

Message 104

Communication from the Commission - SG(2009) D/51364

Directive 98/34/EC

Translation of the message 103

Notification: 2009/0181/FIN

Forwarding of the observations of a Member State (France) (article 8, paragraph 2, of Directive 98/34/EC).
These observations do not have the effect of extending the standstill period.

(MSG: 200901364.EN)

1. MSG 104 IND 2009 0181 FIN EN 01-07-2009 16-06-2009 F 8.2 01-07-2009

2. F

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4. 2009/0181/FIN C50 A

5. Draft law on the amendment of the alcohol law

6. Article 8.2 of Directive 98/34/EC (observation)

The French authorities wish to make the following observations:

By using the description "wine from a geographical region", the draft Finnish law creates confusion between wines obtained exclusively by means of alcoholic fermentation of fresh grapes or grape must and fruit wines

for which the term wine must be accompanied by the name of the fruit.

Regulation (EC) 479/2008 of the Council of 29 April 2008 on the common organisation of the market in wine, in application of Article 59, defines wine in Annex 4:

“Wine shall be the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.”

However, Article 25 introduces an exception:

However, notwithstanding Article 59(1)(a), Member States may allow the use of the term “wine” if:

- a) it is accompanied by the name of a fruit in the form of a composite name to market products obtained by the fermentation of fruit other than grapes, or
- b) it is part of a composite name.

Any confusion with products corresponding to the wine categories in Annex IV shall be avoided.”

For products obtained by fermenting fruits, the term “wine” must be accompanied by the name of the fruit.

As the description “wine from a geographical region” does not indicate the raw material actually used, it does not comply with the regulations on the common organisation of the market in wine.

Furthermore, the description “from a geographical region” also encompasses wine-making activities, and its use may create confusion regarding categories of wine products.

Consequently, the French authorities wish to express their most ardent reservations with regard to the draft law presented by Finland under Directive 98/34/EC using the term “wine from a geographical region” for a product based on fermented fruit.

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