

# **LAW ON WINE**

## **I BASIC PROVISIONS**

### **Subject of the Law**

#### **Article 1**

This Law defines: production, processing, quality of and marketing grapes used for production of wine; production, processing and quality of grape must, wine and other products of grapes, grape must, pomace and wine used in wine production; designation of wine with geographical indications; marketing of grapes, wine and other products of grapes, grape must, pomace and wines used in production of wine, as well other issues relevant to grapes, grape must, wine and other products of grapes, grape must, pomace and wine used in wine production.

### **Quality Norms, Conditions Related to Packaging and Declaring**

#### **Article 2**

Grapes, grape must, wine and other products of grapes, grape must, pomace and wine used in wine production shall fulfil the stipulated quality standards and conditions related to packaging and declaring set forth by this Law and the legislations defining the quality thereof.

### **Prohibitions**

#### **Article 3**

Production of wine from grapes of direct producer hybrids and grapes from mother plantations shall be prohibited.

Storing or use of sugar, „*rakija*“ (distilled spirit drink produced by fruit), ethanol and other materials and substances that may increase quantity and change the defined natural ingredients of grape must and wine in production plants and storage areas shall be prohibited.

### **Exceptions**

#### **Article 4**

The provisions of this Law shall not apply to production and processing of grapes, grape must, wine and other products of grapes, grape must, pomace and wine used in production of wine produced, i.e. processed by natural person for their personal needs.

The provisions of this Law shall not apply to legal persons engaged in examination in the domain of viticulture and wine production, and persons who produce wine by microvinification in quantities used for examinations and who do not sell such wine.

### **Definitions**

#### **Article 5**

Certain terms used in this Law shall be accorded the following meaning:

1) *Amphelotechnical measures* are measures conducted with a view to successful cultivation of vine and production of grapes;

2) *Wine Register* is a database of wine producers, wineries, and other data in accordance with this Law;

3) *Vineyard Register* is a database of grape producers and viticultural plots as well as other data in accordance with this Law;

4) *Wine* is an agricultural and nutritional product, obtained through full or partial alcohol fermentation of fresh grapes, pomace or grape must produced from wine varieties of vine grapes;

5) *Grapes* for wine production (hereinafter: grapes) are fruit of the vine used in making wine in technological ripeness, slightly raisined, or naturally frozen processed by the allowed oenological practices that spontaneously ferments into alcohol;

6) *Direct producer hybrid* is a variety-hybrid *Noah*, *Othello*, *Isabelle*, *Jacquez*, *Clinton*, *Herbemont* and other variety-hybrid obtained by direct hybridization of a variety belonging to species *Vitis vinifera L.* with another species of genus *Vitis L.*;

7) *Allowed oenological means* (hereinafter: oenological means) are all the means set forth in this Law used in production of grape must, wine and other products;

8) *Allowed varieties* are varieties of vine the grapes of which are used for production of "*stono vino*" (wine without geographical indications) and cultivation of which is allowed on the territory of the Republic of Serbia in accordance with this Law;

9) *Allowed oenological practices* (hereinafter: oenological practices) are all the practices in the production of grape must, wine and other products set forth in this Law;

10) *Other products of grapes, grape must, pomace and wine used in the production of wine* (hereinafter: other products) are substances originating from grapes, grape must, pomace and wine used in wine production;

11) *Registration mark* for wine with geographical indications is a sticker bearing a numerical marking registering each individual original packaging for wine with geographical indications;

12) *Control organisation* is an organisation performing control of production of grapes for production of wine with geographical indications, control of production of wine with geographical indications and other activities related to control of production of wine with geographical indications;

13) *Concentrated grape must* is a uncaramelized grape must obtained by partial dehydration (steaming) of grape must through a certain procedure, the density of which is minimum  $1.24 \text{ g/cm}^3$  at  $20^\circ\text{C}$ ;

14) *Mother plantation* is a vine grape plantation used for production of reproductive materials with a view to producing seedlings of vine grapes;

15) *Laboratory* is a legal person conducting analyses and control of quality of grapes, grape must, wine and other products;

16) *Authorised organisation dealing with activities related to Vineyard Register* (hereinafter: Expert Organisation for Vineyard Register) is a legal person engaged on establishing and processing of data on viticultural plots and other activities related to Vineyard Register;

17) *Original filling* is a filling that cannot be reverted to the initial status by any activity;

18) *Recommended varieties* are varieties of vines the grapes of which are used for production of wine with geographical indications and cultivation allowed in the Republic of Serbia and recommended for the corresponding viticultural geographic production area;

19) *Grape producer* is a legal and natural person or entrepreneur engaged in production of grapes and registered in Vineyard Register;

20) *Producer of must, wine and other products* is a legal person or entrepreneur dealing with production of grape must, wine and other products which is registered in Wine Register;

21) *Rectified concentrated grape must* is concentrated grape must obtained through practices of concentration from which all ingredients except sugar have been removed;

22) *Grape must* is a liquid product obtained after crushing of grapes and draining of pomace with actual alcoholic strength by volume of maximum 1 %.

## **Types of Viticultural Geographic Production Areas**

### **Article 6**

Wine-growing Serbia is the entire viticultural geographic production area (hereinafter: viticultural area) on the territory of the Republic of Serbia where favourable conditions for cultivation of vine grape exist.

Wine-growing Serbia is divided into viticultural areas the names of which may be used as designations of geographical indications as follows:

1) Wine-growing unit (hereinafter: unit) is a wider viticultural area within the wine-growing Serbia, characterised by similar environmental conditions, selection of recommended varieties and other necessary conditions for successful cultivation of vine grapes ensuring production of grapes, grape must and other products specific for their quality, grapes yield and organoleptic characteristics for the respective unit;

2) Wine-growing region (hereinafter: region) is a narrow viticultural area within a unit characterised by specific environmental conditions, selection of recommended varieties and other conditions conducive to production of grapes, grape must, wine and other products specific for their quality, grapes yield and organoleptic characteristics for the respective region;

3) Wine-growing district is a more narrow wine-growing area within a region characterised by uniform specific environmental conditions, selection of recommended varieties and other conditions conducive to production of grapes, grape must, wine and other products specific for their quality, grapes yield and organoleptic characteristics for the respective district;

4) Location (or position) is the smallest viticultural area within wine-growing district characterised by homogenous environmental conditions.

The Minister in charge of Agriculture (hereinafter: the Minister) shall define borders and names of viticultural areas, the allowed and recommended varieties for viticultural areas, maximum yields for these viticultural areas, and other characteristics related to production of grapes and wine in viticultural areas.

## **Classes of Wine**

### **Article 7**

Wine classifies on:

- 1) Still wine („*In stricto sensu*”);
- 2) Special wine;
- 3) Distilling wine.

Still wine is wine produced by oenological practices of treatment of grapes, pomace and grape must in customary fermentation that does not free carbon dioxide visibly.

Special wine is wine produced by special oenological practices the characteristics of which are not only those of grapes but also of the applied special oenological production practices.

Special wines are classified to: natural dessert wine, liqueur wine, aromatic wine, sparkling wine, quality sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine, aerated semi-sparkling wine and other special wines.

Distilling wine is wine with a purpose to distilling.

The Minister shall define classes and categories of special wines, types of oenological practices and oenological means, methods and practices of production, quality, designation and other requirements related to production and marketing of special wines as well as quality, types of oenological practices and oenological means and other requirements related to production and marketing of distilling wines.

### **Categories of Still Wines**

#### **Article 8**

Depending on the quality, method of production and type of wine-growing area, still wine classifies on:

- 1) „*Stono vino*“ (wine without geographical indications);
- 2) „*Vino sa geografskim poreklom*“ (wine with geographical indications).

Depending on the quality, method of production and type of wine-growing area, „*Vino sa geografskim poreklom*“ classifies on:

- 1) „*Regionalno vino*“ (wine with protected geographical indication – PGI);
- 2) „*Kvalitetno vino sa geografskim poreklom*“ (quality wine with protected designation of origin – PDO).

„*Stono vino*“ (wine without geographical indications) is wine without geographical origin produced from grapes of one or more allowed varieties of vine grape species *Vitis vinifera L.*, and/or varieties obtained by breeding of species *Vitis vinifera L.* and other varieties of genus *Vitis*, fulfilling the stipulated parameters and method of production for this category of wine in accordance with this Law and other legislations.

„*Regionalno vino*“ (wine with protected geographical indication) is wine produced from grapes of one or more recommended varieties of vine grape species *Vitis vinifera L.*, and/or varieties obtained by breeding of species *Vitis vinifera L.* and other varieties of genus *Vitis*, originating minimum 85 % from the same wine-growing unit, with the production and processing of grapes and production of wine conducted within a given wine-growing unit pursuant to the defined allowed grapes yield, quality and method of production of wine for this category in accordance with this Law and other legislations.

„Kvalitetno vino sa geografskim poreklom“ (quality wine with protected designation of origin) classifies on:

1) „Kvalitetno vino sa kontrolisanim geografskim poreklom i kvalitetom“ (quality wine with controlled geographical origin and quality);

2) „Vrhunsko vino sa kontrolisanim i garantovanim geografskim poreklom i kvalitetom“ (high quality wine with controlled and guaranteed geographical origin and quality).

„Kvalitetno vino sa kontrolisanim geografskim poreklom i kvalitetom“ (quality wine with controlled geographical origin and quality) is wine produced of grapes of one or more recommended varieties of vine grapes of species *Vitis vinifera* L. with particularly pronounced characteristics for a variety or varieties, originating from the same wine-growing region with the production and processing of grapes and production of wine conducted within a given wine-growing region, pursuant to the defined allowed grapes yield, quality and method of production of wine for this category in accordance with this Law and other legislations.

„Vrhunsko vino sa kontrolisanim i garantovanim geografskim poreklom i kvalitetom“ (high quality wine with controlled and guaranteed geographical origin and quality) is wine produced of grapes of one or more recommended varieties of vine grapes of species *Vitis vinifera* L. with particularly pronounced characteristics for a variety or varieties, originating from the same wine-growing region with the production and processing of grapes and production of wine conducted within a given wine-growing region, pursuant to the defined allowed grapes yield, quality and method of production of wine for this category in accordance with this Law and other legislations.

The Minister shall define the method and procedure of production and parameters of „*stono vino*“ (wine without geographical indications) as well as maximum allowed yields of grapes, method and procedure of production and quality of wine for each of the categories of wine with geographical indications.

## **Types of Other Products**

### **Article 9**

For the purpose of this Law, types of other products are:

- 1) Unfermented products: concentrated grape must and rectified concentrated grape must;
- 2) Rest products.

The rest products are products from grapes, grape must, pomace and wine not mentioned but are used in wine production.

The Minister shall define types of other products, types of oenological practices and oenological means, methods and procedure of production, quality, declaring, labelling and other requirements related to production and marketing of other products.

## **II PRODUCTION OF GRAPES**

### **Agrotechnical measures and production of grapes**

#### **Article 10**

Production of grapes shall include all the activities, agrotechnical and ampelotechnical measures including harvesting of grapes.

Grapes shall be produced from the allowed varieties of vine grapes only.

Production and quality of grapes shall be in accordance with the category of wine for which the grapes are intended and with respect to limitations of yield, as well as sugar content in grapes or sugar content in grape must.

Harvesting of grapes shall be conducted only when the grapes attain adequate ripeness for a certain viticultural area, class, type and category of wine.

Grape producer shall act in such way so as to preserve all the natural characteristics of grapes.

### **Grape producers**

#### **Article 11**

A legal person and an entrepreneur may be engaged in production of grapes if registered into the Business Register and in the Vineyard Register kept by the ministry in charge of agriculture (hereinafter: Ministry), if he owns or rents or has in cooperation a vineyard.

A legal person and an entrepreneur mentioned in para. 1 hereof shall be registered in the Business Register in accordance with the law regulating registration of companies and entrepreneurs.

A natural person may be engaged in production of grapes if he owns or rents or has in cooperation a vineyard and is registered in the Vineyard Register.

A legal, i.e. natural person i.e. an entrepreneur who produces grapes used for marketing and owns, rents or has in cooperation less than 0,1 ha of vineyard shall not register into the Vineyard Register.

### **Method of Registration into Vineyard Register**

#### **Article 12**

Registration into the Vineyard Register is made by the Application form filled by a legal person, entrepreneur i.e. a natural person mentioned in Article 11 hereof to the Ministry.

The Application form for registration into the Vineyard Register shall include:

- 1) Data on the applicant (name, seat, address, identity number, tax identification number and data on the responsible person);
- 2) Code of activity;
- 3) Data on the person responsible for production of grapes (name and surname, address, unique identity number of a citizen);
- 4) Data on wine-growing plots used for production of grapes (cadastre municipality, number of cadastre plot, size of plot, variety, intended use of grapes, etc.).

A natural person filling a Application form for registration into the Vineyard Register shall provide the following data: name and surname, address, unique identity number of a citizen, number from the Farm Register if any, as well as the data mentioned in item 4, para 2 hereof.

The Minister shall give forth a Certificate on registration into the Vineyard Register.

The Certificate of the Minister mentioned in para. 4 hereof shall be final and administrative proceedings may be initiated against it.

A legal person, entrepreneur i.e. a natural person shall inform the Ministry of all changes of data no later than 15 days following the date of change.

### **Vineyard Register**

#### **Article 13**

Data from the Vineyard Register shall be public.

Vineyard Register is kept in electronic form and may be linked to the other databases and registers of the Ministry.

The Minister shall define the content, method of handling the Vineyard Register, as well as the form of Application form for registration into the Vineyard Register.

### **Cancellation from the Vineyard Register**

#### **Article 14**

A legal person, entrepreneur, i.e. a natural person shall be cancelled from the Vineyard Register if he:

- 1) decides to suspend activities registered therein;
- 2) does not fulfil the conditions.

The Minister shall give forth a Certificate on cancellation from the Vineyard Register.

The Certificate on cancellation from the Vineyard Register of the Minister mentioned in para. 2 hereof shall be final and administrative proceedings may be initiated against it.

### **Organisation in Charge of Vineyard Register**

#### **Article 15**

The activities related to handling the Vineyard Register, establishment and processing of data on viticultural plots and other activities related to the Vineyard Register shall be conducted by the Ministry.

The Ministry may authorize an organisation in charge of the Vineyard Register to the activities related to establishment and processing of data on viticultural plots using geographic information system and other activities related to the Vineyard Register mentioned in para. 1 hereof, by the open competition.

The Ministry shall conclude a contract with the organisation mentioned in para. 2 hereof for conducting activities that the organisation is authorised for.

The Minister shall define technical and human resources conditions to be fulfilled by the organisation mentioned in para. 2 hereof, as well as the methods of execution of activities.

### **III PRODUCTION OF GRAPE MUST, WINE AND OTHER PRODUCTS**

#### **Technological Practices**

##### **Article 16**

Production of grape must, wine and other products includes: transport of grapes, separation of cluster stems and crushing of grapes, processing of pomace and grape must, alcohol fermentation of pomace and grape must, wine tending and finalisation of wine, storing, packaging wine and its storing prior to marketing, as well as all other practices related to production of other products.

#### **Producers of Grape Must, Wine and Other Products**

##### **Article 17**

Grape must, wine and other products may be produced by a legal person and an entrepreneur (hereinafter: producer), registered into the Business Register and into the Wine Register handled by the Ministry.

The producer mentioned in para. 1 hereof shall be registered into the Business Register in accordance with the law prescribing registration of companies and entrepreneurs.

The producer shall be registered into the Wine Register if he executes (fulfils) conditions related to structures, premises, technical conditions, equipment, vessels and instruments as well as related to professional staff.

The producer shall have separate premises for production of wine that are not interconnected with the premises for production of distillate, as well as premises for storing of oenological means and inputs.

The producer shall have separate vessels for storing (keeping) of „*stono vino*“ that does not originate from the Republic of Serbia from the vessels for storing (keeping) of wine that originate from the Republic of Serbia.

The producer shall fulfil the condition related to professional staff if he has a person of adequate level of education and professional experience employed full time on activities related to production of wine.

The producer – entrepreneur may secure expert managing of the production process through another legal person registered for provision of extension services in agriculture and equipped with a full time employee fulfilling the conditions related to education.

The Minister shall define conditions related to structures, premises, technical conditions, equipment, vessels and instruments as well as related to professional staff that must be fulfilled by the producer.

Fulfilment of the conditions mentioned in para. 3 hereof shall be established by a Ministerial decision.

The Certificate of the Minister mentioned in para. 9 hereof shall be final and administrative proceedings may be initiated against it.

#### **Method of Registration into Wine Register**

##### **Article 18**

Registration into Wine Register shall be made on the basis of Application form filled by the producer mentioned in para. 1, Article 17, applied to the Ministry.

Wine Register shall include:

- 1) Data on producer and packager (name, seat, address, identity number, tax identification number);
- 2) Data on the responsible person;
- 3) Code of activity;
- 4) Data on production, raw materials and products;
- 5) Data on production structures and storages;
- 6) Data on technological equipment for processing of grapes and packaging of wine;
- 7) Data on vessels for production, ageing and storage (keeping) of wine and other products;
- 8) Data on laboratory instruments;
- 9) Data on applied and/or registered trademarks;
- 10) Data on quality standards and certificates;
- 11) Data on annual sales and number of bottles, etc.

Data contained in the Wine Register shall be public and shall be kept for an indefinite period of time.

Wine Register shall be kept in electronic form and may be linked to other databases and registers of the Ministry.

The producer shall submit the application of all changes of data in the Wine Register to the Ministry no later than 15 days following the date of change.

The Minister shall define the content, method of handling the Wine Register, as well as the Application form for registration into the Wine Register.

### **Cancellation from the Wine Register**

#### **Article 19**

A producer of wine shall be cancelled from the Wine Register if he:

- 1) makes a decision to suspend production of grape must, wine and other products;
- 2) Fails to fulfill conditions set forth in this Law.

The Certificate on cancellation from the Wine Register shall be passed by the Minister.

The Certificate of the Minister mentioned in para. 2 hereof shall be final and administrative proceedings may be initiated against it.

### **Winery Records**

#### **Article 20**

Producers shall handle winery records containing data on the raw materials used, oenological means, production, quality, quantity, transport of grapes, grape must, pomace, wine and other products, marketing of grapes, wine and other products, etc. with the documents supporting the data.

Winery records and the accompanying documents shall be kept for minimum five years from the date of sale of the last quantity of that wine or other product.

The Minister shall define the content and method of handling winery records.

### **Marking of Vessels**

#### **Article 21**

A producer shall mark each vessel containing grape must, pomace, wine and other products in bulk to be used for production, ageing and storing (keeping) wine and/or other products.

The producer shall separately mark vessels containing grape must, wine and other products with wine defects that need to be improved or processed with the exact mention of wine defects relative to the prescribed quality thereof.

Wine and other products shall not be sold until such wine defects are removed.

The Minister shall define the method of marking vessels mentioned in paras. 1 and 2, hereof.

### **Production of Wine**

#### **Article 22**

The producer shall use, for production of grape must, wine and other products, only the prescribed oenological practices and prescribed oenological means that develop and preserve the natural characteristics of grape must, wine and other products.

In case oenological practices and oenological means mentioned in para.1 hereof are not prescribed, oenological practices and oenological means prescribed by the International Organisation for Vine and Wine (*Organisation Internationale de la Vigne et du Vin*) shall apply, which have been published in its official publications.

The Minister shall define oenological practices and oenological means for production of grape must, wine and other products.

### **Fortification of Pomace or Grape must**

#### **Article 23**

Chaptalisation, rectified grape must and rectified concentrated grape must (hereinafter: fortification) of pomace or grape must used for production of wine with geographical indications is prohibited.

If due to extremely poor weather conditions, grapes have a sugar content lower than standard for a certain variety from the given viticultural area, it may be fortified in the quantity ensuring content of natural alcohol in accordance with the regulation defining wine quality.

Fortification of pomace or grape must shall be approved by the Ministry on the basis of findings on the sugar content in grapes, grape must or pomace of an agricultural inspector.

Fortification of pomace or grape must shall be conducted in the presence of an Agricultural Inspector.

Fortification of pomace or grape must to be used for production of „*vrhunsko vino sa kontrolisanim i garantovanim geografskim poreklom i kvalitetom*“ is prohibited.

The Minister shall define the method and control of fortification of pomace or grape must.

### **Quality Parameters and Methods**

#### **Article 24**

Grape must, wine and other products shall have prescribed quality parameters with respect to physical, chemical, microbiologic and organoleptic characteristics.

If the values of certain quality parameters are not provided for by the respective legislation, the values recommended by the International Organisation for Vine and Wine (*Organisation Internationale de la Vigne et du Vin*), published in their official publications, shall apply.

The physical, chemical, microbiologic and organoleptic characteristics of grape must, wine and other products shall be established by prescribed methods. If not so prescribed, these shall be established pursuant to the methods defined by the International Organisation for Vine and Wine.

The Minister shall define parameters and methods for analysis and quality assurance of grape must, wine and other products.

### **Mixing of Grapes, Pomace, Grape must, Wine and Other Products**

#### **Article 25**

Mixing of grapes, pomace, grape must, wine and/or other products shall be allowed solely for the purpose of alignment of quality in accordance with this Law.

Blending of wine produced on the territory of the Republic of Serbia with the imported wines is prohibited.

The provision set forth in para. 2 hereof shall not refer to blending of „*stono vino*“ originating in the Republic of Serbia with wine without geographical indications from countries that the Republic of Serbia has a signed international agreement or signs an agreement in the meantime providing for cumulation of origin.

### **Inadequate Grape Must, Wine and Other Products Produced**

#### **Article 26**

If grape must, wine and other products do not satisfy the requirements set forth herein, the producer shall take action pursuant to the instruction of an Agricultural Inspector.

The costs of practices involving this grape must, wine and other products shall be borne by the producer.

## **IV QUALITY CONTROL AND ORGANOLEPTIC TESTING**

### **Subject of Quality Control and Organoleptic Testing**

#### **Article 27**

Prior to bottling, declaring and marketing, wine and other products shall be subject to mandatory quality control and organoleptic testing, in accordance with this Law.

Quality of wine and other products shall be the responsibility of the producer or importer.

Quality control and organoleptic testing of wine and other products shall include assessment of: fulfillment of physical, chemical and organoleptic characteristics of a certain class and category of wine, and/or class of other products; alignment and conformity of quality with the accompanying documents placed on the market; alignment and conformity of quality of imported wines and/or other products with the certificate of the state – exporter and the certificate of market approval for that wine and/or other products in the Republic of Serbia and other conditions provided for in this Law.

Wines and other products shall not be put to the market if, upon quality control and organoleptic testing, it is established that there exist no alignment and conformity with the accompanying documents or the certificate of the state – exporter and other conditions provided for in this Law.

### **Authorised Laboratory**

#### **Article 28**

Quality control of grape must, wine and other products and validation of their conformity with the legislations related to quality shall be conducted by a laboratory authorised by the Ministry.

The Minister shall stipulate conditions to be fulfilled by the laboratory with respect to technical and professional capacities, reference methods for physical, chemical and microbiological analyses of wine as well as of organoleptic testing.

The authorisation shall be given by a Ministerial certificate.

The certificate of the Minister mentioned in para. 3 hereof shall be final and administrative proceedings may be initiated against it.

The Minister shall revoke the authorisation if established that the laboratory does not fulfill the prescribed conditions or that the authorisation had been issued on the basis of erroneous or false data.

The laboratory shall compose a Report on the completed control mentioned in para. 1 hereof.

### **Organoleptic Testing**

#### **Article 29**

Organoleptic testing of „*stono vino*“, imported wine in the original packaging and other products shall be conducted by an authorised laboratory.

Organoleptic testing of wines with geographical indications shall be conducted by an Organoleptic Testing Commission comprised of trained

representatives of wine tasters registered on the List of Wine Tasters appointed by the Minister.

Organoleptic testing of wines with geographical indications shall be conducted by an Organoleptic Testing Commission organised by an authorised laboratory that shall ensure impartiality in testing of wine which is assessed under codes.

The Minister shall define the procedure and methods of organoleptic testing of wine, method of training and control of professional competence of wine tasters, draw a List of Wine Tasters and the level of fees for their work.

### **Packaging and Declaring**

#### **Article 30**

Wine and other products shall be packaged and declared in accordance with the provision stipulating quality thereof.

Packaging and declaring of wine shall be performed by a producer or importer.

The declaration must be readily visible, clear and legible.

Repackaging of original filling of wine and subsequent declaring, as well as use and/or putting another producer's declaration onto the packaging as well as sale of so declared wine shall be prohibited.

The Minister shall define the method of packaging, declaring and labelling of wine and other products in production and market.

### **Registration Marks for Wines with Geographical Indications**

#### **Article 31**

A producer of wine with geographical indications produced in accordance with this Law shall label the wine with a registration mark.

Labelling mentioned in para.1 hereof shall be made by pasting a registration mark onto each individual original filling of wine.

The number of registration marks the producer is entitled to shall be allocated on the basis of the quantity of wine he fulfilled conditions stipulated in para. 1 hereof and numbers of individual packaging.

The Minister shall define the appearance, content and method of displaying registration marks mentioned in the para. 1 hereof.

### **Issuance and Records of Registration Marks**

#### **Article 32**

The Ministry shall issue registration marks and keep records of issued and utilised registration marks, and the producer shall keep records on the used registration marks.

The producer shall return the damaged and unused registration marks to the Ministry.

## V DESIGNATION OF WINE WITH GEOGRAPHICAL INDICATIONS

### 1. Types of Designations of Wine with Geographical Indications

#### Article 33

Wine with geographical indications shall be designated by:

- 1) Geographical indications;
- 2) Traditional terms: term of wine category and additional term;
- 3) Recognised traditional terms.

#### Geographical Indications

#### Article 34

Geographical indications are:

- 1) Protected geographical indication;
- 2) Protected designation of origin.

Protected geographical indication is the name of the unit used for wine possessing quality, reputation and other specific characteristics attributable to its geographic origin if minimum 85% grapes are grown in that unit, if wine is produced in that unit and if the wine is produced from one or more varieties of species *Vitis vinifera L.*, or varieties obtained by breeding of species *Vitis vinifera L.* and other vine varieties of genus *Vitis*.

Protected designation of origin is the name of the region and/or wine-growing district used for wine the quality and characteristics of which are conditioned solely by the given region and/or wine-growing district with natural and human factors where grapes and wine are produced solely in that region and/or wine-growing district and where the wine is produced from one or more varieties of species *Vitis vinifera L.*

The name of the region and/or wine-growing district may be supplemented by the name of location (position) or wine-growing oasis if grapes for the given wine originate from that location (position) or wine-growing oasis.

The Minister shall define designations geographical indications, method and procedure of registration, maximum grapes yield and method and procedure of production and designation of wine with geographical indications, content of application, content of technical documentation and other conditions for registration of geographical indications.

#### Term of Wine Category

#### Article 35

„*Geografska indikacija*“ or „G.I.“ is a traditional term for wine category „*regionalno vino*“ if minimum 85 % grapes are grown in certain unit, if wine is produced in the unit, if it has a stipulated quality and fulfills conditions related to the applied oenological means and oenological practices, if the grapes are grown from the recommended varieties of vine grapes with an adequate yield and which was approved and registered as such.

„*Kontrolisano poreklo i kvalitet*“ or „K.P.K“ is a traditional term for wine category „*Kvalitetno vino sa kontrolisanim geografskim poreklom i kvalitetom*“, if grapes and wine are produced in certain region, if it has a stipulated quality and

fulfills conditions related to the applied oenological means and oenological practices, if the grapes are grown from the recommended varieties of vine grapes with an adequate yield and which was approved and registered as such.

„Kontrolisano i garantovano poreklo i kvalitet“ or „K.G.P.K“ is a traditional term for wine category „Kvalitetno vino sa kontrolisanim geografskim poreklom i kvalitetom“, if grapes and wine are produced in certain region, if it has a stipulated quality and fulfills conditions related to the applied oenological means and oenological practices, if the grapes are grown from the recommended varieties of vine grapes with an adequate yield and which was approved and registered as such.

The term of category is displayed only in conjunction with the designation of geographical indications.

The Minister shall define the method and procedure of recognition, production and designation of wine with a term of category, content of application, content of technical documentation and other conditions for approval of the traditional terms of wine category.

### **Additional Term**

#### **Article 36**

An additional term is a traditional term that designates wine with special characteristics, method of production which was approved and registered as such.

An additional term in the wine category of „*regionalno vino*“ may be: „*mlado vino*“ („young” wine), „*sopstvena proizvodnja*“ („personal production”), wine „*od grožđa proizvedeno organskom metodom*” („of grapes produced by organic methods”), etc.

An additional term in the wine category of „*kvalitetno vino sa kontrolisanim geografskim poreklom i kvalitetom*“ may be: „*mlado vino*“ („young” wine), „*sopstvena proizvodnja*“ („estate bottled”), „*arhivsko*“ („archive”) wine (or „*rezerva*“ - „reserve”), wine „*od grožđa proizvedeno organskom metodom*” („of grapes produced by organic methods”), etc.

An additional term in the wine category of „*vrhunsko vino sa kontrolisanim i garantovanim geografskim poreklom i kvalitetom*“ may be: „*kasna berba*“ („late vintage”), „*probirna berba*“ („selective vintage”), „*odabrane bobice*“ („selected berries”), „*suvarak*“ („dry grapes for dessert wine”), „*arhivsko*“ („archive”) wine (or „*rezerva*“ - „reserve”), wine „*od grožđa proizvedeno organskom metodom*” („of grapes produced by organic methods”), etc.

An additional term is indicated only in conjunction with geographical indications and the term of wine category.

The Minister shall define additional terms, method and procedure of registration, production and designation of wine with additional term, content of application, content of technical documentation and other conditions for registration of the additional term.

### **Recognised Traditional Term**

#### **Article 37**

A recognised traditional term is term for designation of wines produced traditionally in a certain wine-growing area, with special characteristics that have a long-standing, unchanged quality proved by the technical documentation approved by the Ministry and approved and registered as such.

The Minister shall define terms for recognised traditional terms, methods and practices of registration, production and designation of wine with recognised traditional term, content of application, content of technical documentation and other conditions for registration of recognised traditional term.

## **2. Control organisation**

### **Article 38**

Activities related to geographical indications, control of production of grapes to be used for production of wine with geographical indications, control of wine production, quality control and testing of wine with geographical indications shall be executed by the Ministry.

The Ministry may authorise the activities related to control of production of grapes to be used for production of wine with geographical indications and control of wine with geographical indications, to the Control organisation fulfilling the conditions stipulated in this Law.

The Ministry shall authorise a Control organisation to perform the activities mentioned in para. 1 hereof on the basis of a public competition.

The Minister shall revoke the authorisation if established that the Control organisation does not execute activities in accordance with the conditions stipulated.

The Minister shall define technical conditions to be fulfilled by the Control organisation and human resources thereof, method of managing activities related to geographical indications, operational method and practices of Control organisation, control of grapes to be used for production of wine with geographical indications and control of production of wine with geographical indications.

## **Registration of Designations of Wines with Geographical Indications**

### **Article 39**

A producer may produce a wine with geographical indications on the basis of an earlier obtained Certificate of the Ministry on registration of designation for that wine with geographical indications.

The application for issuance of the certificate mentioned in para. 1 hereof, shall be accompanied by a technical documentation on production of wine with geographical indications.

The certificate of the Minister mentioned in para. 1 hereof shall be final and administrative proceedings may be initiated against it.

International registration of designations of wines with geographical indications shall be subject to legislations regulating geographical indications.

## **Application for Control of Production of Wine with Geographical Indications**

### **Article 40**

A producer shall submit to the Ministry an Application for control of production of wine with geographical indications each year by 31 October in the current year for control of production of grapes and wine with geographical indications the production of which is to begin in the following calendar year on the basis of an issued decision.

## **Control of Production of Wines with Geographical Indications**

### **Article 41**

Control of production of wine with geographical indications shall be ensured through control of production of grapes to be used for production of wine with geographical indications on a certain wine-growing area characterised by specific climate, soil and other conditions, control of production of wine with geographical indications, quality control and organoleptic testing of wine with geographical indications, with a view to issuance of a certificate of fulfilment of conditions for using designations and marketing the wine with geographical indications from that year of vintage.

### **Use of Designation and Marketing of Wine with Geographical Indications**

#### **Article 42**

A Control organisation shall compose a Report and an expert opinion with accompanying documents on the basis of the performed control of production of grapes and wine with geographical indications and testing, quality control and organoleptic testing of wine.

The Ministry shall issue a Certificate on fulfilment of conditions for use of designation and marketing of wine with geographical indications from that year of vintage on the basis of an expert opinion and the accompanying documents mentioned in para. 1 hereof.

The certificate mentioned in para. 2 hereof is final and subject to administrative proceedings may be initiated against it.

### **Costs of Control**

#### **Article 43**

The costs of execution of activities related to geographical indications, control of production of grapes to be used for production of wine with geographical indications, control of production of wine with geographical indications as well as quality control and organoleptic testing of wine with geographical indications shall be borne by the producer.

The level of costs mentioned in para. 1 hereof shall be set by the Government.

The proceeds generated on the basis of costs mentioned in para. 1 hereof shall constitute the income in the budget of the Republic of Serbia.

## **3. Prohibitions of Use of Designations**

### **Article 44**

A producer and importer of wine shall not:

- 1) Use designations, names, photographs, drawings, etc. potentially misleading to consumers with respect to indications of wine and wine category;
- 2) Translate designations of wines with geographical indications;

- 3) Use the words „imitation”, „kind”, „type”, „style”, „method”, „such as”, „taste” etc. or any similar terms implying or recalling labels of wine with geographical indications;
- 4) Indicate ingredients or characteristics that a wine does not possess;
- 5) Indicate information on special characteristics which other wines possess;
- 6) Use any other procedure potentially misleading to consumers with respect of the true indications and quality of wine;
- 7) Use a registered designation stating the true indications of wine in absence of a certificate on fulfilment of conditions for use thereof and marketing that wine with geographical indications from that vintage year.

Wine the declaration of which contains or indicates the name of appellation and designation of geographical indications shall not be protected by a trademark if use thereof would result in activity mentioned in para. 1 hereof.

If the marketing name of the wine contains, directly or indirectly, include the geographic expression, such a marketing name shall not be used even if the wine is truly produced in a given wine-growing area, the title of which is directly or indirectly contained in the marketing name of the wine, and if it has no Certificate on registration of geographical indications and a certificate on fulfilment of conditions for use thereof and marketing that wine with geographical indications from that vintage year.

The Certificate on registration of designations for wines with geographical indications shall not affect validity of registered trademark or the right to use a trademark identical or similar to the registered designation for wine with geographical indications, if the trademark has been registered in good faith prior to passing the Certificate on registration of designation of wine with geographical indications.

### **Relationship to Designations of Geographical Indications of Other States**

#### **Article 45**

The provisions of Article 44 hereof shall not apply to wines with geographical indications of other states or regional organisations registered by the Republic of Serbia on the basis of international agreements signed, except when the designation of geographical indications has not ceased to be protected in the country of indications or regional organisation or is no longer being used in that state or regional organisation.

## **VI MARKETING**

### **Conditions for Wine Marketing**

#### **Article 46**

Wine shall be marketed or offered to end consumers only in its original filling of the prescribed quality. The wine in the original filling is that which has been filled into the prescribed packaging and declared as prescribed in accordance with this Law.

Exceptionally from para. 1 hereof, the producer of wine may offer *“stono vino”* produced from his own grapes to end consumers in bulk within his own winery where the wine has been produced and on wine fairs registered with the Ministry.

The Minister shall define conditions of marketing wine in the original filling as well as the type of packaging.

### **Transport in Marketing**

#### **Article 47**

Transport of marketed grapes shall be accompanied by a dispatch note.

A producer may buy or sell wine and other products only from another producer in bulk as a raw material for additional processing and production with earlier secured proof of controlled and established quality of that wine or other product.

The proof of controlled and established quality of that wine or other product marketed in bulk shall be forwarded to the buyer (producer) with the dispatch note.

### **Conditions of Transport, Storing and Marketing**

#### **Article 48**

Grapes, wine and other products shall be transported, stored and marketed and the grapes, grape must, pomace, wine and other products shall be transported but not for marketing purposes in a way securing physical, chemical, microbiological, organoleptical and other characteristics.

The Minister shall define conditions of transport, storing and marketing of grapes, wine and other products.

### **Timeframes for Marketing of Wine**

#### **Article 49**

Wines with geographical indications may be put on the market as of the date indicated in the technical documentation for that wine with geographical indications.

Wine with an additional traditional term „*mlado*” wine may be put on the market no later than 31 March of the year following the year of harvesting of grapes.

### **Prohibitions Related to Marketing**

#### **Article 50**

Marketing of wines and other products:

- 1) In bulk at the markets and catering facilities, nor display thereof;
  - 2) The service packaging of which was performed by a packager not registered in the Wine Register;
  - 3) That have , a shortcoming, a defect or a mistake, and that are not fit for human use, except for additional processing,
- shall not be allowed.

### **Import of Grapes, Wine and Other Products**

#### **Article 51**

Quality and declaring of grapes, wine and other products imported into the Republic of Serbia with a view to additional processing, production or sale shall fulfill conditions set forth in this Law and the provisions passed on the basis thereof and

shall be accompanied by certificates of an authorised organisation of the exporting country.

Wine imported in bulk shall be declared as "*stono vino*" only.

If wine is imported in bulk for direct use, it shall be marketed only as a wine in original filling.

Imported wines in the original filling offered to the end consumer shall display the name of the importer and all the data from the declaration in Serbian, identical to the data on the original declaration, except for the designations of wines with geographical indications which shall not be translated.

### **Sampling and Conditions at Import**

#### **Article 52**

An Agricultural Inspector shall take a sample from each consignment of imported grapes, wines and other products and send it for quality control, and also to organoleptic testing for wines and other products.

A Agricultural Inspector shall establish whether the quality and organoleptic testing correspond to the certificate of indications and quality issued by the authorised organisation of the exporting country, as well as fulfillment of conditions of prescribed quality in the Republic of Serbia with a view to marketing of grapes, wine and other products except if not otherwise provided for by an international agreement.

The Minister shall define the method of sampling, quality control and organoleptic testing, as well as conditions of marketing of imported grapes, wine and other products.

### **Conditions at Export**

#### **Article 53**

Grapes, wine and other products to be exported shall fulfil conditions stipulated herein.

Exceptionally from para. 1 hereof, grapes, wine and other products to be exported may be produced and exported also if not fulfilling all conditions stipulated herein, on the basis of the Application form of an importer from abroad and with the approval of the Ministry.

Each consignment of grapes, wine and other products to be exported shall be accompanied by a quality certificate.

Exceptionally from para. 3 hereof, the quality certificate shall not be requested for exports of quantities of grapes, wines and other products to be used for one time presentation.

### **Procedural Costs**

#### **Article 54**

The costs of administrative procedure shall be borne by the applicant as follows:

- 1) Issuance of Certificate on registration into the Vineyard Register;
- 2) Issuance of Certificate on cancelling from the Vineyard Register;

- 3) Issuance of Certificate on registration into the Wine Register;
- 4) Issuance of Certificate on cancelling from the Wine Register.

The proceeds mentioned in para. 1 hereof shall be paid by the applicant onto the adequate account for payment of public revenues of the budget of the Republic of Serbia.

The level of costs shall be established in accordance with the provisions on charges related to administrative practices.

A legal person, entrepreneur and a natural person shall pay charges for:

- 1) Verification of fulfilment of conditions for growing grapes;
- 2) Verification of fulfilment of conditions for production of grape must, wine and other products;
- 3) Inspection of shipments at import or export of grapes, wine and other products.

The proceeds generated from the charges mentioned in para 4 hereof shall constitute the revenue of the budget of the Republic of Serbia.

The level of charges mentioned in para. 4 hereof shall be determined by the Government.

## **VII SUPERVISION**

### **Inspection and Supervision**

#### **Article 55**

Inspection and supervision of application of provisions of this Law and legislations passed on the basis thereof shall be conducted by the Ministry through an Agricultural Inspector.

### **Functions of an Agricultural Inspector**

#### **Article 56**

The functions of a Agricultural Inspector may be performed by Graduate Engineer for food technology of plant products; Graduate Engineer of technology, department of food engineering – microbiological processes; Graduate Engineer of agriculture – fruit growing and viticulture; Graduate Engineer for food technology of plant products – *master*, department of conservation and fermentation, or department for security and quality management in food production; Graduate Engineer of technology – *master*, biotechnological or food technology expertise; Graduate Engineer of agriculture – *master*, department of fruit growing and viticulture who has obtained a professional certification of the state and minimum three years of work experience.

The functions of an Agricultural Inspector may be performed also by persons holding a university degree of another profession acquired by the date of registration into force of this Law if they had discharged the functions of Agricultural Inspector until the date of registration into force of this Law.

## **Supervision of Authorized Operations**

### **Article 57**

Supervision of operation of the expert organisation for Vineyard Register, authorised laboratory and control organisation in execution of functions entrusted to it shall be conducted by the Ministry in accordance with the legislations regulating state administration.

## **Official Identification, Emblem and Uniform**

### **Article 58**

In performing the functions related to inspection and supervision, an Agricultural Inspector shall have official identification card, an emblem proving his duty and a uniform.

The Minister shall define the form and content of an official identification card, type of uniform and shape of emblem mentioned in para. 1 hereof, as well as keeping records on the official identifications issued.

## **Rights and Functions of Agricultural Inspector**

### **Article 59**

In performing the functions related to inspection and supervision, an Agricultural Inspector shall have the right and duty to inspect:

- 1) If the grapes in a vineyard are produced from the allowed and recommended varieties of vine, the number of vine-stock and yield per vine-stock, content of sugar in grapes;
- 2) If conditions relevant to production of grapes are fulfilled;
- 3) If a grape grower registered change of data within a prescribed timeframe;
- 4) If an authorised organisation for handling the Vineyard Register performs functions related thereto in accordance with the provisions of this Law and the conditions passed on the basis thereof;
- 5) If grapes are grown in accordance with the provisions of this Law;
- 6) If conditions relevant to production of grape must, wine and other products in accordance with this Law are fulfilled;
- 7) If a producer of wine, grape must and other products registered change of data within a prescribed timeframe;
- 8) If winery records are handled in accordance with para. 1, Article 20 hereof;
- 9) If winery records and the pertaining documents are handled for a prescribed timeframe;
- 10) If each vessel with grape must, pomace, wine and other products in bulk to be used for production, ageing and storage of wine and other products has been labelled in accordance with paras. 1 and 2, Article 21 hereof;
- 11) If grape must, wine and other products have been marketed despite of a defect;

- 12) If nothing but allowed oenological practices and oenological means are used in production of grape must, wine and other products;
- 13) If sugar, rectified grape must and rectified concentrated grape must are added to grape must or pomace to be used for production of wines with geographical indications;
- 14) If pomace or grape must are fortified on the basis of an approval of the Ministry and in the presence of an Agricultural Inspector;
- 15) If pomace or grape must to be used for production of „*Vrhunsko vino sa kontrolisanim i garantovanim geografskim poreklom i kvalitetom*“ are fortified;
- 16) If the quality of grape must, wine and other products correspond to the provisions of this Law;
- 17) If grapes, pomace, grape must, wine, or other products are mixed as provided for in this Law;
- 18) If the producer acted upon instruction of a Agricultural Inspector in cases when grape must, wine and other products do not correspond to the requirements set forth in this Law;
- 19) If the producer conducted quality control and organoleptic testing of wine and other products prior to filling, declaring and marketing;
- 20) If the quality and organoleptic testing of wine marketed correspond to the accompanying documents and the Certificate of the exporting state;
- 21) If the authorised organisation fulfills conditions for control of the quality of wine and other products in accordance with this Law;
- 22) If an authorised laboratory conducts organoleptic testing of „*stono vino*“, imported wine in original filling and other products;
- 23) If the board comprised of representatives of wine tasters from the List of Wine Tasters in accordance with this Law conducts organoleptic testing of wine with geographical indications;
- 24) If packaging and declaration of wine and other products fulfill the provisions set forth in this Law;
- 25) If repackaging of original filling of wine and subsequent declaring, as well as use and placing of another producer's declaration on the packaging, and sale of so declared wine is conducted in accordance with this Law;
- 26) If each packaging of wine with geographical indications is labelled by a registration mark;
- 27) If the producer of wine returned the damaged or unused registration marks to the Ministry;
- 28) If the wine with geographical indications is produced in accordance with this Law;
- 29) If the wine with geographical indications is labelled in accordance with this Law;
- 30) If the control organisation fulfills the conditions and performs functions related to geographical indications and control of production of grapes to be used for production of wine with geographical indications and quality control and organoleptic testing in accordance with this Law;
- 31) If the producer of wine with geographical indications has a Certificate of the Ministry on registration of designation of geographical indications for that wine;

32) If the producer of wine and importer acts in accordance with the provisions of Article 44 hereof;

33) If the original filling of wine of marketed and offered to end consumers is of the prescribed quality;

34) If the original filling of wine is packaged into a prescribed packaging and declared in a prescribed manner;

35) If dispatch notes accompany transport of the marketed grapes;

36) If the producer of wine buys and sells wine and other products solely from another producer in bulk with a view to additional processing;

37) If the wine marketed in bulk bears the Certificate of quality controlled and assessed and the dispatch note;

38) If grapes, wine and other products are transported, stored and sold in such a way as to ensure preservation of physical, chemical, microbiological, organoleptic and other characteristics;

39) If wine with geographical indications is marketed in accordance with the date stated in the technical documentation for that wine;

40) If wine with an additional traditional label „*mlado*” wine is marketed after 31 March in the year following the year of harvest;

41) If marketing of wine and other products is contrary to provisions of Article 50 hereof;

42) If the quality and declaring of grapes, wine and other products imported with a view to processing, additional production and sale fulfill the conditions set forth in this Law and whether they are accompanied by a Certificate of an authorised organisation of the exporting state;

43) If the wine imported in bulk is declared as “*stono vino*”;

44) If the wine imported in bulk is marketed for direct human use only as wine in the original filling;

45) If the imported wine declared as being marketed is in accordance with para. 4, Article 51 hereof;

46) If the imported grapes, wine and other products fulfill the conditions set forth in this Law;

47) If the grapes, wine and other products to be exported which do not fulfill all the conditions set forth in this Law are exported with the approval of the Ministry;

48) If each consignment of grapes, wine and other products exported is accompanied by a quality certificate;

49) Execution of measures provided for in this Law.

In performing his functions related to quality control and testing, an Agricultural Inspector may take samples of grapes, wine and other products without compensation.

### **Authority of an Agricultural Inspector**

#### **Article 60**

In performing the functions mentioned in para. 1, Article 59 hereof, an Agricultural Inspector may:

- 1) Prohibit production of grapes if the prescribed conditions are not fulfilled or if production takes place without proof of fulfillment of the prescribed conditions;
- 2) Prohibit production of wine and other products if the prescribed conditions are not fulfilled or if production takes place without proof of fulfillment of the prescribed conditions;
- 3) Order removal of wine defects in application of provisions related to wine and other products being produced or marketed and define a timeframe for removal thereof;
- 4) Prohibit marketing of wine and other products the quality, packaging and labelling and declaring of which is not in accordance with the provisions of this Law;
- 5) Prohibit marketing of wine and other products in bulk if such marketing is not conducted by a wine producer;
- 6) Confiscate and exterminate wine and other products being marketed in bulk on green markets and restaurants;
- 7) Prohibit production of wine and other products if he identifies use of unallowed oenological means in production, seize unallowed means and vines in the production of which these means were utilized or seize the wine that was produced using the unallowed oenological procedure;
- 8) Put a temporary prohibition on marketing of wine and other products if the quality control and organoleptic testing had not been conducted prior to marketing;
- 9) Prohibit marketing of wine with a designation of geographical indications for which a marketing approval had not been issued;
- 10) Temporarily confiscate wine put onto market contrary to the provisions hereof if the seller had not produced this product and confiscate a transport vehicle and vessels in which the wine is transported or kept;
- 11) Submit an Application form for initiation of a lawsuit for violation of the provisions of this Law and the ensuing by-laws;
- 12) Order other measures and initiate other actions in accordance with this Law.

The measures mentioned in items 1 - 10 and item 12, para. 1 hereof shall be ordered by a decision of an Agricultural Inspector.

Agricultural Inspector may exterminate the confiscated unallowed means in an environmentally safe way or sell them by public advertisement to a producer allowed to use them in his production.

In case of temporary confiscation of wine, transport vehicle and vessels, an Agricultural Inspector shall pass a decision on confiscation within three days from the date of such confiscation.

### **Jurisdiction over Appeals**

#### **Article 61**

An appeal against the decision of Agricultural Inspector may be filed with the Minister within six days from the date of delivery of the decision.

An appeal shall not defer execution of the decision.

## **Costs of Confiscation, Storing and Extermination of Wine and Other Products**

### **Article 62**

The costs incurred during confiscation, storing and extermination of wine and other products, transport vehicles and vessels shall be borne by the persons that wine, other products, transport vehicles and vessels were confiscated from.

The confiscated wine and other products may be sold through public advertisement to the interested producer registered in the Wine Register.

## **Costs of Control and Establishment of Quality of Samples**

### **Article 63**

Agricultural Inspector shall inform the owner of the product that the sample was taken from of the results of analysis and when the analyzed sample is taken from original filling, the producer thereof.

A super analysis of a product may be requested within seven days from the date of information on the result of analysis.

The costs of control and establishment of quality of products the control of which is requested shall be borne by the client.

The costs of control and establishment of quality of inspected samples of grapes, wine and other products shall be borne by the producer or a legal person, i.e. natural person, i.e. an entrepreneur the sample was taken from, if grapes, wine and other products do not correspond to the quality prescribed or declared, or by the Ministry if grapes, wine and other products correspond to the quality prescribed or declared.

## **VIII PENAL PROVISIONS**

### **Offence**

#### **Article 64**

A fine of RSD 300,000 to 3,000,000 shall be imposed on a company or other legal person for an offence if he:

1) Uses grapes from direct producer hybrids and grapes from mother plantations for production of wine (para. 1, Article 3);

2) Keeps or uses sugar, "*rakija*", ethanol or other means and substances that increase quantity and change the prescribed natural ingredients of grape must and wine in production plants and storages where wine and other products are produced and stored (para. 2, Article 3);

3) Engages in grape growing but is not recorded in the Vineyard Register (para. 1, Article 11);

4) Produces grape must, wine and other products but is not recorded in the Wine Register (para.1, Article 17);

5) Produces wine but does not have separate premises for production of wine not interconnected with the premises where distillate is produced, or if oenological means and inputs are stored in the same premises (para. 4, Article 17);

6) Produces wine and does not have separate vessels for storing (keeping) of "*stono vino*" that does not originate from grapes in the Republic of Serbia from the

vessels for storing (keeping) wines produced from grapes in the Republic of Serbia (para. 5, Article 17);

7) Uses the prescribed oenological practices and the prescribed oenological means that are not conducive to preservation and development of the natural characteristics of wine (para. 1, Article 22);

8) Adds sugar, rectified grape must or pomace to be used in production of wine with geographical indications (para. 1, Article 23);

9) Fortifies pomace or grape must without the approval of the Ministry (para. 3, Article 23);

10) Fortifies pomace or grape must to be used for production of „*Vrhunsko vino sa kontrolisanim i garantovanim geografskim poreklom i kvalitetom*“ (para. 5, Article 23);

11) Blends wine produced on the territory of the Republic of Serbia with the imported wine (para. 2, Article 25);

12) Fails to act upon the order of a Agricultural Inspector (para. 1, Article 26);

13) Conducts quality control and organoleptic testing prior to packaging, declaring and marketing wine and other products (para. 1, Article 27);

14) Puts wine and other products into market despite discrepancies between the quality and the accompanying documents or a certificate of the exporting state and other conditions provided for by this Law (para. 4, Article 27);

15) Engages in repackaging original filling of wine and subsequent declaring, as well as use or putting on the packaging another producer's declaration as well as sale of the wine declared in this way (para.4, Article 30);

16) Produces wine with geographical indications without a previously issued decision of the Ministry on recognition of the designation of geographical indications for that wine (para. 1, Article 39);

17) Acts in contravention to the provisions of Article 44 hereof;

18) Markets the wine or offers it to the end consumer although it is not in original filling and of the prescribed quality, not in the prescribed packaging and declared in a prescribed manner (para. 1, Article 46);

19) Buys and sells wine and other products solely from another producer in bulk as a raw material for further processing and production and does not have evidence of controlled and established quality of that wine or another product (para. 2, Article 47);

20) Acts in contravention of provisions of Article 50 hereof;

21) Acts in contravention of provisions of Article 51 hereof when importing grapes, wine and other products.

A responsible person in a company or another legal person shall also be fined for the offence mentioned in para. 1 hereof in the amount of RSD 50,000 to 200,000.

In addition to the fine, a legal person and a responsible person shall also be subject the acts mentioned in para. 1 hereof shall also be subject to a protective measure of prohibition of conducting certain functions between one and five years.

## Offences Committed by Companies

### Article 65

A fine of RSD 100,000 to 1,000,000 shall be imposed on a company or other legal person if:

- 1) Grapes are produced from varieties of vine that are not allowed (para. 2, Article 10);
- 2) Fails to act in accordance with the para.3, Article10 hereof in production of grapes;
- 3) Fails to act in a way as to preserve all the natural characteristics of wine in production thereof (para. 5, Article 10);
- 4) Fails to inform the Ministry of any change of data within 15 days following such change (para.6, Article 12);
- 5) Fails to inform the Ministry of any change of data within 15 days following such change (para. 4, Article 18);
- 6) Fails to handle wine records and fails to keep it in a prescribed manner (Article 20);
- 7) Fails to label each vessel with grape must, pomace, wine and other products in bulk to be used for production, ageing and storage of wine and other products as well as vessels with faulty grape must, pomace, wine and other products (paras. 1 and 2, Article 21);
- 8) Puts wine and other products onto the market without having removed the wine defects (para. 3, Article 21);
- 9) Fortifies pomace or grape must in absence of Agricultural Inspector (para. 4, Article 23);
- 10) Mixes grapes, pomace, grape must, wine and other products in contravention of the provision of para. 1, Article hereof;
- 11) Packages and declares wine and other products in contravention of the provisions stipulating quality thereof (para. 1, Article 30);
- 12) Fails to label wine with geographical indications with registration mark (para. 1, Article 31);
- 13) Fails to return damaged and unused registration marks to the Ministry (para. 2, Article 32);
- 14) Offers "*stono vino*" produced from his own grapes to the end consumer in bulk outside his own winery where it has been produced (para. 2, Article 46);
- 15) The transport of marketed grapes is not accompanied by a dispatch note (para. 1, Article 47);
- 16) Transports, stores and sells grapes, wine and other products in contravention of Article 48 hereof;
- 17) Puts wine with geographical indications or wine with an additional traditional term "*mlado*" wine on the market in contravention of the Article 49 hereof;
- 18) Acts in contravention of Article 53 hereof in importing grapes, wine and other products.

A responsible person in a company or another legal person shall also be fined for the offence mentioned in para. 1 hereof in the amount of RSD 10,000 to 50,000.

## Offences Committed by Entrepreneurs

### Article 66

A fine of RSD 150,000 to 500,000 shall be imposed on an entrepreneur if he:

- 1) Uses grapes from direct producer hybrids and grapes from mother plantations for production of wine (para. 1, Article 3);
- 2) Keeps or uses sugar, "rakija", ethanol or other means and substances that increase quantity and change the prescribed natural ingredients of grape must and wine in production plants and storages where wine and other products are produced and stored (para. 2, Article 3);
- 3) Engages in grape growing but is not recorded in the Vineyard Register (para. 1, Article 11);
- 4) Produces grape must, wine and other products but is not recorded in the Wine Register (para.1, Article 17);
- 5) Produces wine but does not have separate premises for production of wine not interconnected with the premises where distillate is produced, or if oenological means and inputs are stored in the same premises (para. 4, Article 17);
- 6) Produces wine and does not have separate vessels for storing (keeping) of "stono vino" that does not originate from grapes in the Republic of Serbia from the vessels for storing (keeping) wines produced from grapes in the Republic of Serbia (para. 5, Article 17);
- 7) Uses the prescribed oenological practices and the prescribed oenological means that are not conducive to preservation and development of the natural characteristics of wine (para. 1, Article 22);
- 8) Adds sugar, rectified grape must or pomace to be used in production of wine with geographical indications (para. 1, Article 23);
- 9) Fortifies pomace or grape must without the approval of the Ministry (para. 3, Article 23);
- 10) Fortifies pomace or grape must to be used for production of *Vrhunsko vino sa kontrolisanim i garantovanim geografskim poreklom i kvalitetom* ( para. 5, Article 23);
- 11) Mixes wine produced on the territory of the Republic of Serbia with the imported wine (para. 2, Article 25);
- 12) Fails to act upon the order of a Agricultural Inspector (para. 1, Article 26);
- 13) Conducts quality control and organoleptic testing prior to packaging, declaring and marketing wine and other products (para. 1, Article 27);
- 14) Puts wine and other products into market despite discrepancies between the quality and the accompanying documents or a Certificate of the exporting state and other conditions provided for by this Law (para. 4, Article 27);
- 15) Engages in repackaging original filling of wine and subsequent declaring, as well as use or putting on the packaging another producer's declaration as well as sale of the wine declared in this way (para.4, Article 30);
- 16) Produces wine with geographical indications without a previously issued decision of the Ministry on recognition of the designation of geographical indications for that wine (para. 1, Article 39);
- 17) Acts in contravention to the provisions of Article 44 hereof;

18) Markets the wine or offers it to the end consumer although it is not in original filling and of the prescribed quality, not in the prescribed packaging and declared in a prescribed manner (para. 1, Article 46);

19) Buys and sells wine and other products solely from another producer in bulk as a raw material for further processing and production and does not have evidence of controlled and established quality of that wine or another product (para. 2, Article 47);

20) Acts in contravention of provisions of Article 50 hereof;

21) Acts in contravention of provisions of Article 51 hereof when importing grapes, wine and other products.

### **Article 67**

A fine of RSD 50,000 to 200,000 shall be imposed on an entrepreneur if:

1) Grapes are produced from varieties of vine that are not allowed (para. 2, Article 10);

2) Fails to act in accordance with the para.3, Article10 hereof in production of grapes;

3) Fails to act in a way as to preserve all the natural characteristics of wine in production thereof (para. 5, Article 10);

4) Fails to inform the Ministry of any change of data within 15 days following such change (para.6, Article 12);

5) Fails to inform the Ministry of any change of data within 15 days following such change (para. 4, Article 18);

6) Fails to handle wine records and fails to keep it in a prescribed manner (Article 20);

7) Fails to label each vessel with grape must, pomace, wine and other products in bulk to be used for production, ageing and storage of wine and other products as well as vessels with faulty grape must, pomace, wine and other products (paras. 1 and 2, Article 21);

8) Puts wine and other products onto the market without having removed the wine defects (para. 3, Article 21);

9) Fortifies pomace or grape must in absence of Agricultural Inspector (para. 4, Article 23);

10) Mixes grapes, pomace, grape must, wine and other products in contravention of the provision of para. 1, Article hereof;

11) Packages and declares wine and other products in contravention of the provisions stipulating quality thereof (para. 1, Article 30);

12) Fails to label wine with geographical indications with registration mark (para. 1, Article 31);

13) Fails to return damaged and unused registration marks to the Ministry (para. 2, Article 32);

14) Offers "*stono vino*" produced from his own grapes to the end consumer in bulk outside his own winery where it has been produced (para. 2, Article 46);

15) The transport of marketed grapes is not accompanied by a dispatch note (para. 1, Article 47);

16) Transports, stores and sells grapes, wine and other products in contravention of Article 48 hereof;

17) Puts wine with geographical indications or wine with an additional traditional term „*mlado*” wine on the market in contravention of the Article 49 hereof;

18) Acts in contravention of Article 53 hereof in importing grapes, wine and other products.

### **Offences Committed by Natural person**

#### **Article 68**

A fine of RSD 5,000 to 50,000 shall be imposed on a natural person if he:

1) Engages in production and processing of grapes, grape must, wine and other products of grapes, grape must and wine that are not for his own use (para. 1, Article 4);

2) Produces grapes from the varieties of wine that are not allowed (para. 2, Article 10);

3) Acts in contravention of para. 3, Article 10 hereof in production of grapes;

4) Acts in a way not preserving all natural characteristics of grapes in production of grapes (para. 5, Article 10);

5) Grows grapes for the market but has not registered in Vineyard Register (para. 3, Article 11);

6) Fails to inform the Ministry of any change of data within 15 days from the date of change (para. 6, Article 12);

7) The transport of grapes marketed is not accompanied by a dispatch note (para. 1, Article 47);

8) Transports, stores and sells grapes in contravention of Article 48 hereof.

## **IX TRANSITIONAL AND FINAL PROVISIONS**

### **Timeframe for Alignment of Legal and Natural person and Entrepreneur**

#### **Article 69**

A legal person and an entrepreneur engaged in production of grapes, grape must, wine and other products or a natural person engaged in production of grapes shall align his operation with the provisions of this Law within two years following the date of registration into force thereof.

The producers, who produce wine with geographical indications by the date of registration into force of this Law in another viticultural area relative to the wine-growing area where grapes used for production of that wine are grown, may designate these wines with a registered designation of geographical indications of that wine-growing area until 2020.

#### **Article 70**

The producers who have acquired the status of an authorised user of the PDO or PDI in accordance with the Law on Designations of Geographical Indications („Official Gazette of Serbia and Montenegro”, no. 20/06) shall retain this status until

the date of its expiry as registered in the Register of Authorised Users of the Designation of Geographical Indications, or Register of Authorised Users of Geographic Indications.

The provisions of this Law shall be applicable also to the registration of the PDO or PGI for wines with geographical indications, submitted by the date of registration into force of this Law and which are not subject to completion of administrative proceedings.

### **Application of By-Law Legislations**

#### **Article 71**

Until the enactment of by-law legislations based on authorisations hereof, the following by-laws shall apply:

- 1) By-Low on Viticulture Zoning („Official Gazette of Federal Republic of Serbia”, no. 54/90);
- 2) By-Low on Protection of Geographical indications of Wine and „*Rakija*“ („Official Gazette of Federal Republic of Serbia”, no. 23/80 and 30/80-corrigendum) and
- 3) By-Low of Quality and Other Requirements for Wine („Official Gazette of Federal Republic of Yugoslavia”, nos. 54/99, 39/02 and “Official Gazette of Serbia and Montenegro” no. 56/03).

### **Abrogation of Previous Legislation**

#### **Article 72**

At the date of coming into force of this Law, the provisions of the Law on Wine and „*Rakija*“ shall be repealed („Official Gazette of the Republic of Serbia”, nos. 70/94, 13/02-SUS and 101/05-other law) relating to wine.

At the date of coming into effect of this Law, the provisions of the Law on Designations of Geographical indications („Official Gazette of Serbia and Montenegro”, no. 20/06) shall be repealed relating to regulation of designation of wines with geographical indications, with the exception of provisions regulating international registration of markings of geographical indications of wine.

### **Coming into Effect**

#### **Article 73**

This Law shall enter into force on the eighth day following its publication in the „Official Gazette of the Republic of Serbia ”.