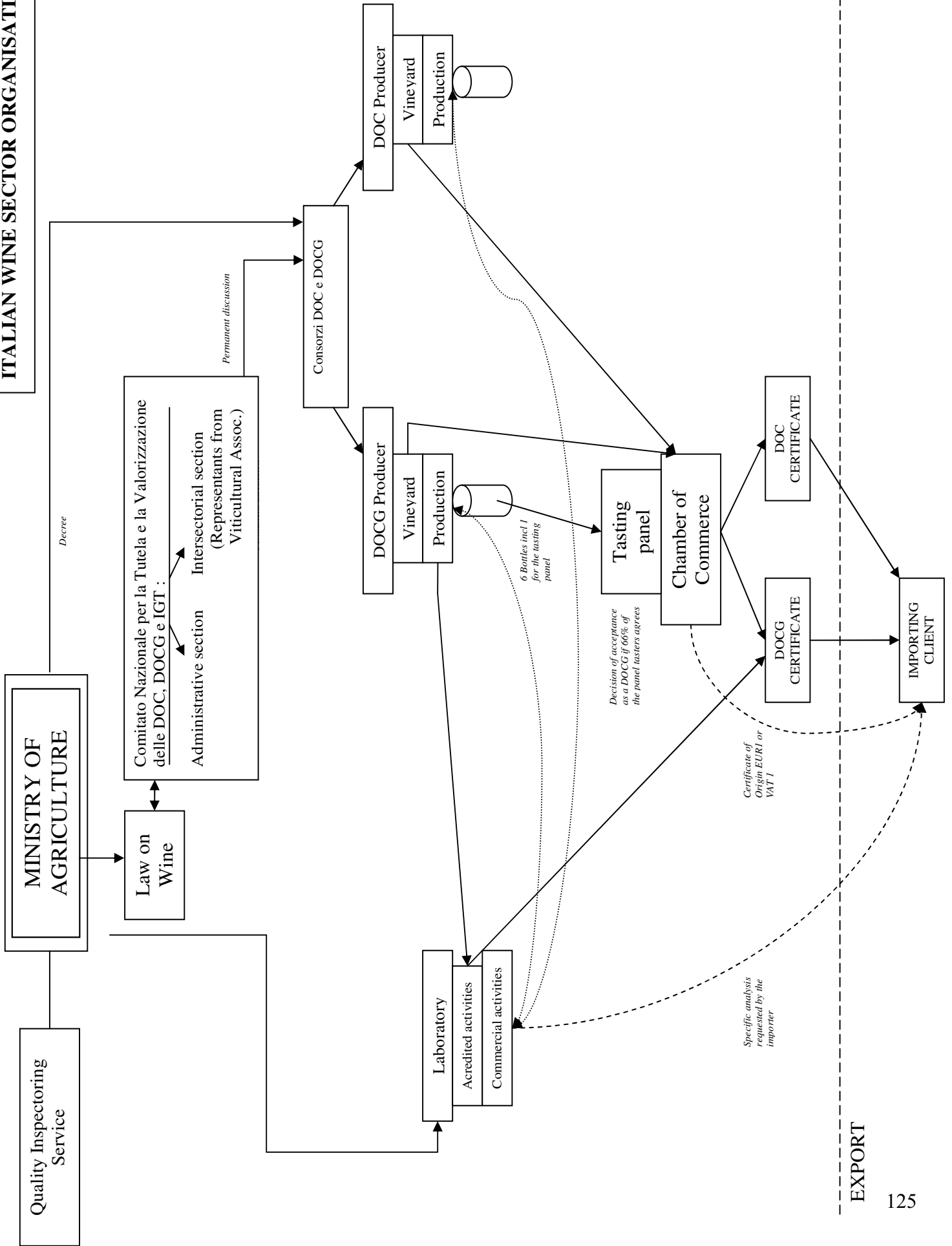
How does Italy protect and promote its wine appellations?

List of study Tour Participants

Ms Lily Begiashvili	Deputy Ministry of Agriculture
Mr Paata Brekashvili	Head of Euro-integration Affairs Division of MoA
Mr Murman Kuridze	Parliament Member
Mr Levan Koberidze	Union of Wine producers
Mr Davit Gabunia	Sakpatenti
Mr Shalva Khecuriani	Union of Georgia Sommeliers
Mr Zurab Margvelashvili	Tbilvino
Mr Merab Japaridze	Independent Wine Expert
Ms Nino Eloshvili	FAO Project Assistant
Mrs Lali Durmishidze	Manager of the World Bank/IFAD Rural Development, WB
Mrs Natia Jonjikia	Director of the World Bank Financed Agriculture, Development Projects' Coordination Centre, WB
Mr Ilia Kvitaishvili	World Bank country representative, WB
Mr Emmanuel Hidier	Economist, FAO
Mr David Lugg	Agronomist, FAO
Ms Nada Zvekić	Communications Officer, FAO
Mr Frédéric Julia	Wine expert, FAO consultant
Ms Tamar Sulava	Interpreter

Italian Wine Sector Diagram

ITALIAN WINE SECTOR ORGANISATION



EXPORT

Italy Vine and Wine Sector Regulation

Italian Vine and Wine Sector Regulation

Preliminary remarks :

- ◆ **The Italian wine and vine legislation is issued under the authority of the Ministry of Agriculture**
- ◆ **Implementation of the laws and decrees issued by the Ministry is under the responsibility of each individual Autonomous Province and Region.**
- ◆ **A National Permanent Conference regrouping the Ministry and the representatives of the Autonomous Province and Regions meets regularly.**
- ◆ **Inspection and controls are carried out by the Frauds General Inspection Department of the Ministry of Agriculture.**
- ◆ **Denomination of Controlled Origin DOC/DOCG (similar to the French AC) and Typical Geographic Indication IGT categories together form the basis of Italy's policy to promote improvement of wine quality and to increase the efficiency and value of the sector. DOC/DOCG evolved as a denomination denoting quality wine with guarantee of origin, and focuses largely on localise traditions of producing distinctive wines. IGT is a more liberally designed regime intended to provide mainly a guarantee of regional origin and label authenticity, and covers the development of non-traditional market-oriented products, often labelled as varietal wines.**
- ◆ **Interprofessional bodies play an essential role in promoting and valorising the DOC category. Producers' local consortia constitute the main force in setting and enforcing quality standards. The Chamber of Commerce (a national institution with administrative, promotional and support mandate for the business sector having a capillary network of representation at provincial level) has a key function in administering the quantitative aspects of DCO and IGT systems.**

a. Italy - Rules and bodies in charge of sector regulation

❖ **Ministro Delle Risorse Agricole, Alimentari e Forestali**

The wine and grape industry in Italy is regulated by laws and decrees issued by the Ministry of Agriculture (Ministro Delle Risorse Agricole, Alimentari e Forestali)

The Ministry is also in charge of adapting National Wine and Grape Regulation in accordance with EEC Regulation.

The Production of Wine originating from a Controlled and Guaranteed Denomination of Origin (DOCG) or from a Controlled Denomination of Origin (DOC) is fully controlled by laws and decrees issued by the Ministry.

Inspection and control on law enforcement is conducted by the Frauds General Inspection Department of the Ministry.

❖ **Autonomous Regions and Provinces**

The Regions and Provinces are in charge of

- establishing the vine cadastre and supplying production and sales statistics.
- Controlling implementation of National and EEC regulations
- Controlling new plantations
- Establishing production regulation (they should be stricter than National Regulations)

b. Italy - Description of bodies in charge of sector regulation

FEDERVINI –(Italian federation of industrial producers & exporters of wines, spirits, liqueurs cordials vinegars) <http://www.federvini.it>

Nature	Industry peak body
Sector covered	Grape, Wine and Brandy production
Members	<ul style="list-style-type: none">- National Union of Must and Wine producers- National Union of Sparkling and Fortified wines- National Union of Spirits producers- National Union of vinegar producers- National Union of wine and spirits importers
Missions	<ul style="list-style-type: none">• Is the representative of the all wine, vine and spirits sector in front of National and International Organisations• Favour and propose new laws and decrees for production, transformation, sales, transports and taxation of grape products and grape spirits.

❖ **Confederazione Italiana della Vite e del Vino.** <http://www.uiv.it>

Nature	Industry peak body
Law of Origin	Created in 1996 by the Unione Italiana Vini
Sector covered	Grape, Wine and Brandy production
Members	<ul style="list-style-type: none"> - National Federation of wine merchants (include the Union of bottled wine merchants, the Union of bulk wine merchants, Union of wine exporters, Unions of wine importers) - National Federation of wine producers (includes National Union of wine producers, National Union of Sparkling wine producers, National Union of sweet wine producers) - National Federation of grape producers (includes National Union of Grape growers, National Union of Grape Co-operatives, National Union of independent wine producers)
Missions	<ul style="list-style-type: none"> • Run its own laboratory, certified by the Ministry of Agriculture. This laboratory provides technical, analytical and organoleptic analysis and issue official certificates for exports. • Publish technical, legislative and promotional documents. • Provide consultancy services to assist wineries obtaining quality certification • Provide consultancy services to assist wineries and grape producers in improving technical and management skills • Organise international exhibitions (ENOVITIS (Milan) and SIMEI (Milan))

❖ **Comitato Nazionale Per La Tutela e la Valorizzazione Delle Denominazioni di Origine e Delle Indicazioni Geografiche Tipiche Del Vino**

Nature	Department of the Ministry of Agriculture
Law of Origin	Created in 1996 by the Decree of the Ministry of Agriculture.
Sector covered	Grape and Wine production
Managing Board (5 years mandates)	<ul style="list-style-type: none"> - 1 President nominated by decree of the Ministry of Agriculture - 2 representatives from the Ministry of Agriculture - 1 representative of the Ministry of Economy - 1 representative from the Ministry of Foreign Trade - 1 representative from ICE - 3 representatives of the National Conference State / Autonomous Provinces and Regions - 1 representative from the National Union of Chamber of Commerce - 1 representative from The Vine and Wine Academy - 2 representatives from the University of Viticulture and Wine Making - 2 representatives from the National Union of Italian Oenologists - 1 representative from the Co-operatives - 6 representatives from the grape growers (representing North Italy, Central Italy and South Italy) - 3 representatives from farmers representing North Italy, Central Italy and South Italy) - 3 representatives from the wine producers

	<ul style="list-style-type: none"> - 3 representatives from the wine co-operatives - 1 representative from the bulk wine producers - 1 representatives form the wine and vine equipment industry - 1 representative from the wine exporter union - 1 representative from the grape spirits producers - 1 representative from the National Union of Consumers
Missions	<ul style="list-style-type: none"> • Propose and make recommendation on Denomination of Origin regulation • Analysis all the request for Denomination of Origin Certificates • Assist and initiate studies and researches for promotion and expansion of Denomination of Origin. • Control and classified wines
Power	<ul style="list-style-type: none"> • Has the ability to protect wine and grape producers rights or engage law suits against wrong doing and practices

**The Georgia-Ukraine Bilateral Agreement on GIs for Wines,
Alcoholic Drinks and Mineral Waters**

AGREEMENT

**Between Georgia and Ukraine about mutual legal safeguard
of geographical indications for wines, alcoholic drinks and mineral waters**

Georgia and Ukraine (hereinafter referred to as Parties)

being guided by the Agreement of the countries of the Independent States concerning measures of prevention and suppression of using the false trade marks and geographic indications, signed on 4 June of 1999, in Minsk,

Wishing to create favourable conditions for protection of rights and interests of consumers and wine-makers, producers of alcoholic drinks and mineral waters on the basis of equality, mutual advantage and collaboration,

Being conscious of importance of providing the mutual legal safeguard of geographic indications regarding such types of products as wine, alcoholic drinks and mineral waters,

Have agreed on the following:

Article 1.

For the objects of the present Agreement the term “geographical indication” is used for wines, alcoholic drinks and mineral waters and represents designation, which identifies origin of commodity from the territories of the Parties or their regions or districts, where quality, reputation or other characteristic features of the product extensively connected with its geographic origin; at the same time the term “geographical indication” also covers other terms corresponding to its indicated meaning applied in the national legislations of the Parties, including “name of place of origin”, “name of commodity place of origin” and “geographical indication of commodity origin”.

Article 2.

The Parties mutually recognize and provide in conformity with the present Agreement and national legislation of the Parties, the legal safeguard of the geographical indications of wines, alcoholic drinks and mineral waters, originated from their territories.

Article 3.

The Parties provide each other with list of secured by them geographic indications of wines, alcoholic drinks and mineral waters originated from their territories.

Article 4.

Each Party immediately makes enrollment of the presented by the other Party geographic indications to the relevant state register.

Article 5.

1. A person eligible to use the certain geographic indication on the territory of the one Party can accrue the right to use this geographic indication on the territory of the other Party by means of handing in the application about registration of right for using of geographic indication in compliance with the national legislation of the other Party and with the document confirming the right of using the given geographic indication issued by the competent authorities of the Party of origin.
2. In case of termination of right of person to use the certain geographic indication in the Party of origin its competent authority immediately notifies about it the competent authority of the other Party.

Article 6.

Within two months after coming into force of the present Agreement the Parties determine the competent authorities, which on their behalf provide with realization of the present Agreement.

Article 7.

The present Agreement does not affect provisions of the other international agreements, the members of which are the Parties.

Article 8.

1. By mutual consent of the Parties changes and amendments may be introduced to the present Agreement, which are registered by the separate protocol and

constitute the integral part of the present Agreement, and come into force as determined in the Article 9 of the present Agreement.

2. The moot points related to application or interpretation of the present Agreement are resolved by means of consultations and negotiations of the Parties.
3. In case of impossibility to settle the moot points by negotiations the Parties, according to the written consent of the interested parties, apply the recognized by the both Parties competent international courts.

Article 9.

The present Agreement comes into force on the 30th day from the date of receiving by the diplomatic channels of the last written notification concerning fulfillment by the Parties of the domestic procedures necessary for coming into force of the present Agreement.

Article 10.

The present Agreement is concluded for a term of five years and will be automatically prolonged for the following five years periods, unless one of the Parties notifies the other in written not less than six months earlier before expiry of the regular period of force of the Agreement, about its intention to terminate its effect.

All documents sent by the Parties to each other in the process of realization of the Agreement are available in the Russian language.

Performed in Tbilisi on “_____” _____ 2007 in two copies, each in the Georgian, Ukrainian and Russian languages, all text having the equal force.

In case of rise of disagreement while interpretation or/and application of the provisions of the present Agreement, the Parties will apply to the text in the Russian language.

On behalf of Georgia
(signed)

On behalf of Ukraine
(signed)

Comments by FAO on the Georgia-Ukraine Agreement

The Georgia-Ukraine Bilateral Agreement on GIs for Wines, Alcoholic Drinks and Mineral Waters

Comments by FAO Legal Office

The agreement lays a solid basis for “mutual recognition” of names, and cooperation in this area. However, it also presented a good opportunity for provisions on “mutual protection” which, although it has been missed in the case of Ukraine. Future agreements could be more useful in the long-run if beefed up with more provisions aimed at mutual protection of names.

One fundamental shortcoming in the agreement with Ukraine, which should be rectified for future agreements, is that it did not mention or in any way deal with the issue of enforcement. I would urge them to include another substantive provision, preferably after Article 2 stating as follows:

Each Contracting Party shall provide the legal means for interested parties to prevent use of a geographical indication identifying wines, alcoholic drinks and mineral waters for products not originating in the place indicated by the geographical indication in question.

The agreement also leaves a vacuum: it does not answer the question whether the parties will be obliged to apply mutual recognition in circumstances where the true origin of the product in question is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation”, “method” or the like. A provision should be added stating:

The protection provided for in Article 2 also applies to names even where the true origin of the wine is indicated or the geographical indication or traditional expression is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation”, “method” or the like.

The sensitive question of what to do with trademarks containing Geographical Indications could also be dealt with in the following language:

The registration of a trade mark for wines, alcoholic drinks and mineral waters which contains or consists of a geographical indication identifying a wine, alcoholic drink or mineral water shall be refused, or if domestic legislation so permits and at the request of an interested party be invalidated, with respect to such wines, alcoholic drinks or mineral waters not originating in the place indicated by the geographical indication.

In Article 5, it is not clear whether the Competent Authority is to be responsible simply for the notification or for the overall *enforcement* of the agreement. In the case of the Australia-EU Wine Agreement for example, the competent authorities are also responsible for overall enforcement of the agreement. I propose:

The Contracting Parties shall maintain direct contact on all matters relating to the implementation and enforcement of this Agreement, through their respective Competent Authorities.

Activity II. Support to Legal Case

Rationale of the Activity

Under the Lisbon Agreement, Georgia had submitted seven names for registration as appellations of origin. Some or all of these appellations were already (or subsequently) registered in some other countries (Bulgaria, Israel, etc) as trademarks by local private companies, thus generating rejection of registration as appellations under the Lisbon Agreement.

As the process of registration continued (Georgia has a total of 18 appellations names), there was a possibility of rejection by other countries. Hence, a coordinated strategy to deal with this problem was needed. To strengthen Georgia's position in front of all countries, a test case in one country was identified and pursued, FAO contributing by sharing its experience and assisting the legal counterpart in its work. The country selected for the test case was Israel.

Specific Tasks

To assist in reviewing all relevant documents and arguments used by the country for rejecting the Georgians appellations

To assist in all the steps to be taken in addressing the issue

To hold consultations with the potential negotiators of these agreements;

Deliverables

A preliminary legal opinion was delivered by FAO on the legal case opposing Georgia to Israel wineries using Georgian appellations.

**Preliminary Legal Opinion by FAO on the Case Filed in Israel
Relating to Certain Georgian Wine Appellations**

PRELIMINARY LEGAL OPINION BY FAO ON THE CASE FILED IN ISRAEL RELATING TO CERTAIN GEORGIAN WINE APPELLATIONS

The basic argument by the opponents is that Khvanchkara and Kindzmarauli are not Appellations of Origin (AOs) as defined in Article 1 of the Israeli *Appellations of Origin (Geographical Indications)(Protection) Law* of 1965 (as amended in January 2000). This law defines an AO as “the geographical name of a country, region or locality contained in the name of a product and intended to convey that such product has its origin there and that its quality and properties are mainly due to that geographical area, including its nature and its people.” The opponents give 15 reasons as to why the two names, Khvanchkara and Kindzmarauli, should not be considered as AOs. These 15 reasons could be summarised into three main ones:

- that the two names are not Geographical regions in the Republic of Georgia and therefore cannot be used as AOs;
- that the grape that is used to produce the two wines can be grown elsewhere, and therefore there is nothing unique about it, hence, since the two names derive their legitimacy from the grape type, they should not be AOs;
- and finally, that the two names were already registered as trademarks in Georgia, by the time the request for registration was submitted to WIPO.

Our opinion is that:

- regarding the first point above: evidence of the administrative and viticultural zones for each of the two names would take care of that argument;
- regarding point two above: that the applicants do not dispute that indeed grapes can be grown anywhere, but asserts that the opponents misinterpret the concept of appellations of origin-which goes beyond the grape type itself and into the production process, the culture, the nature and the wine-making traditions of the people;
- and regarding point three above: the opponents fail to show that they were acting in good faith - in fact, it can be argued that they were acting in bad faith to defeat the legitimate interests of the applicants when they registered a trademark a mere three days before the request for registration of an AO by the applicants.

And regarding the process, we are of the opinion that:

- *With regard to opportunity for appeal:* This case is before the Registrar. If the registrar decides that the claims by SAMTREST do not have merit, there is still an avenue of proceeding to the District Court in Israel.
- *With regard to time limits:* The response needs to be given within 10 days. This means that a response must be sent, even if it is preliminary (consisting of a strong and systematic denial of the issues raised in the submissions by the two opponents) within

the stipulated period. However, this could and should be verified by lawyers from SAKPATENT or SAMTREST.

- In preparing a response, all the stakeholders should be involved. In particular, those wine producers who may have registered the two names as trademarks in other countries should be involved.

And now, turning to a more detailed analysis of the issues raised, the case of the opponents rests entirely on the simple denial that Khvanchkara and Kindzmarauli are “Appellations of Origin” that properly belong to the Republic of Georgia. 15 reasons are given for such denial. Below is an attempted analysis of each of the 15 reasons:

1. That the two names requested are not the geographic names of a country, a geographic region or location in the Republic of Georgia; thus it cannot be the location of Applicant’s company.

This is a question of evidence. The response here should aim to prove that in fact there is a region or a village within the Republic of Georgia that bears this name. The registration of the Appellation region with SAKPATENTI and SAMTREST should be good enough to show this. In addition, any material regarding the exact region for each of the two names that were submitted as proof to WIPO - including cartographic maps, or political maps of Georgia showing the administrative regions - should be prepared and submitted in evidence. In addition, control over the viticulture areas, as specified in the Georgian Law on Wine and Vine should be emphasized. According to the application for registration submitted by Georgia to WIPO, Kindzmarauli covers the area known as Kvareli. It needs to be shown that there is in fact a village that is known not by Kvareli but by the two appellation names. The basic aim is to prove that in fact, contrary to the first point, there are indeed parts of Georgia that bear those two names.

2. In addition, and alternatively, it has not at all been proven that the requested Appellation is included in the name of the product bearing said Appellation.

The point being made is that SAMTREST needs to show that Georgian wine producers do indeed use the two appellations. The aim therefore should be to show that Georgian wine producers have indeed been using those two names as well for many years. This can also be proven in cooperation with the wine producers that use this name. In particular, the Association of Khvanchkara producers will be useful here. An extensive database of samples of wine labels that bear those two names over the years should be prepared for use in evidence.

3. The Application does not properly define the product for which the Appellation is requested to be registered. Applicant, as well as others, manufactures different types of wines in the region mentioned in the Application. According to what is claimed and denied, it is impossible to know what product the Appellation refers to, if at all; whether the Appellation is part of the product name; to what type of wine manufactured in the region it refers, if at all, the quality and characteristics of which are mainly the product of that specific geographic area, including its nature and its people.

This is simple. The annex to the registration certificates issued by WIPO shows clearly that the product for which the appellation was registered was wine. For purposes of registration, no provision in the Lisbon Agreement or in its Regulations requires the precise type of wine to

be identified. Rule 5 states five items that need to be included in the application for registration, and all five were already included in Georgia's application. The point here should therefore be to show that this argument by the opponents simply adds requirements to the Lisbon Agreement that are extraneous to what the parties negotiated, and should therefore fail.

4. The requested Appellation does not teach that the wine so named originates from the location named by the Appellation.

This is a matter that should be proven by the current practice of wine production in Georgia. It should be shown that unless a wine producer is located in the appellation area, they cannot produce wine under the particular appellations. Reference should be made to the Georgian Law on Wine and Vine and also the Presidential Decree Regarding Measures for the Entry into Force of the Law No. 470 of 6 November 2002 which teaches that producers should produce in the designated appellation and viticulture regions.

5. In addition, not only is the requested Appellation disqualified from being registered as an Appellation of Origin, but also, if it were to be registered, it would be likely to mislead the public, since it is intended to identify goods originating in different places by the use of an Appellation that is not the geographic name of a location or place, or because of the fact that identical varieties of grapes grow in many countries all over the world, including in Israel.

This is difficult. First, it needs to be shown that (i) the grape that may be used to produce the two wine appellations is unique, and (ii) that the method of production, and the resulting quality is unique because of the region, customs and traditions of Georgia. It needs to be shown that while consumer tastes may vary the real Georgian Khvanchkara and Kindzmarauli tastes can be distinguished from those produced in other regions. In this sense, the real Khvanchkara and Kindzmarauli tastes cannot be misleading.

6. Furthermore, and alternatively, it is impossible to relate a certain characteristic or quality of the wine manufactured by Applicant to the geographic region in which the wine is made, including the nature of the place and its people.

The primary objective behind appellations of origin is indeed to show that the characteristic quality of a particular product is due to the region of its production and origin. If, as it is alleged by the opponents, "it is impossible to relate a certain characteristic or quality of the wine manufactured by Applicant to the geographic region" then this undermines the entire concept of appellations...and there would therefore be no need to have the system in the first place. This is clearly not the intention. (Israel itself recognizes the concept, as evidenced by the registration of the appellation "Jaffa" - even though it was finally withdrawn last year, in the interests of not undermining other Israeli citrus producers located in South Africa).

7. Opponents acted to register the Appellation as a trademark under their proprietorship, before the Appellation of Origin was registered. In addition and alternatively, the requested Appellation is being used by Applicant, if at all, as a trademark and not as an Appellation of Origin.

Kindzmarauli and Khvanchkara were registered as trademarks in Israel on June 14 2004 (Trade Mark No. 172817, and Trade Mark No. 172818, respectively). They were both registered in the name of the two opponents. If, as the two opponents allege, they have been using the two names for so long, why were they only registered in 2004? And even then, only

three days before the application for registration of the appellation by Georgia in WIPO? This should throw into question the good faith of the opponents. The good faith exception to the use of trademarks that include appellations should not for this reason apply to them. In addition, the registration of the trademark in bad faith should also make their claim to “use in good faith” fail. In conclusion, the circumstances of registration of the trademark are such that it cannot have been done in good faith, but was evidently used rather as an anti-competitive market strategy to ensure that the legitimate producers (in Georgia) would be locked out of the wine market in Israel.

8. The subject Appellation of Origin is actually the name of a variety of grapes that grows, *inter alia*, in the Republic of Georgia. It should be pointed out that, for many years, Opponents have imported wines into Israel from various countries, including Georgia, Bulgaria and Russia, all of which bear a trademark identical to the requested Appellation of Origin, and these wines have been marketed very successfully.

The subject of appellation is not only the grape variety but also the production process, the culture, the nature and the people. According to the definition of appellation of origin, there should be a link between the product, the area of production, the nature and the people. The applicants in this paragraph are selective in their interpretation of the meaning of appellation when they imply that the sole subject of registration is the grape. This is not the case.

9. The attempt to relate the growth of a specific variety of grapes to a specific geographic location does not stand up to the test of reality. An innumerable number of varieties of grapes, which in the past grew only in specific locations, grow today all over the entire world.

The opponents are again being selective in their appreciation of the concept of appellations of origin – they interpret it to rely solely on the type of grape. This is not a correct interpretation. SAMTREST does not argue that the grapes used in the production of Khvanchkara and Kindzmarauli cannot be grown elsewhere in the world. This is a fait accompli. However, SAMTREST’s contention is that even if such grapes are grown elsewhere, the precise quality of a real Khvanchkara or Kindzmarauli does not only derive from the grape, but also the unique conditions and culture of production, and the age-old practices of the people of Georgia. The claim of SAMTREST does not rest only on the type of grape, but in the production effort, in the quality of the end product. This is what appellations of origin are about.

10. In addition and alternatively, the two names are famous trademarks belonging to Opponents and, as stated above, they have invested many resources in developing the variety of grapes, in marketing the products, in sales promotions and advertising, and they have thus created a huge demand for these products.

It does not matter for how long the trademark has been used by the opponents. It does not matter how much they have invested in promoting the trademark. The legitimacy of their claim turns solely on whether they were doing all these in good faith. The question is: were the opponents using, promoting and investing in the trademark in good faith? Definitely not. The reason is that the trademarks were only registered on June 14 2004. The registration was in bad faith because the intention seems to have been to defeat the legitimate interest of Georgia to register the names as appellations of origin.

Activity III. Training in Negotiations

Part of the project envisaged a two-day training workshop aimed at strengthening negotiation capacities of key leaders in the Georgian wine sector, including representatives from the public sector (Ministry of Agriculture, SAMTREST) and the private sector (representatives of producers and wineries). The seminar exposed participants to key concepts in negotiation theory and practice, through a combination of group exercises/simulations and lectures. The methodology used emphasized the practice of negotiation. Experience was an essential element of this workshop as participants took part in exercises and simulations designed to adapt the theory to practice, enabling them to respond to the specific problems that they had identified. Attached is the agenda and list of participants.

Negotiations Workshop, 28-29 June 2006, Tbilisi

Workshop on Negotiation 28-29 June 2006

In Georgia, a two-day training workshop was conducted to strengthen negotiation capacities in the context on the project Protection of Georgian Wine Appellations (for more information, please see Wine appellations). The workshop targeted key leaders in the Georgian wine sector, including representatives from both the public sector (Ministry of Agriculture, SAMTREST) and the private sector (representatives of producers and wineries).

The seminar exposed participants to key concepts in negotiation theory and practice through a combination of group exercises and simulations and lectures. The methodology used emphasized the practice of negotiation. Experience was an essential element of this workshop as participants took part in exercises and simulations designed to adapt the theory to practice that can respond to the specific problems that they have identified.

for more information, please see [FAO Project on Negotiation](#).

> How does Italy protect and promote its wine appellations? 16-19 July 2007

> Kyrgyzstan: Expanding Finance in Rural Areas, Bishkek and Osh 5&7 December 2006

> Tajikistan: Expanding Finance in Rural Areas, Dushanbe 28&29 November 2006

> 9th CEI SEF 2006: Integration of Western Balkans agricultural markets into EU markets

> EastAgri Annual Meeting, 4 & 5 May 2006

> Dynamics of Vertical Coordination in the Agro-food Chains in Europe and Central Asia

> EastAgri Annual Meeting, 28 Feb 2005

> Workshop on Sunflower Oil Sector in Ukraine 2005

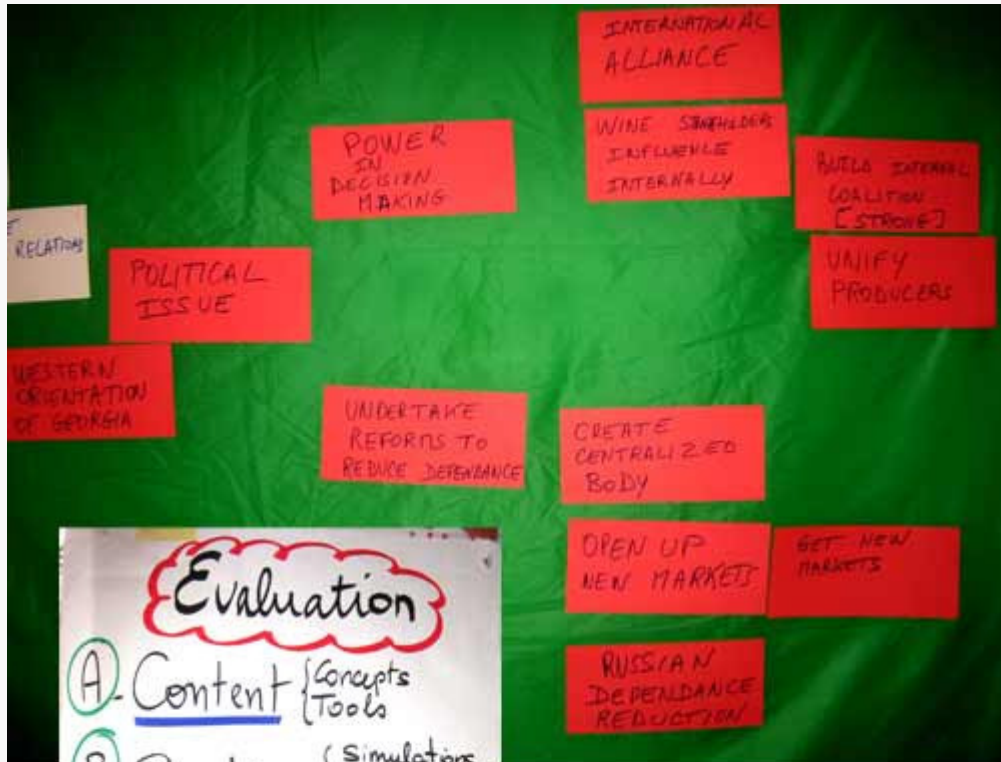
> EBRD
Annual Meeting 2005
Side-event: Focus on
the agribusiness
sector of Serbia

> CEI
Wholesale Markets
Foundation Italy
Study Tour 2005

> Agricultural
and Rural Investment
Strategy (ARIS)
Workshop, Kiev,
29/7/2005

> Investing in
Fresh Produce
Wholesale Markets,
Kyiv, 11-10-2005

> Rural Credit
Guarantee Schemes -
A Financial
Instrument for
Agriculture and Rural
Development



All contents copyright© EastAgri 2007. All rights reserved.

Workshop sessions:

Day 1	Day 2
<ul style="list-style-type: none"> • Introduction to negotiation <ul style="list-style-type: none"> ○ A simulation on price-setting ○ debriefing and concepts • Personal negotiation style <ul style="list-style-type: none"> ○ Personal style assessment exercise ○ debriefing and concepts • Dealing with difficult behaviours <ul style="list-style-type: none"> ○ Difficult behaviour role play ○ debriefing and concepts • Discussion on Active listening • Integrative Negotiation <ul style="list-style-type: none"> ○ A simulation on “budget battle” ○ debriefing and concepts 	<ul style="list-style-type: none"> • Asymmetrical Negotiations <ul style="list-style-type: none"> ○ Simulation to address ‘Power’ in negotiations ○ Debriefing and concepts • Coalition building • Multiparty negotiations <ul style="list-style-type: none"> ○ Simulation ○ debriefing and concepts • Evaluation

List of participants

	Surname	Name	Company
1	Tevzadze	Georgi	SAMTREST, MoA
2	Tabatadze	Irakli	Bagrationo (sparkling wine comp.)
3	Konchoshvili	Tamaz	Kindzmarauli Corporation
4	Shengelia	Merab	MoA 4 - Food Safety
5	Sarishvili	Badri	GWS Ltd
6	Chotiashvili	Kakha	Vazi+
7	Chichinadze	Shota	MoA 2 Inter affairs
8	Gagua	Konstantine	Wineman Ltd
9	Khalvashi	David	Vazi+
10	Lekiashvili	Eduard	SAMTREST, MoA
11	Japaridze	Merab	GWS Ltd
12	Kvimsadze	Merab	Deputy Director General, SAKPATENT
13	Koberidze	Levan	Wine Producer's Union
14	Margvelashvili	Zurab	Tbilvino wine comp.
15	Meparize	Zurab	Deputy Director General, SAKPATENT
16	Piradashvili	Gia	Vinotera Ltd
17	Samanishvili	George	SAMTREST, MoA
18	Gabunia	David	Director General, SAKPATENT
19	Ugulava	Gia	Tbilisi Cellar Ltd
20	Gogolidze	Paata	National Centre for Accreditation

Activity IV. Joining the Madrid Agreement

Rationale of the Activity

Georgia is not a member of the *Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods* (“the Madrid Agreement”). It is, however, party to the Lisbon Agreement and the Paris Agreement. All three agreements are complementary and in substantive parts, e.g. Articles 4 and 5, the Lisbon Agreement cross-references the Madrid Agreement. In Georgia’s case, this linkage that would result in stronger protection for appellations, and which would be useful for example in the on-going case in Bulgaria, is broken.

Specific Tasks

- To evaluate the precise additional benefits of joining the Madrid Agreement;
- To determine the accession costs, and the related implementation costs of joining the Madrid Agreement;
- To assist in preparing any background documents that would support Georgia’s application to join the Madrid Agreement.

Deliverables

Attached is the “Note on the Costs, Benefits, Process and Legislative Implications of Acceding to the Madrid Agreement”.

**Note by FAO on the Costs, Benefits, Process and Legislative
Implications of Acceding to the Madrid Agreement**

NOTE ON THE COSTS, BENEFITS, PROCESS AND LEGISLATIVE IMPLICATIONS OF ACCEDING TO THE MADRID AGREEMENT

Summary

- **Costs:** it costs nothing to join the Madrid Agreement, because Georgia is already a Member of the World Intellectual Property Organization (WIPO). There are implementation costs, but given the focus of the agreement this can be absorbed within current customs authorities and other existing government structures.
- **Benefits:** The Madrid Agreement focuses on enforcement, while the Lisbon Agreement is mostly focused on registration. Though complementary, the Madrid Agreement provides stronger remedies (seizure and prohibition of importation) and it specifically prohibits use of wine appellations as generic names. Because it covers a wider range of countries, it is therefore an additional important tool for enforcing Georgia's protection of wine appellations internationally.
- **Process:** Ratification by parliament is necessary, like for any other international agreement. An internal process of consultation will also be necessary. The main question is who takes the lead in this process? Ordinarily, the Ministry of Foreign affairs will take the lead, upon initiation by either SAKPATENTI or the Ministry of Agriculture.
- **Legislative Implications:** Strictly no major legislative revisions will be necessary prior to or following accession to the Madrid Agreement. There is only one legislative implication. That is, that since its principal means of enforcement is through seizure and prohibition of importation, customs authorities will need to be empowered to use these means of controlling cross-border movement.

I. Introduction

There are a number of international legal instruments that provide for the protection of Geographical Indications. These include: the *Paris Convention for Protection of Industrial Property* (Paris Convention), the *Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods* (Madrid Agreement), the *Lisbon Agreement on the Protection of Appellations of Origin and their Registration* (Lisbon Agreement), and the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPs). Georgia is a member to all these except the Madrid Agreement.

This note focuses on the costs, benefits, process and legislative implications of acceding to the Madrid Agreement. It seeks to answer two questions: (i) why and through what process should Georgia accede to the Madrid Agreement? (ii) What rights and obligations does that agreement create, and how is it different from the other agreements listed above?

II. The Madrid Agreement

A. What are the objectives of the Agreement?

The objective of the 1891 *Madrid Agreement* is the “repression of false or deceptive indications of sources on goods.” According to Article 1(i) of this agreement, “all goods bearing a false or deceptive indication by which one of the countries to which this agreement applies, or a place situated therein, is directly or indirectly indicated as being the country or place of origin shall be seized on importation into any of the said countries.” In the event that seizure is not possible under national law, the agreement provides that import prohibitions should be applied.

Therefore, according to the agreement:

All goods, including wine, bearing a false or deceptive indication of source, by which one of the contracting States, or a place situated therein, is directly or indirectly indicated as being the country or place of origin, must be seized on importation, or such importation must be prohibited, or other actions and sanctions must be applied in connection with such importation.

Article 4 of the *Madrid Agreement* is most instructive in its categorical statement that geographical indications of wines shall not be used as generic terms. It states: “The courts of each country shall decide what appellations, on account of their generic character, do not fall within the provisions of this Agreement, *regional appellations concerning the source of products of the vine being, however, excluded from the reservation specified by this Article.*” This agreement is therefore stronger than the *Paris Agreement* regarding the extent of protection it gives to geographical indications on wines. In fact, its very existence arose from the dissatisfaction with the *Paris Agreement*.

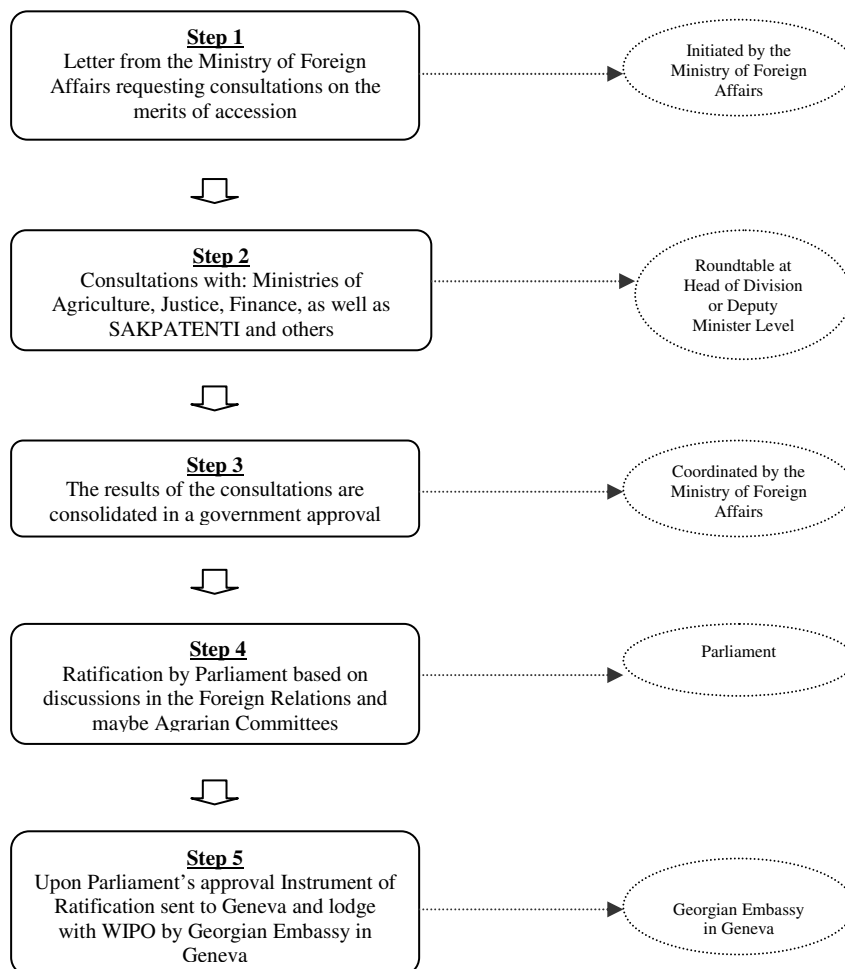
The Agreement provides for the cases and the manner in which seizure may be requested and carried out. It prohibits the use, in connection with the sale or display or offering for sale of any goods, of all indications in the nature of publicity capable of deceiving the public as to the source of the goods.

B. Which countries are Parties to the Agreement?

As of October 2006, the Madrid Agreement has 34 member states. These include: Czech Republic, Slovakia, Bulgaria, Israel, Serbia, and Moldova. It has not attained a high degree of popularity partly owing to the perception that its provisions on GIs protection are too strong, but this is precisely why it would be useful for Georgia to join.

III. The Process of Acceding to the Madrid Agreement

Initiating the process of accession may be done by the Ministry of Agriculture or by SAKPTENTI. This should take the form of a letter to the Ministry of Foreign Affairs, indicating the importance and potential usefulness of the agreement to Georgia. The Ministry of Foreign Affairs will then officially start the process by requesting consultations with relevant government ministries and agencies. For the case of Georgia, there are four steps to acceding to the Madrid Agreement:



IV. The Costs, Benefits

A. The Costs

A country such as Georgia, which is already a Member of WIPO, does not need to pay any extra fees for acceding to the Madrid Agreement. However like for any other international agreement, there are implementation costs, especially with regard to enforcement measures. Monitoring and reporting will usually be done in the context of general WIPO reporting obligations because the agreement does not create specific reporting obligations.

B. The Benefits

In general, the Lisbon Agreement is most useful for registration, while the Madrid Agreement is stronger in enforcement. The Lisbon Agreement creates a ‘system’, and therefore a bureaucracy, in order to carry out its registration function better, while the Madrid Agreement is focused essentially on enforcement, which is an inter-State issue, and therefore does not create a ‘system’.

- *Strong Remedies*: The agreement gives an immediate and strong remedies: *seizure* by customs officials upon importation, or in the country of source (Article 1:2), or *prohibition* of importation where seizure is not possible (Article 1:3). These remedies are stronger than those available under the Paris Agreement.
- *No wine appellations can ever be generic*: The agreement explicitly states that wine appellations can never be generic (Article 4). This is good for Georgia’s position because it goes against the underlying argument of many of the countries producing fake Georgian wines. It counters the argument that has been used by many of the “new world” wine producers. The agreement follows the traditional view of terroir which cannot be replicated exactly. This agreement is therefore very strong regarding the extent of protection it gives to geographical indications on wines.

V. Legislative Implications

Acceding to the Madrid Agreement has only one major legislative implication. That is, that since its principal means of enforcement is through seizure and prohibition of importation, customs authorities will need to be empowered to use these means of controlling cross-border movement.

Both tools (seizure and prohibition of importation) are already available under Georgia’s trade laws. Therefore, following accession, no major legislative revisions are necessary explicitly arising from the Madrid Agreement.

Parties to the Madrid Agreement

State	Date on which State became party	Latest Act of the Agreement to which State is party and date on which State became party to that Act	
Algeria	July 5, 1972	Lisbon:	July 5, 1972
Brazil	October 3, 1896	The Hague:	October 26, 1929
Bulgaria	August 12, 1975	Lisbon:	August 12, 1975
Cuba	January 1, 1905	Lisbon:	October 11, 1964
Czech Republic	January 1, 1993	Lisbon:	January 1, 1993
Dominican Republic	April 6, 1951	The Hague:	April 6, 1951
Egypt	July 1, 1952	Lisbon:	March 6, 1975
France	July 15, 1892	Lisbon:	June 1, 1963
Germany	June 12, 1925	Lisbon:	June 1, 1963
Hungary	June 5, 1934	Lisbon:	March 23, 1967
Iran (Islamic Republic of)	June 18, 2004	Lisbon:	June 18, 2004
Ireland	December 4, 1925	Lisbon:	June 9, 1967
Israel	March 24, 1950	Lisbon:	July 2, 1967
Italy	March 5, 1951	Lisbon:	December 29, 1968
Japan	July 8, 1953	Lisbon:	August 21, 1965
Lebanon	September 1, 1924	London:	September 30, 1947
Liechtenstein	July 14, 1933	Lisbon:	April 10, 1972
Monaco	April 29, 1956	Lisbon:	June 1, 1963
Morocco	July 30, 1917	Lisbon:	May 15, 1967
New Zealand	July 29, 1931	London:	May 17, 1947
Poland	December 10, 1928	Hague:	December 10, 1928
Portugal	October 31, 1893	London:	November 7, 1949
Republic of Moldova	April 5, 2001	Lisbon:	April 5, 2001
San Marino	September 25, 1960	Lisbon:	June 26, 1991
Serbia and Montenegro	May 18, 2000	Lisbon:	May 18, 2000
Slovakia	January 1, 1993	Lisbon:	January 1, 1993
Spain	July 15, 1892	Lisbon:	August 14, 1973
Sri Lanka	December 29, 1952	London:	December 29, 1952
Sweden	January 1, 1934	Lisbon:	October 3, 1969
Switzerland	July 15, 1892	Lisbon:	June 1, 1963
Syrian Arab Republic	September 1, 1924	London:	September 30, 1947
Tunisia	July 15, 1892	London:	October 4, 1942
Turkey	August 21, 1930	London:	June 27, 1957
United Kingdom	July 15, 1892	Lisbon:	June 1, 1963

Total: 34 States, as of October 2006.

Source: WIPO

Summary and Comments on the Key International Agreements Focusing on the Protection of Appellations of Origin (AOs) and Geographical Indications (GIs)

International Agreement	Main Objectives Relating to GIs and AOs Protection	Remedies	Comments
The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, 1958 (The <i>Lisbon Agreement</i>)	<ul style="list-style-type: none"> ○ Focused on registration and adopts a very narrow definition of “Appellation of Origin” (Article 2). Hence, it grants a high degree of protection. ○ Protects against usurpation or imitation. ○ For an AO to be protected under this agreement, the AO should be protected in its country of origin, and the AO should be registered in the WIPO International Register. WIPO notifies all members about registration of AO 	<ul style="list-style-type: none"> ○ Once WIPO notifies of the registration of an AO, every member is obliged to protect that AO. ○ If AO protection is not granted or is refused, interested parties may resort, in the refusing country, to all judicial and administrative remedies available to nationals of that country. 	<ul style="list-style-type: none"> ○ The Lisbon Agreement establishes the only international register in force to date on appellations of origin. ○ Countries that are not members of the agreement are not bound to protect AOs even if such AOs are in the international register. ○ The agreement has 23 Members at the moment. It has not attained a high level of popularity due to the strict level of protection given to AOs.
The Paris Convention for the Protection of Industrial Property, 1883 (the <i>Paris Convention</i>)	<ul style="list-style-type: none"> ○ Starts from the broad concept of “Indications of Source or Appellations of Origin”[*] ○ Article 10(2): no indication of source may be used if it refers to a geographical area from which the product in question does not originate. 	<ul style="list-style-type: none"> ○ Seizure of the product bearing a false indication of source upon importation (Article 10:2) ○ Prohibition of Importation (Article 10:2) ○ Obliges members to provide protection against unfair competition. (Article 11<i>bis</i>) 	<ul style="list-style-type: none"> ○ The remedies of seizure and prohibition are applicable also and perhaps most useful to countries that are not WTO Members. ○ Usually, sound enforcement in third countries involves diplomatic efforts. ○ Enforcement lies most with the market countries, that is, the countries in which consumers purchase the products.
The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, 1891 (the <i>Madrid Agreement</i>)	<ul style="list-style-type: none"> ○ The agreement is focused on enforcement. ○ Article 4: is a special provision by which courts of any country can decide what indications of source do not fall within the provisions of the agreement because of their generic character. However, regional appellations for vines are excluded. Hence, this is the basis for special sectoral GIs especially for wines. 	<ul style="list-style-type: none"> ○ All goods bearing false or deceptive indications shall be seized upon importation. ○ Seizure shall be effected in the country where the false indication is applied or where goods are destined. 	<ul style="list-style-type: none"> ○ The agreement has 34 members as of October 15 2004. ○ While the Paris Convention is broad, the Madrid Agreement provides specific rules for repression of false and deceptive indications of source. (Article 1(1)).
The Agreement on Trade Related Aspects of Intellectual Property Rights, 1994	<ul style="list-style-type: none"> ○ The TRIPs definition of GIs (Article 22.1) is different from the concept of “Appellations of Origin” ○ Article 22 requires that Members should provide minimum protection for all GIs. ○ Article 23 is additional protection for wines and spirits, and additional only for wines at Articles 23.3 and 23.4. 	<ul style="list-style-type: none"> ○ Any designation which misleads the public as to the geographical area of the good is not allowed. ○ Every member should provide legal means to protect GIs. ○ Every member should provide means to prevent unfair competition. (Articles 22 of TRIPs and 10<i>bis</i> of Paris Convention) 	<ul style="list-style-type: none"> ○ Many countries face significant problems in implementation, especially of the provisions on GIs. ○ and, also on sound enforcement of legislation and international legal instruments that guarantee protection to GIs and AOs.

* “Appellations of Origin” are linked to quality or some other characteristics belonging to similar geographical environment where the products originate while, “Indications of Source” simply refer to the source and nothing else and especially nothing about quality.

Activity V. Manuals on Local and International Wine Legal Frameworks

Rationale of the Activity

Between 2003 and today, the legislative framework regulating the vine and wine sector in Georgia went through a lot of changes: new legislations was adopted, old rules and regulations were modified or cancelled. Georgia's wine sector has now a full set of laws and regulations. However, due to these rapid changes and the lack of information dissemination, there is a limited knowledge of legal obligations and procedures among grape producers, wine producers, wine merchants and also Government officials.

Objective of the Activity

This activity was intended to provide all stakeholders with two reference manuals to ensure a better compliance with local and international legal obligations.

Deliverables

After discussion with all interested stakeholders, two documents were produced by FAO under Activity 5: (i) the outline of the Manual on Wine and Vine Legislation in Georgia, and (ii) the outline of the Practicioners's Guide to the International Legal Framework for the Protection of Georgia's Wine Appellations and Geographical Appellations. Document (i) was meant to be finalised and published by SAMTREST, and disseminated to all possible wine sector stakeholders from Government and the private sector, possibly on the web. Document (ii) was meant to be finalised and published by SAKPATENT.

Expected follow up steps

SAMTREST is expected to review document (i), make sure that it is up-to-date with current legislation, post it on the web, disseminate it and regularly update it. SAKPATENT is expected to finalise and disseminate document (ii).

Attached are:

- Outline of the Manual on Wine and Wine Legislation in Georgia;
- Outline of the Practicioners' Guide to the International Legal Framework for the Protection of Georgia's Wine Appellations and Geographical Appellations.

Outline of the Manual on Wine and Vine Legislation in Georgia

OUTLINE OF THE MANUAL ON WINE AND VINE LEGISLATION IN GEORGIA

Between 2003 and today, the legislative framework regulating the vine and wine sector in Georgia has gone through a lot of changes: new legislations have been adopted and old ones have been modified or cancelled.

Georgia has now a full set of laws and regulations.

However, due to these rapid changes and lack of information dissemination, knowledge of the obligations and procedures necessary to comply with the law are not sufficiently understood or even known by grape producers, wine producers, wine merchants and also by government officials.

This document is meant to give the list of the different requirements and obligations imposed by national law from grape producing to wine selling.

Presented under the form of “*question and answer*”, this document will contribute to establish a common framework for private enterprises and state officials from the implementation of current wine legislation.

We would recommend that this document be audited by SAMTREST, and eventually made accessible on the internet (and regularly up-dated) for the benefit of all stakeholders entering or acting in the wine and sector in Georgia so that they are fully aware of the set of regulations.

The document is composed of 4 major sections:

1 - Presentation of the full set of regulations applying in the wine and vine sector in Georgia

2 - Description of the obligations when producing wine grapes in Georgia

3 - Description of the obligations when producing vine and grafted materials in Georgia

4 – Description of the obligation when producing and selling wine in Georgia

WHAT ARE THE SET OF REGULATIONS APPLYING IN THE WINE AND VINE SECTOR IN GEORGIA ?

The set of legislation/Decree/Minister order applying to the wine and vine sector are composed of:

- **Law of Georgia on Vine and Wine adopted on February 4th, 2003**
 - **Minister Order n° 2-30** adopted on February 11th, 2003 of the Statute of the Legal Entity of Public Law: State Vine and Wine Department “Samtrest”
 - **Minister order n° 2-51**, adopted March 6, 2003 with the following Normative acts
 - General Rules and Regulations of Grape Wine Production
 - Rules of recording Technological Processes
 - Rules of Compulsory Notification of Activities Relating to the Production and Selling of Commodity output in the Fields of Viticulture and Winemaking
 - **Minister order n° 2-220**, august 12, 2003 adopted on August 2003 with the following Normative acts:
 - Regulation for the Technical and Phytosanitary Control of the production of Vine Mother Plantations, Grafting Material and Engrafted Seedling
 - Certification Rules for Vine Grafting Material and Engrafted Seedling
 - Rules for Special Zones and Grape growing Regions
 - Rules for Removal of grapes from the Zone in order to Produce Wines with the Denomination of Origin
 - Rules for controlling the labelling of Alcohol Drinks of Grape Origin.
 - **Minister Order n° 2-221**, august 12, 2003 adopted on January 1st, 2004 with the following Normative acts:
 - Certification System of Alcoholic Drinks
 - Rules for Certification of Alcoholic Drinks
 - Rules for Accrediting of Testing Laboratories
 - Rules for Issuing Certificates of Origin
 - Rules for Wine Sorting

- **Law of Georgia on Geographical Indications and Denomination of origin of products adopted on July 4th, 2002**
 - **Decree n°88** adopted on February 28, 2002 on “Regulation on Identification, registration, use and Control of Appellations of Origin of Wine and Wine Brandy
 - **Minister Order n°2-37** adopted on February,20th, 2003 with the following Normative acts:
 - Procedure for specifying and examining the information necessary for registration of denomination of origin of wine and wine brandy
 - Procedure for state control over production of wine and wine brandy with denomination of origin

WHAT ARE THE OBLIGATIONS WHEN PRODUCING WINE GRAPES IN GEORGIA?

Is a registration necessary to produce grapes ?			
Answer: No.	<ul style="list-style-type: none"> ▪ Everybody (individuals or legal entities) can engage in grape production. ▪ The only legislation applying is related to starting a business in Georgia 		
Is a registration necessary to plant vineyards?			
Answer: No.	<ul style="list-style-type: none"> ▪ Planting new vineyard is not subject to any initial declaration 	Note: Prior notification before planting use to exist in Minister Order n°2-51 but is now cancelled	
Can any sort of grapes be planted?			
Answer : No.	<ul style="list-style-type: none"> ▪ The Law on Wine and Vine has identified regions and Sub-regions with a fixed set of varieties allowed to be planted 	Legislation : Article 7 of the Law on Wine and Vine	
Can vines be bought anywhere, to anybody ?			
Answer : No.	<ul style="list-style-type: none"> ▪ Only Vitis Vinifera varieties, phylloxera resistant can be planted. 	Legislation : Article 7 of the Law on Wine and Vine	
	<ul style="list-style-type: none"> ▪ Only seedlings bearing a certificate of quality and compliance is allowed to be planted 	Legislation : Article 9 of the Law on Wine and Vine	
What are the obligations regarding managing a vineyard?			
When?	Limit date?	What to do?	Under which regulation?
Every year	No later than January 15th	<ul style="list-style-type: none"> ▪ “Notification of Vineyard” should be submitted to Samtresti 	Article 6 of Minister Order n° 2-51 “ <i>Statute on the Procedure for Compulsory Notification of Activities Relating to the Production and Selling of Commodity in the Fields of Viticulture and Winemaking</i> ” Model in Annexe 4
Every year	/	<ul style="list-style-type: none"> ▪ To record every operations on a Vineyard Book is compulsory 	Article 3 of Minister Order n°2-51 on “ <i>Statute on Rules of recording technological Process</i> ”
When selling my grapes, what are my obligations?			
		<ul style="list-style-type: none"> ▪ Every individual or legal entities engaged in a business activity should be registered for Taxation 	Legislation : Ministry of Finance
		<ul style="list-style-type: none"> ▪ Only the purchaser of grapes has the obligation to record and submit documents 	Legislation : See Obligation of Wine processing entities

WHAT ARE THE OBLIGATIONS WHEN PRODUCING VINE AND GRAFTED MATERIALS IN GEORGIA?

Is a registration necessary to produce vine and grafted materials ?			
When?	Limit date?	What to do?	Under which regulation?
Before starting production	No later than January 15	<ul style="list-style-type: none"> “Notification of Intention to produce and sell grafted materials” shall be submitted to “Samtresti” 	Article 5 of Minister Order n° 2-51 “ <i>Statute on the Procedure for Compulsory Notification of Activities Relating to the Production and Selling of Commodity in the Fields of Viticulture and Winemaking</i> ”. Model in Annexe 1 of Minister Order.
What are my obligations, when managing a nursery?			
When?	Limit date?	What to do?	Under which regulation?
Every year	No later than December 15 th	<ul style="list-style-type: none"> “Notification of actual production of vine grafted materials” should be submitted to Samtresti 	Article 5 of Minister Order n° 2-51 “ <i>Statute on the Procedure for Compulsory Notification of Activities Relating to the Production and Selling of Commodity in the Fields of Viticulture and Winemaking</i> ” Model in Annexe 2 of Minister order.
Every year	/	<ul style="list-style-type: none"> A register for mother plantation of scions and roostocks as well as a grafting register is compulsory 	Article 2 of Minister Order n°2-51 on “ <i>Statute on Rules of recording technological Process</i> ”
What are my obligations when selling grafted materials?			
When?	Limit date?	What to do?	Under which regulation?
Every year	No later than April 15 th	<ul style="list-style-type: none"> “Notification for selling vine grafted material and grafted seedling” should be submitted to “Samtresti” 	Article 5 of Minister Order n° 2-51 “ <i>Statute on the Procedure for Compulsory Notification of Activities Relating to the Production and Selling of Commodity in the Fields of Viticulture and Winemaking</i> ” Model in Annexe 3 of Minister order.
		<ul style="list-style-type: none"> Only Certified materials (given by the Certification Commission”) can be sold. 	Article 1 to 8 of the Minister Order n° 2-220 on “ <i>Regulation for certification of Grafting Material and Engrafted Seedling</i> ”
Before selling		<ul style="list-style-type: none"> Declarant should apply by letter for certification to “Samtresti” or other authorized regional certifying body. 	

WHAT ARE THE OBLIGATIONS WHEN PRODUCING WINE IN GEORGIA?

Is a registration necessary to produce wine ?

Answer :No	<ul style="list-style-type: none"> ▪ Everybody (individuals or legal entities) can engage in wine production. ▪ The only legislation applying is the one related to starting a business in Georgia
------------	--

What are the obligations when processing grapes,?

When?	Limit date?	What to do?	Under which regulation?
For all producers			
After production	No later than December 1 st of vintage year	<ul style="list-style-type: none"> ▪ “Notification on Grape processing” 	Article 8 of Minister Order n° 2-51 “ <i>Statute on the Procedure for Compulsory Notification of Activities Relating to the Production and Selling of Commodity in the Fields of Viticulture and Winemaking</i> ” Model in Annexe 6 of Minister Order
Twice a year	No later than July 10 and January 10 th	<ul style="list-style-type: none"> ▪ “Notification of wine turnover” 	Article 10 of Minister Order n° 2-51 “ <i>Statute on the Procedure for Compulsory Notification of Activities Relating to the Production and Selling of Commodity in the Fields of Viticulture and Winemaking</i> ” Model in Annex 8 of Minister Order
Every year	/	<ul style="list-style-type: none"> ▪ A register for “grape receiving” is compulsory 	Article 4 of Minister Order n°2-51 on “ <i>Statute on Rules of recording technological Process</i> ” Model in Annex 1 of Minister Order
Every year	/	<ul style="list-style-type: none"> ▪ A register for “recording wine turnover” is compulsory 	Article 4 of Minister Order n°2-51 on “ <i>Statute on Rules of recording technological Process</i> ” Model in Annex 2 of Minister Order
Every year	/	<ul style="list-style-type: none"> ▪ A register for oenological practices “Technological book” is compulsory 	Article 4 of Minister Order n°2-51 on “ <i>Statute on Rules of recording technological Process</i> ” Model in Annex 3 of Minister Order
Every year	/	<ul style="list-style-type: none"> ▪ A register for wine ageing “Register for wine ageing” is compulsory 	Article 4 of Minister Order n°2-51 on “ <i>Statute on Rules of recording technological Process</i> ” Model in Annex 4 of Minister Order

For Appellation wine producers			
When?	Limit date?	What to do?	Under which regulation?
Prior to buying.	No later than August 1th of vintage year	<ul style="list-style-type: none"> “Notification of intention to produce place-of-origin denomination wines” to be submitted to Samtresti 	Article 7 of Minister Order n° 2-51 “ <i>Statute on the Procedure for Compulsory Notification of Activities Relating to the Production and Selling of Commodity in the Fields of Viticulture and Winemaking</i> ” Model in Annexe 5 of Minister Order
Prior to buying.	No later than September 1 of the vintage year	<ul style="list-style-type: none"> “Notification of the Intention to buy grapes from the Specific Zone” is compulsory 	Article 2 of Minister Order n° 2-220 “ <i>Rule for buying Grapes from the Specific Zone for the Purpose of production of Wines with denomination of Origin</i> ”. Model in Annex 1 of Minister Order
After production	No later than January 10 th of next vintage year	<ul style="list-style-type: none"> “Notification of production of wines with denomination of origin” 	Article 9 of Minister Order n° 2-51 “ <i>Statute on the Procedure for Compulsory Notification of Activities Relating to the Production and Selling of Commodity in the Fields of Viticulture and Winemaking</i> ” Model in Annexe 7 of Minister Order
What are the obligations when labelling my wine,			
		<ul style="list-style-type: none"> Label of product bottled in Georgia should comply with the law 	Legislation : Law on Wine and Vine Chapter XII
What are the obligations when selling wine inside Georgia,			
		<ul style="list-style-type: none"> Sales of wine within Georgia should comply with the Law on Product Certification and Services adopted on 10/04/2006 	
What are the obligations, when exporting wine outside of Georgia?			
		<ul style="list-style-type: none"> Only wine receiving a “Certificate of Compliance” can be exported. 	Minister Order n°2-221. Statement on “Certification System of Alcoholic Drinks”
		<ul style="list-style-type: none"> The Certificate of Compliance can only be issued by Samtresti. 	Minister Order n°2-221. Statement on “Rule for issuing Certificate of Compliance”
		<ul style="list-style-type: none"> The Certificate should include Analytical testing by an Accredited Laboratory Organoleptic testing Control of the production rules 	Minister Order n°2-221. “Rule for accrediting testing Laboratories” “Rule for Certification of Alcoholic drinks”

	<ul style="list-style-type: none"> ▪ Only wine receiving a “Certificate of Origin” can be exported ▪ Request for a certificate should be done in written by filling an Application 	Minister Order n°2-221. “Rule for issuing a certificate of origin” Model Annex 1 of Minister Order
	<ul style="list-style-type: none"> ▪ The Certificate of Compliance can only be issued by Samtresti 	Legislation : Law on Wine and Vines Minister Order n°2-221. “Rule for issuing a certificate of origin”

**Outline of the Practitioner's Guide to the International
Legal Framework for the Protection of Georgia's Wine
Appellations and Geographical Indications**

OUTLINE OF THE PRACTITIONER'S GUIDE TO THE INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF GEORGIA'S WINE APPELLATIONS AND GEOGRAPHICAL INDICATIONS

I. Why is such a manual necessary?

There is a long list of Georgian laws, regulations and decrees that deal with both wine and vine and also appellations of origin and geographical indications. Georgia is also a signatory to a number of international agreements including the Lisbon Agreement and the Paris Convention. It is also a Member of the World Trade Organization and therefore bound by the TRIPs Agreement which contains important provisions on geographical indications. A number of bilateral agreements are also in negotiation. All these national laws as well as international agreements create many rights and obligations that all players in the wine sector should be fully aware of. At the moment, such information is only accessible to a few specialists. This leads to limited implementation especially for domestic laws.

For example, the Law on Wine and Vine was drafted in 2000 with FAO assistance and, following parliamentary discussions, amendments and various changes, was adopted on February 4th, 2003. It was then followed by various sets of normative acts and decrees. However, to date, there is generally a very degree of awareness of the obligations that the law creates, and in some instances, it is completely ignored. This situation leads to conflicts between the different stakeholders (including between the private sector and the government bodies) regarding ways and means to conduct business and administrative activities related to wine production and sales.

This situation is even more acute because of the high turn-over of government officials that are concerned with the wine sector, especially in the Ministry of Agriculture and SAMTRESTI. This manual will address both domestic steps and rules to be followed by stakeholders when dealing with wine production and sales, but will also address international obligations when Georgian wine export is concerned. The manual will serve as a ready and comprehensive reference guide to all stakeholders in the wine industry and also as a training tool for the staff of concerned government ministries and departments.

II. What will the manual contain?

The manual will have a general introduction in addition to commentaries and the texts of laws and international agreements in the following order:

Foreword [Mr. David Gabunia, General Director, SAKPATENTI]

General Introduction [SAKPATENTI, FAO]

Section I [SAMTRESTI, FAO]

Part A. Law on Wine and Vine adopted on February 4, 2003.
[Comment and full text]

1. Normative Acts, issued May, 2003:

- (a) General Rules and Regulations of Grape Wine Production
[*Comment and full text*]
- (b) Rules of Recording Technological Processes
[*Comment and full text*]
- (c) Rules of Compulsory Notification of Activities Relating to the Production and
Selling of Commodity Output in the Fields of Viticulture and
Winemaking [*Comment and full text*]

2. Normative Acts, issued August 2003:

- (a) Order No. 2-220, Regulation for the Technical and Phytosanitary Control of
the Production of Mother Vine Plantations, Grafting Material and
Engrafted Seedlings [*Comment and full text*]
- (b) Certification Rules for Vine Grafting Material and Engrafted Seedlings
[*Comment and full text*]
- (c) Rules for Special Zones and Grape Growing Regions
[*Comment and full text*]
- (d) Rules for Removal of Grapes from the Zone in order to Produce Wines with
the Denomination of Origin
[*Comment and full text*]
- (e) Rules for controlling the labelling of Alcoholic Drinks of Grape Origin
[*Comment and full text*]

3. Followed by the adoption on January 1, 2004 by the following normative acts:

- (a) Certification System of Alcoholic Drinks
[*Comment and full text*]
- (b) Rules for Certification of Alcoholic Drinks
[*Comment and full text*]
- (c) Rules for Accrediting of Testing Laboratories
[*Comment and full text*]
- (d) Rules for Issuing Certificates of Origin
[*Comment and full text*]
- (e) Rules for Wine Sorting
[*Comment and full text*]

B. Law of Georgia on Appellations of Origin and Geographical Indications of Goods, adopted on July 4, 2002. As well as:

- (a) Order No. 2-37, Regulation on Identification, Registration, Use and Control of Appellations of Origin of Wine and Wine Brandy, issued February 28, 2002.
[*Comment and full text*]
- (b) Order No. 2-57, Procedure for specifying and examining the information necessary for registration of denomination of origin of wine and wine brandy on issued February 20, 2003.
[*Comment and full text*]
- (c) Order No. 2-221, Procedure for state control over production of wine and wine brandy with denomination of origin, issued February 20, 2003.
[*Comment and full text*]

C. Law on Border Measures Relating to Intellectual Property.

[*Comment and full text*]

D. Law on Trademarks.

[*Comment and full text*]

E. Statute of the Legal Entity of Public Law: State Wine and Vine Department SAMTRESTI adopted on February 11, 2003. (Order No. 2-30)

[*Comment and full text*]

Section II [SAKPATENTI]

A. Paris Convention for Protection of Industrial Property

[*Comment and full text*]

B. Lisbon Agreement on the Protection of Appellations of Origin and their Registration

[*Comment and full text*]

C. WTO Agreement on Trade-Related Aspects of Intellectual Property Rights

[*Comment and full text*]

D. Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods

[*Comment and full text*]

III. How will the manual be authored and published?

SAKPATENTI will take the lead in coordinating the process, collecting the laws and international agreements and in making brief comments. The manual will be published jointly by FAO and SAKPTENTI with FAO covering the costs of printing. Printing will be done at SAKPATENTI.

Activity VI. Training on International Legal Framework

The aim of this Activity was to train key wine sector stakeholders on the international legal system related to the protection of appellations. The training session was conducted by FAO, in collaboration with a representative of WTO. It took place during the final workshop of the project, held in Tbilisi on 27 November 2007.

Activity VII. Updating of Technical Standards to International Level

Rationale of the Activity

Georgia's Law on Wine and Vine was drafted in 2000 with the assistance of FAO assistance. Following a series of discussions at the Parliament, the draft was amended and finally adopted on 4 February 2003. It was then followed by the adoption of various sets of normative acts and decrees. Taking in consideration the legal heritage of Georgia as a former member of the Soviet Union and in order to facilitate and speed up its adoption, the Law on Wine and Vine was mostly based on Russian GOST wine standards.

These standards, which are still relevant when wines are exported to Russia, are not adapted for exports to the rest of the world. As Georgia is very keen to export outside of Russia, wine production and quality standards mentioned in the Law on Wine and Vine needed to be updated.

Objective of the Activity

The objective of this Activity was to help the Ministry of Agriculture and SAMTREST to update current wine production and technical standards in order to make them comply with the wine standards of the EU and other target countries for exports.

Deliverables

A report was produced by the FAO with a view to (i) align Georgian oenological practices with international oenological practices, and (ii) update legislation to introduce modern wine-making practices in Georgia. It took into consideration new developments in the Georgian wine sector.

Contribution of Other Donors

GTZ also provided SAMTREST with an in-depth analysis of current standards and EU requirements.

Expected Contribution from SAMTREST

Limits indicated in the provisions proposed by FAO were based on EC regulations (EC 1493/1999). It was left to MAF/SAMTREST to check whether these limits were appropriate for Georgia and adjust them accordingly.

Attached is:

- Proposed Improvements on the Oenological Substances and Practices applied in the Wine Production in Georgia

**Proposed Improvements of the Oenological Substances and
Practices applied in the Wine Production in Georgia**

Proposed Improvements of the Oenological Substances and Practices applied in the Wine Production in Georgia

This Document on “*Proposed improvement on the oenological substances and practices which are to be applied in the wine production in Georgia*” intends to:

- assist in updating technical standards used in Georgia to international levels;
- assist in updating current legislation regulating the wine and vine sector in Georgia.

This contribution is entitled to clarify and refine the provisions stated in the Law of Wine and Vine in Georgia adopted on February 4, 2003.

More specifically, it proposes amendments and clarifications related to **Chapter VI –Article 15 of the Law on Wine and Vine as well as related normative acts**. The different topics covered are: authorized oenological substances and practices, restrictions for the use of certain oenological substances, limits and conditions for certain oenological practices, additional criteria and limits applicable to wine.

This document also addresses an issue that was not included in the Law on Wine and Vine when it was adopted in 2003 but is now needed due to the evolution of the wine-making techniques in Georgia: the production of rectified concentrated grape must.

It should be noted that all the thresholds mentioned in this document are based on **EC regulations (EC 1493/1999)**.

It will be up to MAF/SAMTREST or/and any other competent body to check these limits, adjust them according to current legislation and propose new ones.

This contribution should only been seen as a draft document to be shared, discussed and finalised by stakeholders (public and private) involved in the wine and vine sector of Georgia. Some points are highlighted for special attention.

Table of Contents

I. AUTHORISED OENOLOGICAL PRACTICES AND PROCESSES.....	2
II. AUTHORIZED QUANTITIES AND CRITERIA PERTAINING TO THE USE OF CERTAIN SUBSTANCES	6
III. AUTHORIZED QUANTITIES AND CONDITIONS FOR CERTAIN OENOLOGICAL SUBSTANCES AND PRACTICES	9
ANNEX I	Restrictions on the Use of Certain Substances..... 17
ANNEX II	Requirements and Purity Criteria for Polyvinylpolypyrrolidone..... 18
ANNEX III	Requirements for Calcium Tartrate..... 19
ANNEX IV	Requirements for Beta-glucanase..... 20
ANNEX V	Lactic Bacteria..... 21
ANNEX VI	Requirements for Lysozyme 23
ANNEX VII	Determination of the Loss of Organic Matter from Ion Exchange Resins. 24
ANNEX VIII	Requirements for Electrodialysis Treatment..... 26
ANNEX IX	Requirements for Urease..... 28
ANNEX X	Template for the Register of Oenological Substances and Practices 29
ANNEX XI	Characteristics of Neutral Alcohol which May be Added to Liqueur Wines 30
ANNEX XII	Characteristics of Wine Distillate or Dried Grape Distillate which May be Added to Liqueur Wines 31
ANNEX XIII	Limits or Requirements for the Use or Residual Presence of Certain Substances 32

I. AUTHORISED OENOLOGICAL PRACTICES AND PROCESSES

Article 1

The oenological practices and processes which may be applied to **fresh grapes, grape must, grape must in fermentation, grape must in fermentation extracted from raisined grapes, concentrated grape must and new wine still in fermentation** are:

- a) aeration or the addition of oxygen;
- b) heat treatment;
- c) centrifuging and filtration, with or without an inert filtering agent, on condition that no undesirable residue is left in the products so treated;
- d) use of carbon dioxide, argon or nitrogen, either alone or combined, solely in order to create an inert atmosphere and to handle the product shielded from the air;
- e) use of selected wine yeasts without additives for wine production;
- f) use of one or more of the following practices to encourage the growth of yeasts;
 - addition of diammonium phosphate or ammonium sulphate
 - addition of ammonium sulphite or ammonium bisulphite
 - addition of thiamin hydrochloride within
- g) use of sulphur dioxide, potassium bisulphite or potassium metabisulphite which may also be called potassium disulphite or potassium pyrosulphite;
- h) elimination of sulphur dioxide by physical processes;
- i) treatment of white must and new white wine still in fermentation with active charcoal for oenological use,
- j) clarification by means of one or more of the following substances for oenological use:
 - edible gelatine,
 - isinglass,
 - casein and potassium caseinate,
 - ovalbumin and/or lactalbumin,
 - bentonite,
 - silicon dioxide as a gel or colloidal solution,
 - kaolin,
 - tannin,
 - pectinolytic enzymes,
 - an enzymatic preparation of betaglucanase;
- k) use of sorbic acid or potassium sorbate;
- l) use of tartaric acid for acidification purposes;
- m) the use of preparations of yeast cell wall;
- n) the use of polyvinylpolypyrrolidone;
- o) the use of lactic bacteria in a vinous suspension;
- p) the addition of lysozyme.

Article 2

The oenological practices and processes which may be applied to **grape must intended for the manufacture of rectified concentrated grape must** are:

- a) aeration;
- b) heat treatment;

- c) centrifuging and filtration, with or without an inert filtering agent, on condition that no undesirable residue is left in the product so treated;
- d) use of sulphur dioxide, potassium bisulphite or potassium metabisulphite which may also be called potassium disulphite or potassium pyrosulphite;
- e) elimination of sulphur dioxide by physical processes;
- f) treatment with active charcoal for oenological use;
- g) use of calcium carbonate, which may contain small quantities of the double calcium salt of L (+) tartaric and L (-) malic acids;
- h) use of ion exchange resins.

Article 3

Partial dehydration of grape must [**We don't think that, so far, it has been included in the Law**]

The authorized method for partial dehydration of grape must, pursuant to Article ... of the Law on Wine and Vine, is heat treatment with the exception of direct heat.

Article 4

The processes and oenological practices which may be applied to **grape must in fermentation intended for direct human consumption as such, wine suitable for producing table wine, Vintage wine, Province wine, sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine, liqueur wine and Place of Origin quality wines** are:

- a) use in dry wines, and in quantities not exceeding 5% of fresh lees which are sound and undiluted and contain yeasts resulting from the recent vinification of dry wines [**not included in the current Law**].
- b) aeration or bubbling using argon or nitrogen;
- c) heat treatment;
- d) centrifuging and filtration, with or without an inert filtering agent, on condition that no undesirable residue is left in the products so treated;
- e) use of carbon dioxide, argon or nitrogen, either alone or combined, solely in order to create an inert atmosphere and to handle the product shielded from the air;
- f) addition of carbon dioxide;
- g) use, under the conditions laid down in this Manual, of sulphur dioxide, potassium bisulphite or potassium metabisulphite, which may also be called potassium disulphite or potassium pyrosulphite;
- h) addition of sorbic acid or potassium sorbate provided that the final sorbic acid content of the treated product on its release to the market for direct human consumption does not exceed 200 mg/l;
- i) addition of L-ascorbic acid;
- j) addition of citric acid for wine stabilisation purposes;
- k) use of tartaric acid for acidification;
- l) clarification by means of one or more of the following substances for oenological use:
 - edible gelatine,
 - isinglass,
 - casein and potassium caseinate,
 - ovalbumin and/or lactalbumin,
 - bentonite,
 - silicon dioxide as a gel or colloidal solution,
 - kaolin,
 - an enzymatic preparation of betaglucanase;

- m) addition of tannin;
- n) treatment of white wines with charcoal for oenological use;
- o) treatment
 - of grape must in fermentation intended for direct human consumption as such, white wines and rosé wines with potassium ferrocyanide,
 - of red wines with potassium ferrocyanide or with calcium phytate;
- p) addition of metatartaric acid;
- q) use of acacia;
- r) use of DL tartaric acid, also called racemic acid, or of its neutral salt of potassium for precipitating excess calcium;
- s) use of calcium alginate or of potassium alginate for the manufacture of sparkling wines obtained by fermentation in bottle and with the lees separated by disgorging;
 - the use of yeasts for wine production, dry or in wine suspension, for the production of sparkling wine,
 - the addition, in the production of sparkling wine, of thiamine and ammonium salts to the basic wines, to encourage the growth of yeasts, under the following conditions:
 - for nutritive salts, diammonium phosphate or ammonium sulphate,
 - for growth factors, thiamine in the form of thiamine hydrochloride;
- t) addition, to assist the precipitation of tartar, of
 - potassium bitartrate,
 - calcium tartrate;
- u) use of copper sulphate to eliminate defects of taste or smell in the wine;
- v) the use of preparations of yeast cell wall;
- w) the use of polyvinylpyrrolidone;
- x) the use of lactic bacteria in a vinous suspension;
- y) addition of caramel on colours for use in foodstuffs to reinforce the colour of liqueur wines;
 - addition of lysozyme

Article 5

The following additional oenological practices and processes can be used for **grape must in fermentation intended for direct human consumption as such, wine suitable for producing table wine, vintage wine, province wine, sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine, liqueur wine and *Place of Origin* quality wines**

- a) addition of oxygen;
- b) electro dialysis treatment to ensure the tartaric stabilisation of the wine;
- c) use of a urease to reduce the level of urea in the wine.

Article 6

Coupage and other mixing

1. Coupage of red must or wines with white must or wine does not belong to the list of allowed oenological practices. For the purpose of this paragraph "Rosé" wine shall be regarded as red wine.

2. Coupage or blending of
 - a) table wines with each other,
 - b) wines suitable for yielding table wines with each other or with table wines or,
 - c) vintage wines (we do not like this term (Cf Chapter VI, Art 14 of the Law). Problem of translation?) with each other or,
 - d) Province wines or Place of origin-named quality wines or Place of origin-named controllable quality wines (we do not like these terms (Cf Chapter VI, Art 14 of the Law). Problem of translation?) with each other, shall be prohibited if any of the ingredients does not comply with the Law on Wine and Vine or with this Manual.
3. The following processes shall not be regarded as coupage:
 - a) the addition of concentrated grape must or of rectified concentrated grape must to increase the natural alcoholic strength of the product concerned;
 - b) the sweetening,
 - of a table wine
 - of a regional wine
 - of a place of origin-named wine where the sweetener comes from the specified region whose name it bears or is rectified concentrated grape must
4. The product of mixing fresh grapes, grape must, grape must in fermentation or new wine still in fermentation, where any of those products does not possess the required characteristics for obtaining table wine or wine suitable for yielding table wine, with products suitable for yielding such wines or with table wine, shall not be considered to be table wine or wine suitable for yielding table wine.
5. Where mixing takes place the only products which may be considered to be table wines shall be those resulting from mixing table wines with each other or mixing table wines with wines suitable for yielding table wines, provided that such wines suitable for yielding table wines have a total natural alcoholic strength by volume not exceeding 17 % vol [**EC rule. What about Georgia?**].

II. AUTHORIZED QUANTITIES AND CRITERIA PERTAINING TO THE USE OF CERTAIN SUBSTANCES

[For the information of Georgian wine-makers, we have also included the EC regulation on methods for testing (EC limits to be checked for Georgia).]

Article 7

The substances authorised for oenological purposes listed in Chapter I of this Manual may be used only subject to the limits laid down in **Annex I** (see below).

Article 8

The purity and identification specifications of substances used as oenological substances shall be those laid down in **Annex II** (see below).

Article 9

Calcium tartrate

Calcium tartrate may be used only if it meets the requirements set out in **Annex III** (see below).

Article 10

Tartaric acid

Tartaric acid may be used if it is of agricultural origin and extracted specifically from wine products.

Article 11

Betaglucanase

Betaglucanase may be used only if it meets the requirements set out in **Annex IV** (see below).

Article 12

Lactic bacteria

Lactic bacteria may be used only if they meet the requirements set out in **Annex V** (see below).

Article 13

Lysozyme

Lysozyme may be used only if it meets the requirements set out in **Annex VI** hereto.

Article 14

Ion exchange resins

[Not currently mentioned in Georgian Law].

1. The ion exchange resins shall be styrene and divinylbenzene copolymers containing sulphonic acid or ammonium groups. They must comply with the law on safety of foodstuffs [**to be checked**] and products and substances intended to come into contact with foodstuffs and in the implementing decisions thereof In addition, when tested by the method of analysis laid down in

Annex VII (see below), they must not lose more than 1 mg/l of organic matter into any of the solvents listed. They must be regenerated with substances permitted for use in the preparation of foodstuffs.

2. The resins may be used only under the supervision of a qualified person possessing knowledge of the raw material and the technology for the production of wine.

Article 15

Potassium ferrocyanide

1. Grape must and wine may be clarified with use of potassium ferrocyanide.
2. Potassium ferrocyanide may be used only under supervision of a qualified person possessing knowledge of the raw material and the technology for the production of wine.
3. Wine or grape must clarified with potassium ferrocyanide may not be put into circulation before an analysis of the result of the clarification is carried out by the accredited laboratory.
4. If the control of the clarified wine or grape must establishes the presence of cyanide compounds the clarified wine shall be regarded as non-compliant with this Manual.
5. Any wine or grape- must found to contain cyanide compounds shall be regarded as non-compliant with this Manual.
6. After treatment with potassium ferrocyanide wine must contain traces of heavy metals.

Article 16

Calcium phytate

1. Calcium phytate may be used only under the supervision of a qualified person possessing knowledge of the raw material and the technology for the production of wine.
2. After treatment wine must contain traces of iron.

Article 17

DL-tartaric acid

DL-tartaric acid may be used only under the supervision of an a qualified person possessing knowledge of the raw material and the technology for the production of wine.

Article 18

Electrodialysis treatment

Electrodialysis treatment may be used only if it meets the requirements set out in **Annex VIII** (see below).

Article 19

Urease

Urease may be used only if it meets the requirements and purity criteria set out in **Annex IX** (see below).

Article 20

[Optional]

Additional criteria pertaining to certain wines with geographic indication

The authorized quantities and criteria set in this Chapter for minimum requirement make no obstacle to stricter limits and additional conditions being fixed for certain wines with geographic indication.

Article 21

Addition of oxygen

Addition of oxygen, which is provided for in article 1 (a) and article 6 (a) of this Manual must be carried out using pure gaseous oxygen.

Article 22

[This article should be modified in accordance with the documents approved in Georgia for record keeping for oenological practices]

Record of applied oenological substances and practices

Producers of wine must keep record of the oenological substances used and processes applied in registers established in accordance with the template set forth in **Annex X** (see below).

Each operation must be entered at the latest at the end of the day when it was executed.

III. AUTHORIZED QUANTITIES AND CONDITIONS FOR CERTAIN OENOLOGICAL SUBSTANCES AND PRACTICES

[Based on EC quantities and conditions. To be checked for Georgia]

Article 23

Sulphur dioxide content

1. The total sulphur dioxide content of wines, other than sparkling wines and liqueur wines, may, on their release to the market for direct human consumption, not exceed:
 - 160 milligrams per litre for red wines; and
 - 210 milligrams per litre for white and rosé wines.
2. The maximum sulphur dioxide content shall be raised, as regards wines with a residual sugar content, expressed as invert sugar, of not less than five grams per litre, to 210 milligrams per litre for red wines and 260 milligrams per litre for white and "rosé" wines.

Article 24

Volatile acid content

1. The maximum volatile acid content may not exceed:
 - 18 milliequivalents per litre i.e. 1.08 gr/l expressed as acetic acid for grape must in fermentation;
 - 18 milliequivalents per litre i.e. 1.08 gr/l expressed as acetic acid for white and rosé wines;
 - 20 milliequivalents per litre i.e. 1.20 gr/l expressed as acetic acid for red wines.
2. The levels referred to in paragraph 1 of this article shall apply:
 - to products from grapes harvested within the territory of the Republic of Georgia, at the production stage and at all stages of marketing
 - to grape must in fermentation and wines originating in foreign countries, at all stages following their entry into the territory of the Republic of Georgia.

Article 25

Enrichment limits

1. Where adverse climatic conditions have made it necessary in certain "regions" an increase may be allowed in the natural alcoholic strength by volume of fresh grapes, grape must, grape must in fermentation, and new wine still in fermentation, obtained from the varieties classified as wine grapes varieties pursuant to article 11 of the Law on wine as well as of wine suitable for yielding table wine and table wine.
2. An increase in natural alcoholic strength by volume may not be authorised in respect of the products referred to in the paragraph 1 of this article unless their minimum natural alcoholic strength by volume is 9 % vol.
3. The increase in natural alcoholic strength by volume shall be achieved by means of the oenological practices referred to in article 27 hereafter and may not exceed 2 % vol.

Article 26

Enrichment processes

1. The increase in natural alcoholic strength by volume may only be effected:
 - in respect of fresh grapes, grape must in fermentation or new wine still in fermentation, by adding concentrated grape must or rectified concentrated grape must
 - in respect of grape must, by adding concentrated grape must or rectified concentrated grape must, or by partial concentration including reverse osmosis; and
 - in respect of wine suitable for yielding table wine and table wine, by partial concentration through cooling.
2. The processes mentioned in paragraph 1 of this article shall be mutually exclusive.
3. Enrichment of products other than wine must be carried out in a single operation.
4. The addition of sucrose for purposes of enrichment shall not be considered an authorized oenological practice.
5. The addition of concentrated grape must or rectified concentrated grape must shall not have the effect of increasing the initial volume of fresh crushed grapes, grape must, grape must in fermentation or new wine still in fermentation by more than 6,5 %.
6. The concentration of grape must, of wine suitable for yielding table wine or of table wine subjected to this process shall not have the effect of reducing the initial volume of these products by more than 20 % and in no case shall it increase by more than 2 % vol. their natural alcoholic strength by volume.
7. In no case shall the above mentioned processes have the effect of raising to more than 13,5 % vol. the total alcoholic strength by volume of the fresh grapes, grape must, grape must in fermentation, new wine still in fermentation, wine suitable for yielding table wine or table wine subjected to those processes.
8. Wine suitable for yielding table wine and table wine may not be concentrated when the products from which they were obtained have themselves been subjected to the processes mentioned in paragraph 1(a) and (b) of this article.

Article 27

Acidification / De-acidification

1. **Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be subject to acidification.**
2. Acidification of the products, other than wine, referred to in paragraph 1 may be carried out only up to a limit of 1, 50 g/l expressed as tartaric acid, or 20 milliequivalents per litre.
3. Acidification of wines may be carried out only up to a limit of 2,50 g/l expressed as tartaric acid, or 33,3 milliequivalents per litre.
4. Acidification of products other than wine must be carried out in a single operation. However the State Agricultural Inspectorate may permit these processes to be carried out in more than one

operation where this improves the vinification of the products concerned. In such cases, the limits laid down in this Manual shall apply to the whole operation concerned.

5. Except by way of derogation to be decided on case by case, acidification and enrichment of one and the same product, shall be mutually exclusive processes.
6. Only grape musts intended for concentration may be partially de-acidified.

Article 28

Sweetening

[Sweetening with saccharose is forbidden in Georgia. What about sweetening with grape must? To be discussed, below is a proposal.]

1. The sweetening of table wine and regional wines shall be authorised only:
 - a) with grape must which has at most the same total alcoholic strength by volume as the table wine in question, if the fresh grapes, grape must, grape must in fermentation, new wine still in fermentation or wine suitable for yielding table wine, or the table wine itself, have undergone the enrichment processes defined in **Articles 25 and 26** of this Manual
 - b) with concentrated grape must, or rectified concentrated grape must or grape must, provided that the total alcoholic strength by volume of the table wine in question is not raised by more than 2 % vol., if the products mentioned under (a) have not undergone the enrichment process defined in **Articles 25 and 26** of this Manual.
2. The sweetening of *Place of Origin* quality wines shall be authorised only where it is expressly provided for by the rules defining their methods of production adopted pursuant to **Article ... of the Law on Wine and Vine**.
3. The sweetening of wines shall be authorised only at the production and wholesale stages.
4. The sweetening of imported wines intended for direct human consumption and bearing a geographical designation shall not be considered an authorized oenological practice.

Article 29

Processes

- 1. Neither enrichment nor acidification of fresh grapes, grape must, grape must in fermentation or new wine still in fermentation shall be authorised unless carried out at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine suitable for yielding table wine, into table wine, or into any other beverage intended for direct human consumption referred to in the Law on wine and vine other than sparkling wine or aerated sparkling wine.**
- 2. Acidification of wines may take place only in the wine making undertaking.**
- 3. The quantities of sucrose, concentrated grape must or rectified concentrated grape must held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants except retailers, at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk shall be recorded in accordance with Article 22 of this Manual at the latest at the end of the day when those products arrived at the premises.**
4. Acidification must be recorded on the accompanying document under cover of which the products having undergone the processes are put into circulation.

5. Enrichment and acidification processes may only be carried out:
 - a) before 1 January, and only for products of the grape harvest immediately preceding this date
 - b) in the case of exceptional climatic conditions , before a date fixed by the Ministry of Agriculture.
6. However, concentration by cooling and acidification of wines as well as deacidification of musts intended for concentration may be practised throughout the year.

Article 30

[Articles 30 to 36 should be closely checked by SAMTREST to make sure that they comply with the Georgian Law on Wine and Vine]

Sparkling wine

1. For the purposes of this article:
 - a) "**cuvée**" means:
 - the grape must
 - the wine
 - **the mixture of grape musts and/or wines with different characteristics, intended for the preparation of a specific type of the sparkling wines;**
 - b) "**Tirage liqueur**" means the product added to the cuvée to provoke secondary fermentation;
 - c) "**Expedition liqueur**" means the product added to the sparkling wines to give them special taste qualities.
2. The **total alcoholic strength** by volume of the cuvées intended for the preparation of sparkling wine shall be not less than 8,5 % vol;
3. The **tirage liqueur** intended for the preparation of sparkling wine may contain only:
 - a) Grape must,
 - b) Grape must in fermentation,
 - c) Concentrated grape must,
 - d) Rectified concentrated grape must, or
 - e) Sucrose and wine.
4. The **actual alcoholic strength** by volume, including the alcohol contained in any expedition liqueur added, shall be not less than 9,5 % vol;
5. The total sulphur dioxide content may not exceed 235 milligrams per litre.
6. The **expedition liqueur** may contain only:
 - a) sucrose,
 - b) grape must,
 - c) grape must in fermentation,
 - d) concentrated grape must,
 - e) rectified concentrated grape must,
 - f) wine, or
 - g) a mixture thereof with the possible addition of wine distillate.

7. Without prejudice to enrichment authorised for the constituents of a cuvée, any enrichment of the cuvée shall be prohibited.
8. In respect of regions and varieties for which it is technically justified the cuvée may be enriched at the place of preparation of the sparkling wines under the following conditions:
 - a) None of the constituents of the cuvée has previously undergone enrichment;
 - b) The said constituents are derived solely from grapes harvested in the Republic of Macedonia;
 - c) the enrichment is carried out in a single operation;
 - d) the limit of 2 % vol. is not exceeded;
 - e) The natural alcoholic strength by volume of each constituent is at least 9 % vol.;
 - f) The enrichment is carried out by adding concentrated grape must or rectified concentrated grape must.
9. The addition of tirage liqueur and expedition liqueur shall be considered neither as enrichment nor as sweetening. The addition of tirage liqueur may not cause an increase in the total alcoholic strength by volume of the cuvée of more than 1,5 % vol. This increase shall be measured by calculating the difference between the total alcoholic strength by volume of the cuvée and the total alcoholic strength by volume of the sparkling wine before any expedition liqueur is added.
10. The addition of expedition liqueur shall be carried out in such a way as not to increase the actual alcoholic strength by volume of the sparkling wine by more than 0 5 % vol.
11. Sweetening of the cuvée and its constituents is prohibited.
12. In addition to any acidification of the constituents of the cuvée in accordance with the other provisions of this Manual, the cuvée may be subject to acidification that may be carried out only up to a maximum of 1,5 grams per litre, expressed as tartaric acid, i.e. 20 milliequivalents per litre.
13. In years of exceptional weather conditions the maximum limit of acidification referred to in paragraph 12 of this article may be raised to 2.5 grams per litre or 34 milliequivalents per litre, provided that the natural acidity of the products is not less than 3 g/l, expressed as tartaric acid, or 40 milliequivalents per liter.
14. In compliance with the definition in article 3, paragraph 20 of the Law on wine the excess pressure of carbon dioxide in solution in the sparkling wines is not less than 3 bars. This carbon dioxide may be produced only as a result of the alcoholic fermentation of the cuvée from which such wine is prepared.
15. Such fermentation, unless it is intended for processing grapes, grape must or grape must in fermentation directly into sparkling wine, may result only from the addition of tirage liqueur. It may take place only in bottles or in closed tanks.
16. The use of carbon dioxide in the case of the process of transfer by counter-pressure is authorised under supervision and on condition that the pressure of the carbon dioxide contained in the sparkling wine is not thereby increased.

Article 31

Quality sparkling wine

1. The provisions in paragraphs 1, 8, 9, and 12, 13, 14, 16 and 17 of **Article 30** shall apply to quality sparkling wines.

2. The total alcoholic strength by volume of the cuvées intended for the manufacture of quality sparkling wines shall be not less than 9,5 % vol.
3. The tirage liqueur for quality sparkling wines may contain only:
 - a) Sucrose;
 - b) Concentrated grape must;
 - c) Rectified concentrated grape must;
 - d) Grape must;
 - e) Grape must in fermentation;
 - f) Wine;
 - g) Quality wine,
suitable for yielding the same quality sparkling wine as that to which the tirage liqueur is added.
4. The actual alcoholic strength by volume of quality sparkling wines, including the alcohol contained in any expedition liqueur added, shall be not less than 10 % vol.
5. Notwithstanding paragraph 14 of **Article 30** of this Manual, quality sparkling wines, when kept at a temperature of 20 °C in closed containers, shall have an excess pressure of not less than 3,5 bars. However, for quality sparkling wines kept in containers of a capacity of less than 0,25 litres, the minimum excess pressure shall be 3 bars.
6. The total sulphur dioxide content of the quality sparkling wines shall not exceed 185 milligrams per litre.
7. The duration of the process of making quality sparkling wines, including ageing in the undertaking where they are made and reckoned from the start of the fermentation process designed to make the wines sparkling, may not be less than:
 - a) six months where the fermentation process designed to make the wines sparkling takes place in closed tanks;
 - b) Nine months where the fermentation process designed to make the wines sparkling takes place in the bottles.
8. The duration of the fermentation process designed to make the cuvée sparkling and the duration of the presence of the cuvée on the lees shall not be less than:
 - a) 90 days;
 - b) 30 days if the fermentation takes place in containers with stirrers.

Article 32

Quality sparkling wines of the aromatic type

1. The provisions in paragraphs 1, 3, 4 and 6 of **Article 31** shall apply to quality sparkling wines of the aromatic type.
2. Quality sparkling wines of the aromatic type may be obtained by making exclusive use, when constituting the cuvée, of grape must or grape must in fermentation derived from grape varieties classified to that end pursuant to article 11 of the Law on Wine.
3. Control of the fermentation process before and after the constitution of the cuvée may be carried out, for the purpose of making the cuvée sparkling, only by refrigeration or by other physical processes.

4. The addition of an expedition liqueur shall not be considered an authorized oenological practice.
5. The actual alcoholic strength by volume of quality aromatic sparkling wines may not be less than 6% vol.
6. When kept at a temperature of 20 °C in closed containers, quality aromatic sparkling wines must have an excess pressure of not less than 3 bars;
7. The duration of the process of producing quality aromatic sparkling wines may not be less than one month.

Article 33

Liqueur wine

1. For the preparation of liqueur wine, the following products shall be used:
 - grape must in fermentation; or
 - wine; or
 - mixtures of products referred to in the preceding indents;
2. Furthermore, the following shall be added to the products referred to in paragraph 1 of this article:
 - a) the products below, either individually or in combination:
 - neutral alcohol obtained from the distillation of products of the wine sector, including dried grapes, having an alcoholic strength of not less than 96 % vol. and displaying the characteristics laid down in Annex XI hereto
 - wine distillate or dried grape distillate with an alcoholic strength of not less than 52 % vol., and not more than 86 % vol. The characteristics of wine distillate and dried-grape distillate which may be added to liqueur wines shall be as laid down in Annex XII hereto.
 - b) concentrated grape must.
3. The products referred to in paragraph 1 and used for preparing liqueur wines may have undergone, only the oenological practices and processes referred to in this Manual.
4. The increase in natural alcoholic strength may be due only to the use of the products referred in paragraph 2 of this article
5. The following are also authorised:
 - a) Sweetening, if the basic wine has not undergone enrichment. It may be carried out by means of:
 - concentrated grape must or rectified concentrated grape must, provided that the increase in the total alcoholic strength by volume of the wine in question is not more than 3 % vol
 - concentrated grape must or rectified concentrated grape must for liqueur wines and provided that the increase in the total alcoholic strength by volume of the wine in question is not more than 8 % vol;
 - b) the addition of alcohol or distillate, as referred to in paragraphs 1 and 2 of this article, in order to compensate for losses due to evaporation during ageing;

- c) ageing in vessels at a temperature not exceeding 50 °C.
- 6. The total sulphur dioxide content of liqueur wines, when released to the market for direct human consumption, may not exceed:
 - a) 150 mg/l where the residual sugar content is less than 5 g/l;
 - b) 200 mg/l where the residual sugar content is more than 5 g/l.
- 7. The vine varieties from which the products referred to in paragraph 1 of this article are produced, used for the preparation of liqueur wines shall be selected from those classified as suitable for producing liqueur wines pursuant to article 11 of the Law on wine.
- 8. The natural alcoholic strength by volume of the products referred to in paragraph 1 of this article used for the preparation of a liqueur wine may not be less than 12 % vol.

Article 34

Quality liqueur wine

- 1. The products referred to in paragraph 1 of article 33 of this Manual and the concentrated grape must or the partially fermented grape must obtained from raisined grapes referred to in paragraph 2, used for the preparation of a quality liqueur wine, must be obtained from the specified area of which the quality liqueur wine in question bears the name.
- 2. The operations referred to in paragraphs 3 to 6 of article 33 for the preparation of quality liqueur wines produced in specified regions may be performed only within the specified area referred to in paragraph 1 of this article.

Article 35

Dessert wine

Quality liqueur wine may be referred to as "dessert wine":

- a) where it is obtained from grape must which natural alcohol content is not less than 14 % vol. and
- b) where during the fermentation process it undergoes the addition of. neutral alcohol of wine origin or wine distillate resulting in an increase of no less than 5 % vol and no more than 10 % vol in alcohol content.

Article 36

Maximum residual quantity of certain substances

Wines produced in compliance with the provisions set forth in this Manual, shall contain maximum residual quantity of certain substances, as referred to in Annex XIII of this Manual (see below).

Restrictions on the Use of Certain Substances

The maximum limits applying to the use of the substances referred to in **Article 7** of the present Manual in accordance with the conditions laid down therein are as follows.

Substance	Use with fresh grapes, grape must, grape must in fermentation, grape must in fermentation obtained from raisined grapes, concentrated grape must and new wine still in fermentation	Use with grape must in fermentation intended for direct human consumption as such, wine suitable for producing table wine, Vintage wine, Province wine, sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine,
Preparations of yeast cell wall	40 g/hl	40 g/hl
Carbon dioxide		maximum content in wine thus treated: 2 g/l
L-ascorbic acid		250 mg/l; the maximum content in wine thus treated must not exceed
Citric acid		maximum content in wine thus treated: 1 g/l
Metatartaric acid		100 mg/l
Copper sulphate		1g/hl provided the copper content of the product thus treated does not exceed 1 mg/l
Charcoal for oenological	100 g dry weight per hl	100 g dry weight per hl
Nutritive salts: diammonium phosphate or ammonium sulphate	1 g/l (expressed in salt ^(*))	0,3 g/l (expressed in salt) for the preparation of sparkling wine
Ammonium sulphite or ammonium bisulphite	0,2 g/l (expressed in salt ^(*))	
Growth factors: thiamine in the form of thiamine hydrochloride	0,6 mg/l (expressed in thiamine)	0,6 mg/l (expressed in thiamine) for the preparation of sparkling wine
Polyvinylpolypyrrolidone	80 g/hl	80 g/hl
Calcium tartrate		200 g/hl
Calcium phytate		8 g/hl
Lysozyme	500 mg/l ^(**)	500 mg/l ^(**)

^(*) These products may also be used in combination, up to an overall limit of 1 g/l, without prejudice to the 0,2 g/l limit set above.

^(**) Where added to both the must and the wine, the total quantity must not exceed the limit of 500 mg/l.

Requirements and Purity Criteria for Polyvinylpyrrolidone

Polyvinylpyrrolidone (PVPP) is a statistically reticulated polymer of [1-(2-oxo-1-pyrrolidinylethylene).

It is manufactured by polymerizing N-vinyl-2-pyrrolidone in the presence of a catalyst, which may be either caustic soda or N,N'-divinylimidazolidone.

Characteristics

Light powder, white to cream-coloured. Insoluble in water and organic solvents. Insoluble in strong mineral acids and alkalis.

Tests

1. Loss on drying

Less than 5% in the following conditions:

Place 2 g of PVPP in a silica capsule with a diameter of 70 mm; dry in oven at 100 to 105 °C for six hours. Leave to cool in a desiccator and weigh.

Note: All the limits fixed below refer to dry weight.

2. Ash

Weight of ash less than 0.5 % in the following conditions:

Gradually ash the residue from test 1, without exceeding 500 to 550 °C, and weigh.

3. Arsenic

Less than 2 parts per million in the following conditions.

Preparation of the product to be tested

Place 0,5 g of PVPP into a round-bottom flask of borosilicate glass placed on a disk with a hole in the middle, with the neck inclined. Add 5 ml of pure sulphuric acid (AR quality) and 10 ml of pure nitric acid (AR quality) and heat gradually. When the mixture begins to turn brown, add a small quantity of nitric acid and continue to heat. Continue in this way until the liquid remains colourless and the flask fills with white SO₃ fumes. Leave to cool, take up in 10 ml of water and reheat to dispel the nitrous vapours until white fumes are obtained. This operation is repeated a second time; after taking up a third time, bring to the boil for a few seconds, cool and make up to 40 ml with water

Requirements for Calcium Tartrate

Area of application

Calcium tartrate is added to wine as a technological adjuvant to assist the precipitation of tartar and help the tartaric stabilisation of the wine by reducing the final potassium hydrogen tartrate and calcium tartrate concentrations.

Requirements

- the maximum dose is fixed in Annex I to this Manual
- where calcium tartrate is added, the wine must be shaken and cooled and the crystals formed must be separated by physical processes

Requirements for Beta-glucanase

1. International code for beta-glucanase: E.C. 3-2-1-58.
2. Beta-glucan hydrolase (breaking down the glucan in *Botrytis cinerea*).
3. Origin: *Trichoderma harzianum*.
4. Area of application: breaking down the beta-glucans present in wines, in particular those produced from botrytised grapes.
5. Maximum dose: 3 g of the enzymatic preparation containing 25 % total organic solids (TOS) per hectolitre.
6. Chemical and microbiological purity specifications.

Loss on drying	Less than 10 %
Heavy metals	Less than 30 ppm
Pb:	Less than 10 ppm
As:	Less than 3 ppm
Total coliforms:	Absent
<i>Escherichia coli</i>	Absent in 25 g sample
<i>Salmonella</i> spp:	Absent in 25 g sample
Aerobic count:	Less than 5×10^4 cells/g

Lactic Bacteria

Requirements

Lactic bacteria, the use of which is provided for in **Article 12** of this Manual must belong to the genera *Leuconostoc*, *Lactobacillus* and/or *Pediococcus*. They must convert the malic acid in must or wine into lactic acid and not affect the taste. They must have been isolated from grapes, must, wine or products made from grapes. The name of the genus and species and the reference of the strain must be shown on the label, with the origin and the strain breeder.

Prior authorisation must be obtained for genetic manipulation of lactic bacteria.

Form

They must be used in liquid or frozen form or as a powder obtained by lyophilisation, in pure culture or associated culture.

Immobilized bacteria

The carrier medium for a preparation of immobilised lactic bacteria must be inert and must be permitted for use in winemaking.

Controls

Chemical

The same requirements as regards screened substances as in other oenological preparations, and heavy metals in particular.

Microbiological

- the level of revivifiable lactic bacteria must be 10⁸/g or 10⁷/ml or more;
- the level of lactic bacteria of a species different from the strain or strains indicated must be less than 0.01 % of the total revivifiable lactic bacteria;
- the level of aerobic bacteria must be less than 10³ per gram of powder or per millilitre;
- the total yeast content must be less than 10³ per gram of powder or per millilitre;
- the mould content must be less than 10³ per gram of powder or per millilitre.

Additives

Additives used in preparing the culture or reactivation of lactic bacteria must be substances permitted for use in foodstuffs and must be mentioned on the label.

Date of production

The manufacturer must indicate the date on which the product left the factory date of expiry.

Use

The manufacturer must indicate instructions for use or the reactivation method.

Preservation

The storage conditions must be clearly marked on the label.

Methods of analysis

- Lactic bacteria: medium A(1), B(2) or C(3) with the utilisation method for the strain as indicated by the producer.
- Aerobic bacteria: Bacto-Agar medium.
- Yeasts: Malt-Wickerham medium.
- Mould: Malt-Wickerham or Czapeck medium.

Medium A	
Yeast extract	5 g
Meat extract	10 g
Trypsic peptone	15 g
Sodium acetate	5 g
Ammonium citrate	2g
Tween 80	1 g
Manganous sulphate	0.050 g
Magnesium sulphate	0.200 g
Glucose	20 g
Water to make up	1 000 ml
pH	5.4
Medium B	
Tomato juice	250 ml
Difco-yeast extract	5 g
Peptone	5 g
L-malic acid	3g
Tween 80	1 drop
Manganous sulphate	0.050 g
Magnesium sulphate	0.200 g
Water to make up	1 000 ml
pH	4.8
Medium C	
Glucose	5 g
Tryptone Difco	2g
Peptone Difco	5 g
Liver extract	1 g
Tween 80	0.05 g
Tomato juice diluted 4,2 times filtered with Whatman No 1	1 000 ml
pH	5.5

Requirements for Lysozyme

Area of application

Lysozyme may be added to grape must, grape must in fermentation and wine, for the following purpose: to control the growth and activity of the bacteria responsible for malolactic fermentation in these products.

Requirements

The maximum dose is fixed in Annex I to this Manual.

Determination of the Loss of Organic Matter from Ion Exchange Resins

1. Scope and area of application

The method described in this annex determines the loss of organic matter from ion exchange resins.

2. Definition

The loss of organic matter from ion exchange resins. The loss of organic matter is determined by the method specified in paragraphs 3 to 7 hereinafter.

3. Principle

Extracting solvents are passed through prepared resins and the weight of organic matter extracted is determined gravimetrically.

4. Reagents

All reagents should be of analytical quality.

Extracting solvents.

- 1.1 Distilled water or de-ionised water of equivalent purity.
- 1.2 Ethanol, 15 % v/v. Prepare by mixing 15 parts of absolute ethanol with 85 parts of water (4.1 l).
- 1.3 Acetic acid, 5% m/m. Prepare by mixing 5 parts of glacial acetic acid with 95 parts of water (4.1).

5. Apparatus

- 5.1 Ion exchange chromatography columns.
- 5.2 Measuring cylinders, capacity 2 l.
- 5.3 Evaporating dishes capable of withstanding a muffle furnace at 850 °C.
- 5.4 Drying oven, thermostatically controlled at 105 ± 2 °C.
- 5.5 Muffle furnace, thermostatically controlled at 850 ± 25 °C.
- 5.6 Analytical balance, accurate to 0,1 mg.
- 5.7 Evaporator, hot plate or infra-red evaporator.

6. Procedure

- 6.1 Add to each of three separate ion exchange chromatography columns (5.1) 50 ml of the ion exchange resin to be tested, washed and treated in accordance with the manufacturer's directions for preparing resins for use with food.
- 6.2 For the anionic resins, pass the three extracting solvents (4.1, 4.2 and 4.3) separately through the prepared columns (6.1) at a flow rate of 350 to 450 ml/h. Discard the first litre of eluate in each case and collect the next two litres in measuring cylinders (5.2). For the cationic resins, pass only solvents 4.1 and 4.2 through the columns prepared for this purpose.
- 6.3 Evaporate the three eluates over a hot plate or with an infra-red evaporator (5.7) in separate evaporating dishes (5.3) which have been previously cleaned and weighed (m_0). Place the dishes in an oven (5.4) and dry to constant weight (m_1).

- 6.4 After recording the constant weight (6.3), place the evaporating dish in the muffle furnace (5.5) and ash to constant weight (m_2).
- 6.5 Calculate the organic matter extracted (7.1). If the result is greater than 1 mg/l, carry out a blank test on the reagents and recalculate the weight of organic matter extracted.

The blank test should be carried out by repeating sections 6.3 and 6.4 but using two litres of the extracting solvent, to give weights m_3 and m_4 in sections 6.3 and 6.4 respectively.

7. Expression of results

7.1 Formula and calculation of results

The organic matter extracted from ion exchange resins, in mg/l, is given by: $500 (m_1 - m_2)$ where m_1 and m_2 are expressed in grams.

The corrected weight (mg/l) of the organic matter extracted from ion exchange resins is given by: $500 (m_1 - m_2 - m_3 + m_4)$ where m_1 , m_2 , m_3 and m_4 are expressed in grams.

- 7.2 The difference in the results between two parallel determinations carried out on the same sample must not exceed 0.2 mg/l.

Requirements for Electrodialysis Treatment

The purpose is to obtain tartaric stability of the wine with regard to potassium hydrogen tartrate and calcium tartrate (and other calcium salts) by extraction of ions in supersaturation in the wine under the action of an electrical field and using membranes that are either anion-permeable or cation-permeable.

1. Membrane requirements

- 1.1 The membranes are to be arranged alternately in a 'filter-press' type system or any other appropriate system separating the treatment (wine) and concentration (waste water) compartments.
- 1.2 The cation-permeable membranes must be designed to extract cations only, in particular K^+ and Ca^{++} .
- 1.3 The anion-permeable membranes must be designed to extract anions only, in particular tartrate anions.
- 1.4 The membranes must not excessively modify the physico-chemical composition and sensory characteristics of the wine. They must meet the following requirements:
 - they must be manufactured according to good manufacturing practice from substances authorised for the manufacture of plastic materials intended to come into contact with foodstuffs;
 - the user of the electrodialysis equipment must show that the membranes used meet the above requirements and that any replacements have been made by specialised personnel;
 - they must not release any substance in quantities endangering human health or affecting the taste or smell of foodstuffs;
 - their use must not trigger interactions between their constituents and the wine liable to result in the formation of new compounds that may be toxic in the treated product.

The stability of fresh electrodialysis membranes is to be determined using a simulant reproducing the physico-chemical composition of the wine for investigation of possible migration of certain substances from them.

The experimental method recommended is as follows:

The simulant is a water-alcohol solution buffered to the pH and conductivity of the wine. Its composition is as follows:

- absolute ethanol: 11 l,
- potassium hydrogen tartrate: 380 g,
- potassium chloride: 60 g,
- concentrated sulphuric acid: 5 ml,
- distilled water: to make up 100 litres.

This solution is used for closed circuit migration tests on an electrodialysis stack under tension (1 volt/cell), on the basis of 50 l/m^2 of anionic and cationic membranes, until 50 % demineralisation of the solution. The effluent circuit is initiated by a 5 g/l potassium chloride solution. Migrating substances are tested for in both the simulant and the effluent.

Organic molecules entering into the membrane composition that are liable to migrate into the treated solution will be determined. A specific determination will be carried out for each of these constituents

by an approved laboratory. The content in the simulant of all the determined compounds must be less than 50 g/l.

The general rules on controls of materials in contact with foodstuffs must be applied to these membranes.

2. Membrane utilisation requirements

The membrane pair is formulated so that the following conditions are met:

- the pH reduction of the wine is to be no more than 0.3 pH units;
- the volatile acidity reduction is to be less than 0.12 g/l (2 meq expressed as acetic acid);
- treatment must not affect the non-ionic constituents of the wine, in particular polyphenols and polysaccharides;
- diffusion of small molecules such as ethanol is to be reduced and must not cause a reduction in alcoholic strength of more than 0.1 % vol.;
- the membranes must be conserved and cleaned by approved methods with substances authorised for use in the preparation of foodstuffs;
- the membranes are marked so that alternation in the stack can be checked;
- the equipment is to be run using a command and control mechanism that will take account of the particular instability of each wine so as to eliminate only the supersaturation of potassium hydrogen tartrate and calcium salts;
- the treatment is to be carried out on the responsibility of an oenologist or qualified technician.

The treatment is to be recorded in the register referred to in **Article ...** of this Manual.

Requirements for Urease

1. International code for urease: EC 3-5-1-5, CAS No 9002-13-5.
2. Activity: urease activity (active at acidic pH), to break down urea into ammonia and carbon dioxide. The stated activity is not less than 5 units/mg, one unit being defined as the amount that produces one μmol of ammonia per minute at 37 °C from 5 g/l urea at pH 4.
3. Origin: *Lactobacillus fermentum*.
4. Area of application: breaking down urea present in wine intended for prolonged ageing, where its initial urea concentration is higher than 1 mg/l.
5. Maximum quantity to be used: 75 mg of enzyme preparation per litre of wine treated, not exceeding 375 units of urease per litre of wine. After treatment, all residual enzyme activity must be eliminated by filtering the wine (pore size < 1 μm).
6. Chemical and microbiological purity specifications:

Loss on drying	Less than 10 %
Heavy metals	Less than 30 ppm
Lead:	Less than 10 ppm
Arsenic:	Less than 2 ppm
Total coliforms:	Absent
<i>Salmonella</i> spp:	Absent in 25 g sample
Aerobic count:	Less than 5×10^4 cells/g

Urease used in the treatment of wine must be prepared under similar conditions to those for urease as covered by the opinion of the Scientific Committee for Food of 10 December 1998.

Template for the Register of Oenological Substances and Practices
[to be checked by SAMTREST]

Identity of the Declarant, Location of the Premises, Page Number				
Date/hour of the operation	Description of the operation (nature/substances used /quantity)	Reference number of the container /Characteristics of the wine or wine product before the operation/	Characteristics of the wine or wine product after the operation/	Comment
n°1				
n° 2				
etc.				

Characteristics of Neutral Alcohol which May be Added to Liqueur Wines

1. **Organoleptic characteristics:** no extraneous flavour detectable in the raw material
2. **Minimum alcoholic strength by volume:** 96 % vol
3. **Maximum values of residue elements:**
 - **Total acidity**
expressed in g of acetic acid per hl of alcohol at 100 % vol.: 1.5
 - **Esters**
expressed in g of ethyl acetate per hl of alcohol at 100 % vol.: 1.3
 - **Aldehydes**
expressed in g of acetaldehyde per hl of alcohol at 100 % vol.: 0.5
 - **Higher alcohols**
expressed in g of 2-methylpropanol-1 per hl of alcohol at 100 % vol.: 0.5
 - **Methanol**
expressed in g per hl of alcohol at 100 % vol.: 50
 - **Dry extract**
expressed in g per hl of alcohol at 100 % vol.: 1.5
 - **Volatile bases containing nitrogen**
expressed in g of nitrogen per hl of alcohol at 100 % vol.: 0.1
 - **Furfural:** Not detectable

Characteristics of Wine Distillate or Dried-Grape Distillate which May be Added to Liqueur Wines

1. Organoleptic characteristics	No extraneous flavour detectable in the raw material
2. Alcoholic strength by volume: Minimum maximum	52 % vol 86 % vol
3. Total quantity of volatile substances other than ethyl and methyl alcohol	125 g/hl alcohol or more at 100 % vol
4. Maximum methyl-alcohol content	< 200 g/hl alcohol at 100 % vol

Limits or Requirements for the Use or Residual Presence of Certain Substances

SUBSTANCE	MAXIMUM QUANTITY APPLIED	MAXIMUM RESIDUAL QUANTITY IN WINE
Sulphates		General rule: <u>1 g/l</u> (in potassium sulphates) <u>1.5g/l</u> for wines aged in casks for at least 2 years, for sweetened wines or for wines with addition of alcohol or brandy <u>2g/l</u> for naturally sweet wines or for wines with addition of concentrated musts 2.5 g/l for wines obtained under a veil of lees
Fluoride		1.0 mg/l except in case of authorised treatment with "criolithe":3.0 mg/l
Bromine		Max 1.0 mg l (total); Exceptionally more for wines originating in a salty soil
Boron		80 mg/l (boric acid)
Lead		0.20mg/l
Zinc		5 mg/l
Copper		1.0 mg/l
Cadmium		0.01 mg/l
Arsenic		0.2 mg/l
Natrium (sodium)		60mg/l. Exceptionally more for specific vineyards recognised as such by official services
Malvidol diglucoside		15 mg/l
Arabic gum	0.3 g/l	
Methanol		300 mg/l (red wine) 150 mg/l (white and rosé)
Di-Ethyl glycol		10 mg/l
Ethyl glycol		10 mg/l
Ochratoxin A (OTA)		In micrograms/kg: 2.0 for - Wine (white, rosé, red) - Grape juice, - concentrated grape juice - Musts and concentrated musts for direct human consumption

Activity VIII. Improvement of Documentation for Grape Production and Wine Processing and Review of Passportization System

Rationale of the Activity

According to the Georgian Law on Wine and Vine, documents are required at almost every stage of wine production. Unfortunately, the system in place does not provide ways of tracking or linking the different documents together, making it easy to issue false declarations. In addition, some documents are difficult to issue because the information required is not clear. There are also no documents required for the transportation of wine in bulk or in bottle within Georgia. To fight successfully against wine counterfeiting, this set of document needs to be revised, simplified and made easier to verify.

Objective of the Activity

The objective of the Activity was to audit the current set of document tracking the production, bottling and sales of wine within and outside of Georgia and make recommendations on improving this set of documents.

Deliverables

Examples of improved documents were presented during the final workshop. The example of EC Regulation 884/2001, adopted on 24 April 2001 and addressing this very specific issue, was elaborated upon.

Attached is:

- EC Regulation 884/2001 on Rules of Application Concerning Documents Accompanying the Carriage of Wine Production and the Records to be Kept in the Wine Sector

EC Regulation 884/2001 on Rules of Application Concerning Documents Accompanying the Carriage of Wine Production and the Records to be Kept in the Wine Sector

EC Regulation 884/2001 on Rules of Application Concerning the Documents Accompanying the Carriage of Wine Production and the Records to be Kept in the Wine Sector

In line with the Law on Wine and Vine passed in 2003, number of decrees and normatives acts have been adopted (see document n°5 for the detailed list) to implement the Law and provide the necessary legal framework for the development and protection of the wine and spirits sector.

However, among the set of normative acts that was established, one is still missing and provide a gap in the legislative framework that leaves open space for counterfeited activities and falsification.

The normative acts that are missing in the Georgian Wine and Vine Law is related to the establishment and necessary implementation procedure for the documents accompanying the carriage of wine production with Georgia and the records to be kept by the different stakeholders involved in this activity of wine transportation.

This document is assisting in filling this gap by providing the example of the EC Regulation adopted April 24, 2001 addressing this very specific issue (**EC Regulation 884/2001 of 24 April 2001**). See <http://europa.eu.int/> for full text).

This document is intended to be of use for SAMTREST or any entity in charge of adapting current legislation to improve the fight against counterfeited and falsified wines.

1. Records according to the EC legislation

1.1 Who keeps them?

- **Any natural or legal person holding wine product (except vinegar) for professional or commercial purpose.**
- **Exception:** retailers or drink sellers for consumption on the spot.
- **Possible exceptions:**
 - Persons detaining stocks only of small containers fitted with non reusable devices (with supporting documents)

1.2 In what shape?

- **For traders not performing any oenological practice:**
 - **No specific book :**only keeping the accompanying documents

- **For traders performing oenological practice**
 - For each batch entering or leaving the premises
 - In a book with fixed numbered page kept on the premises where the products are held or in an accounting system approved by the authorities (or by a specialist firm under conditions)
- **For producers**
 - Same as for traders above or
 - In simple cases: mere annotations on the back of the harvest , production or stock declarations

1.3 What types of records?

a. Inwards outwards goods registers

- **Separate accounts**
 - for each product as defined in the legislation (including the colour)
 - for each wine with a geographical indication (with possible exception for containers under 60 l)
- **Entries to be also made in case of :**
 - downgrading of wine with a geographical indication
 - losses : maximum % to be fixed (by MAF/SAMTREST) and procedure in case of accident
 - personal consumption (conditions to be fixed)
- **Balance once a year** on a date to be fixed: civil year? Wine year? Other?
- **Stock** (beginning /end of the year) to be entered

b. Record of oenological practices, processing and bottling

- Nature, date, quantities involved, description of each of 16 practices listed in art 14 of R 884/2001(duplicates of the compulsory notifications made to the control services)
- Identification of the containers involved (before and after)
- In case of bottling: number of bottles or address of the contract bottler.
- Specific items in case of processing of sparkling wine
- Same for liqueur wine

Comment to the attention of SAMTREST:

separate records for oenological practices –bottling -processing are advisable

c. Record of sweetening/enriching /acidifying substances/spirits distilled from wine

- All entries and withdrawal
- Stock held

Comment to SAMTREST:

separate records for spirits distilled from wine are advisable

2. When shall entries be made? Deadlines:

a. Inwards movements:

- working day following the reception
- possible longer delays in case of computerised records subject to conditions (immediate check possible with help of other documents)

b. outwards movements:

- the 3rd working day following dispatch

c. oenological practices –bottling-processing :

- the working day following the operation
- **enrichment:** the day of the operation
- **bottling in small containers fitted with non reusable closing device:** possibility of a monthly declaration

d. oenological products or wine spirits

- working day following reception or dispatch
- the day of use

3. Connection between backing documents and inwards outwards goods registers

INWARDS MOVEMENTS	OUTWARDS MOVEMENTS
I) grapes (per category/geographical origin and variety)	
grapes produced (harvest declaration)	grapes sold (certificates of origin issued)
grapes purchased (accompanying documents received) (1)	grapes processed including losses (specific record)
II must and wine (per product/category/geographical indication/ colour)	
must and wine produced (specific record : processing)	must and wine dispatched (accompanying documents)
must and wine purchased (accompanying documents)	must and wine processed (specific register) or transformed
	losses
	self consumption
Stock at beginning of year	Stock at end of year (balance, declaration) Compare with physical checks and determine losses
II Output of secondary processing (per product/category/geographical indication/ colour)	
Out put in secondary processed or transformed products (Sparkling wine, liqueur wine or other)	Secondary processed products dispatched (accompanying documents)
Sparkling wine, liqueur wine.. etc purchased (accompanying documents)	Losses in sparkling wine, liqueur wine
Stock of sparkling wine,(liqueur wine etc) at beginning of year	Stock at end of year (balance, declaration) Compare with physical checks and determine losses

Activity IX. Updating Current Set of Laws Regulating the Wine Sector

Rationale of the Activity

The Law on Wine and Vine of Georgia was drafted in 2000 with FAO assistance. It was adopted on 4 February 2003. However, after 2003, the wine sector in Georgia went through major changes: the technical equipment of wineries greatly improved, imports of vine cuttings and rootstocks drastically increased, borders of appellations were modified, the role of SAMTREST was modified, etc. The Law had to be updated.

Objective of the Activity

The objective of this Activity was to help the Ministry of Agriculture to update the Law on Wine and Vine.

Deliverables

FAO commented on proposed amendments to the Law made by the Agrarian Committee of the Georgian Parliament and proposed a series of amendments that could be introduced in the Law.

Expected Contribution from Local Stakeholders

The documents prepared by FAO were circulated to both SAMTREST and the Agrarian Committee of the Parliament for their consideration and further action.

Attached are:

- Comments on Proposed Amendments to the Wine Law prepared by the Agrarian Committee of the Parliament
- Proposed Provisions to be inserted in the Law on Wine and Vine

**Comments on Proposed Amendments to the Wine Law
prepared by the Agrarian Committee of the Parliament**

Comments on Proposed Amendments to the Wine Law prepared by the Agrarian Committee of the Parliament

Preliminary Remarks

Coordination between Public and Private Stakeholders

Since 1998, FAO has been actively involved in assisting the Georgian Ministry of Agriculture (MAF) and all stakeholders involved in the Georgian wine sector in adopting wine and vine legislation adapted to the specificities of the Georgian wine sector and compatible with international regulations.

Since the adoption, in 2003, of the Wine and Vine Law, the Georgian wine and vine sector has considerably changed. It has modernised and has successfully attracted national and international investors. It is on its way to becoming a significant player in the world wine sector.

To further strengthen the development of its wine sector and face international competition, Georgia needs to update its current wine and vine legislation.

However, this task cannot be conducted without all stakeholders being involved in the process. FAO recommends stronger cooperation, systematic exchanges of information and discussions between MAF, SAMTRESTI, the Agrarian Committee of the Parliament, as well as private sector and international institutions. The lack of stakeholder involvement in the process of updating the Wine and Vine Law can only lead to frustrations and misunderstanding. It could jeopardize Georgia's prospect to emerge as a strong player in the international wine arena.

Caveat

In January 2007, a draft law proposing amendments to the “Law of Georgia on Vine and Wine” was prepared by the Agrarian Committee of the Parliament of Georgia at the initiative of Mr Murman Kuridze.

The English version of this draft law was submitted to FAO by the Parliament for comments and suggestions. The English version of the draft law was of poor quality. The following comments should therefore be taken with caution, as some terms and concepts might have been misunderstood.

Document Analysed

The document handed over to FAO for comments is attached in Annex 1.

Comments on Proposed Amendments to the Wine Law prepared by the Agrarian Committee of the Parliament

1. Comments on the Introductory Note

The introductory note provides a set of prescriptive points that lead to a stronger, updated and more efficient Law on Wine and Vine. These include:

- definition of falsification;
- creation of databases on vineyards and grape processing activities;
- obligation of declaration of movement/transport of alcoholic beverages;
- creation of a permanent wine tasting commission;
- creation of a stricter legislative framework for Appellation of Origin (AO) wine and spirits;
- introduction of mandatory certification procedures for exports;
- introduction of a new classification for brandy.

The amendments submitted to FAO for comments are supposed to reflect these prescriptive points. In most cases, however, they fail to achieve the announced objectives and only provide for approximate legislative solutions.

2. Comments on Proposed Articles

i. Article 2

The proposed amendment adds and defines a new term - “*falsification*”. The article should clarify if the term refers to prohibited “acts” or prohibited “products” and the definition should be adjusted accordingly. In addition, in the proposed amendments, Article 33(6) defines “*falsification*” differently as a series of four prohibited actions. Article 33(6) is more useful from a penal point of view. Given the presence of this much clearer Article, Article 2 might be of little value.

FAO favours the introduction of the definition of “*falsification*” in the Law of Wine and Vine. However, it is necessary to differentiate between “*mal practice*” and “*deliberate intention to damage, hurt or mislead*”. It is therefore recommended that felony and penal cases should only be associated to the “*act*” of conducting falsification (with the deliberate intention to mislead consumers, hurt their health or not comply with approved regulations) rather than with “*prohibited products*”

ii. Article 8

According to Minister Order n° 2-220 dated 12 August 2003 on “*Regulations for the Technical and Phytosanitary Control of Production of Vine Mother Plantations, Grafting Material and Engrafted Seedlings*”, the enforcement of the above regulations is entrusted to SAMTRESTI, according to procedures established by the Ministry of Agriculture of Georgia.

The proposed amendment intends to delete the reference to SAMTRESTI as the entity responsible for conducting such activities.

FAO does not oppose this proposal. However, in order to avoid the development of falsification in the production of vine, it is strongly recommended that another body/entity be identified to conduct such activities before removing this responsibility from SAMTRESTI's functions.

iii. Article 9

This proposed amendment, compared with the existing law, introduces the notion of “*voluntary certification*”.

FAO does not favour the introduction of the wording “*voluntary*”. According to Minister Order n°2-220, certification of vine grafting materials should be requested for every “declarant” engaged in the production of grafted materials. We recommend that this regulation be kept.

iv. Article 10

This proposed amendment, compared with the existing law, eliminates the obligation to request a permit from SAMTRESTI for cultivating vineyards.

FAO has no objection to this amendments if, and only if, obligation is maintained for vineyard owners to notify the official body in charge (SAMTRESTI for the moment), according to Minister Order n°2-51 on “*Rules of Compulsory Notification of Activities relating to the Production and Selling of Commodity Output in the Fields of Viticulture and Wine-making*” (see Annex 4 of the Minister Order).

Without such notifications, SAMTRESTI will not be in a position, as requested by the law, to comply with the obligation to create a database of vineyards.

v. Article 22

In order to give full strength to Article 22, a Minister Order defining precisely the production of sparkling wine in Georgia (varieties allowed, oenological practices, names and delimitation of specific zones, etc) should be issued. In the meantime, the following comments can be made on the proposed amendment:

Article 22(1)(c) should be deleted as it creates confusion. According to current legislation, “*appellation*” wines have to be controlled. It is then unclear why two categories – namely “*appellation highest quality light sparkling wines*” and “*appellation highest quality controlled light sparkling wines*” should be created.

Article 22(2) should indicate which body will have the authority to set levels of sugar content. The wording of the article should be “*the law establishes the following types of sparkling wines produced in Georgia. For each type, specific requirements regarding sugar content will be established by rule of the Minister of Agriculture*”.

In addition, it is strongly recommended that the new Minister Order on “*Sparkling Wine Production*” be published before the reference to sugar content in g/dm³ is removed from the

law. It should be noted that, in the current legislation, a gap exists in the sugar content classification, as illustrated below.

Current law:

2. *The Law establishes the following requirements for sparkling wines produced in Georgia, determining their brand (type) according to the sugar content:*
 - a) *Extra Dry – sugar content does not exceed 3.0 g/dm³;*
 - b) *Dry – sugar content is within 20 – 35 g/dm³;*
 - c) *Semi Dry – sugar content is within 35 – 50 g/dm³;*
 - d) *Semi Sweet – sugar content is within 50 – 80 g/dm³*

Amendment proposed by FAO:

2. *The Law establishes the following requirements for sparkling wines produced in Georgia, determining their brand (type) according to the sugar content:*
 - a) *Brut – sugar content does not exceed 3.0 g/dm³;*
 - b) *Extra Dry – Sugar content is within 3 – 20 g/dm³;*
 - c) *Dry – sugar content is within 20 – 35 g/dm³;*
 - d) *Semi Dry – sugar content is within 35 – 50 g/dm³;*
 - e) *Semi Sweet – sugar content is within 50 – 80 g/dm³.*

vi. Article 27

The proposed amendment in Article 27(1), creating new categories of brandies is very confusing. It creates a more confusing environment than the previous law.

It is recommended to keep (as stated in the current law) only two categories of brandies:

- a) ordinary brandy:

Ordinary wine brandy is made from brandy spirits aged in oak barrels for a period of three, four or five years. Three-year old brandy may also be obtained from brandy spirit aged for three years on activated or non-activated oak chips placed in an enamel tank (04.07.2002 No. 1635).

- b) vintage brandy:

Vintage brandy is produced from brandy spirits aged for at least 6 years.

It is recommended to keep (as stated in the current law) the four groups of vintage brandies according to the age of the brandy spirit used:

- a) 1st group – “Aged Brandy” produced from 6-7 year old brandy spirits;
- b) 2nd group – “Top Quality Aged Brandy” produced from 8-10 year old brandy spirits;
- c) 3rd group – “Old Brandy” produced from 10-20 year old brandy spirits;
- d) 4th group – “Very Old Brandy” produced from brandy spirits that are at least 20-year old.

It is recommended, for the category of vintage brandy to authorize the production of “*appellation brandies*” if they comply with the rules for producing brandies in specific zones and according to appellation rules.

**Proposed Provisions to be Inserted in the Law on Wine and
Vine**

Proposed Provisions to be Inserted in the Law on Wine and Vine

Preliminary Remarks

This document includes draft provisions that could be inserted in the Law on Wine and Vine in Georgia. These provisions were prepared by FAO with a view to (i) align Georgian oenological practices with international oenological practices, and (ii) update legislation to introduce modern winemaking practices in Georgia. They also take in consideration new developments in the Georgian wine sector.

This contribution should only be seen as a draft document, to be shared, discussed and possibly endorsed by public and private stakeholders involved in the Georgian wine and vine sector.

Limits indicated in proposed provisions are based on EC regulations (EC 1493/1999). It is up to MAF/SAMTREST and/or any other relevant body to check these limits and adjust them according to current legislation.

Proposed Provisions

1. Article xxx. Facilitate the Creation of Producers' Associations

Grape and wine producers can be organised into producers' associations for the purpose of :

- promoting and protecting the collective interest of their members,
- production planning and demand adjustment in terms of quality and quantity,
- reduction of production costs and stabilisation of production prices,
- promotion and implementation of environmentally safe vine-growing practices, wine production techniques and waste management practices, etc.

2. Article xxx. Methods of Analysis

The wine that is put in circulation must comply with determined chemical composition and quality standards, as defined in the Law of Wine and Vine of Georgia.

The methods of analysis for determining the chemical composition of wines shall be established by the Minister of Agriculture and Forestry of Georgia.

In addition to these methods, the following methods of analysis can also be used:

- the methods recognised and published by the General Assembly of the International Vine and Wine Office (OIV); and
- the methods complying with the standards recommended by the International Standardisation Organisation (ISO).

3. Article xxx. Administrative Rules Applicable to Enrichment

- a) Prior notifications relating to operations of alcoholic enrichment shall be made by the natural or legal persons carrying out these operations to the Ministry of Agriculture and Forestry, Department SAMTREST, at least two working days before the operations take place.
- b) Notifications referred to in paragraph (a) of this Article shall be made in writing and shall include the following information:
 - the name and address of the person sending the notification;
 - the place where the operation is to be carried out;
 - the date and time when the operation is to start;
 - the description of the product undergoing the operation;
 - the process used for the operation, with details on the type of product to be used.
- c) In cases where prior notifications covering several operations do not indicate the date and time when the operations are to start, an entry must also be made in the Register for Oenological practices¹ before each operation, in accordance with Article 24 of this Document.

¹ The Register for Oenological Practices is defined under Article 4 of Minister Order n°2-51 on « Statute on Rules for recording technological Process », Annex 3

4. Article xxx. Administrative Rules Applicable to Acidification and De-acidification

- a) Natural and legal entities that perform acidification and de-acidification shall submit a notification to the Ministry of Agriculture and Forestry, Department SAMTREST, not later than the second day following the first operation carried out in any wine year. Such notifications shall be valid for all operations in that wine year.
- b) Notifications referred to in paragraph (a) of this Article shall be made in writing and shall include the following information:
 - the name and address of the person sending the notification;
 - the type of operation involved;
 - the place where the operation took place.
- c) Details relating to each acidification and deacidification operation shall be entered in the Register for Oenological practices in accordance with Article 24 of this Document.

5. Article xxx. Administrative Rules Applicable to Sweetening

- a) Any natural or legal person intending to carry out a sweetening operation shall notify the Ministry of Agriculture and Forestry, Department SAMTREST. Notifications shall be made in writing and must reach the Ministry of Agriculture and Forestry, SAMTREST at least 48 hours before the day on which the operation is to take place.
- b) However, where a natural or legal person frequently or continuously carries out sweetening operations, it may send a notification covering several operations or a specified period to the Ministry of Agriculture and Forestry, SAMTREST Department. Such notification shall be accepted only under the condition that the natural or legal person keeps a written record of each sweetening operation.
- c) Notifications shall include the following information:
 - the quantity and the total and current alcoholic strengths of the table wine or the quality and premium quality wine to be sweetened;
 - the quantity and the total and actual alcoholic strengths of the grape must or the quantity and density of the concentrated grape must to be added, as the case may be;
 - the total and actual alcoholic strengths of the table wine or quality wine after sweetening.
- d) The persons referred to in paragraph (a) of this Article shall keep goods registers of inwards and outwards flows of goods showing the quantities of grape must or concentrated grape must which they are holding for sweetening operations.

6. Article xxx. Template for the Register of Oenological Substances and Practices

See Annex 3 of Minister Order n°2-51 on “Statute on rules of recording technological process”

7. Article xxx. Experimental Use of New Oenological Practices

NB: This provision could be established by a Minister Order after amendment of the Law.

- a) For experimental purposes, the use of certain oenological practices or processes not provided for in Chapter I to xxx of this Document may be authorised, for a maximum of three years, under the condition that:
- these practices and processes shall aim at ensuring proper vinification, proper preservation or proper refinement of the product;
 - these practices and processes are applied to quantities not exceeding 500,000 decaliters [to be checked/decided] per year for any one experiment;
 - the products obtained shall not be exported, unless the importing country so allows.
- b) "*Experiment*" means an operation or a series of operations carried out in the context of a well-defined research project with a single experimental protocol. After completion of the experiment, with opinion from SAMTREST as referred to in Article 3.1, Chapter II.1 of the "Law on Wine and Vine" and subject to the new practice being compliant with the requirements resulting from the "Law on Safety of Food and of Products and Substances Intended to Come into Contact with Foodstuffs", the oenological substance or practice covered by the experiment may be added to the list of authorized substances and practices.
- c) The experimental use of oak chips is allowed under the conditions laid down in paragraph (b) of this Article provided that the oak chips used meet the specifications laid down in Annex XV hereto.

ANNEX XV

NB: In case Georgia decides to allow the use of oak chips in some of its production (table wines and/or quality wines), the following provisions have to be included.

Requirements Regarding Oak Chips used in Oenological Experiments

1) Definition, Origin and Use of Oak Chips

Oak chips are pieces of oak used in winemaking to transfer certain substances from the wood to the wine through the use of practices compliant with this Document.

The pieces of wood shall be of the species *Quercus*.

They must be natural, whether unheated or heated in a slight, medium or strong way. In any case, they must not have undergone any combustion even in a superficial way. They must not be charred nor friable.

They must not have undergone addition of any substance intended to enhance their natural flavour nor their extractible phenol compounds.

They must not have undergone any chemical, enzymatic nor physical treatment other than heating.

Requirements Regarding Oak Chips used in Oenological Experiments (cont'ed)

2) Labelling

The label presenting oak chips shall mention the variety of *Quercus* the oak chips are made of, where relevant the intensity of heating, and provide recommendations regarding safe storage and use.

3) Dimension

The particles shall be such that at least 95% in weight can be retained by a sieve with 2 mm meshes (9 meshes). The thickness (smallest dimension) of these pieces of wood shall be statistically over 1 mm with a 95% confidence interval.

4) Testing Method

The methods for preparing the substances [Oak chips used in oenological experiments] and the methods for determining compliance with purity criteria and the presence of the substances referred to in this Annex shall be those set out in Chapter 2 the International Codex of Oenological Practices of the International Organisation on Vine and Wine (OIV).

5) Purity Criteria

The determination of polychloroanisols and polychlorophenols will be carried out only if a hydro alcoholic solution at 12% vol. in which 10 g/l of oak chips macerate for two hours develops a mouldy smell.

The limits shall be the following:

Benzo[a]pyrene	7 nanograms/g (ng/g) or less
Polycyclic hydrocarbons	Overall concentration less than 50 ng/g
2,4,6-trichloroanisol	Less than 0.4 ng/g
2,3,4,6 tetrachloroanisol	Less than 1 ng/g
Pentachloroanisol	Less than 100 ng/g
2,4,6 trichlorophenol	Less than 4 ng/g
2,3,4,6 tetrachlorophenol	Less than 20 ng/g
Pentachlorophenol	Less than 100 ng/g

6) Presence of Other Substances

6.1 Testing Methods

- Preparation of ashes: in a Silica capsule 70 mm in diameter, incinerate 2 g of oak chips in an oven at 600-650° Celsius until white ashes are obtained.
- Preparation of the solution for test: after weighing, dissolve the ashes in 2 ml of concentrated hydrochloride acid (R) et 10 ml of water. Heat up to activate dissolution and add distilled water until an overall 50 ml is obtained.

6.2. Limits

Iron	less than 100 mg/kg
Arsenic	less than 2 mg/kg
Lead	less than 5 mg/kg
Mercury	less than 1 mg/kg
Cadmium	less than 5.5 mg/kg

Requirements Regarding Oak Chips used in Oenological Experiments (end)

7) Microbiological Control

Anaerobic mesophilic micro-organisms	less than 10,000 CFU/g
Salmonella	absence on 25 g
Coliform bacteria	less than 2 CFU/g
Yeasts	less than 10 CFU/g
Mould	less than 10,000 CFU/g

8) Storage

The oak chips shall be stored in premises sufficiently dry and free of contaminating odours.

Activity X. Coordination and Supervision

A local coordinator was hired (Ms Nino Elovshvili) and some equipment (computer and printer) was purchased.