

LEGISLATIVE DECREE (L.D.) NO 243

“On the Improvement and protection of Vine Production”

CHAPTER II

Protection of Vine Production

Article 4

1. The term Appellation of Origin defines the geographical name (toponymy) of a district or certain region, which can be used as a trade name of a wine, provided that it is typical of the region concerned, i.e. of a quality and properties mainly due to factors characterizing the area (natural and technical coefficients).
2. Wines coming from a certain region have the right to bear the toponymy of the region as an appellation of origine, provided that they fulfill the conditions laid down by the present decree. The use of a toponymy of a specific area is forbidden for wines of other origin, even in case of decisive designations prior to toponymy, such as kind, type etc.
3. The appellations of origin of wines are recognised and protected, provided that they are in compliance with the provisions of the present decree.

Article 5

1. Wines entitled to an appellation of origin are distinguished in wines of a controlled appellation of origin and wines of simple appellation of origin.
2. Wines of controlled appellation of origin should come from grapes of selected varieties, cultivated traditionally in each area and on suitable for the production of quality wines in limited vine zones, within which they should be produced and fulfill certain conditions relating to the yields per Ha of vines, the pruning methods and the minimum content of sugar into the must.
3. Wines within the category of simple appellation of origin should come from grapes of certain vine varieties, cultivated traditionally in an area and on suitable soils, within limited vine zones, where they should be produced.
4. Wines of simple appellation of origin can be also marketed as high quality wines of appellation of origin, provided that they fulfill laid down by a decision signed by the Minister of Agriculture, following a relevant proposal of the Central Committee for the Protection of Vine Production (C.C.P.V.P.), referring to the boundaries of a region, the suitable varieties, the pruning methods, the maximum yield per Ha and the content of sugar into the must.
5. The toponymy designated as controlled appellation of origin is prohibited to be used simultaneously as a simple appellation of origin.
6. Royal Decrees (R.D) issued after a relevant proposal of the Minister of Agriculture and following the recommendation of the C.C.P.V.P., shall revise and determine the recognised appellations of origin under the Law 5506/1932 “concerning the protection of domestic vine production” within two years from the publication of the present L.D., either ex officio or following an application made by the interested parties, which should be submitted within six months from the publication of the present L.D., this six month time limit can be extended for six more months by a decision of the Minister of Agriculture.
7. Appellation of origin recognised under Law 5506/1932 are valid until the afore said revision, and they shall be automatically abolished in case they are not revised and determined by the relevant R.Ds. as above.
8. Recognition of new appellations of origin is feasible through R.Ds. issued after a proposal of the Minister of Agriculture and following the suggestion of the C.C.P.V.P.

9. Relevant R.Ds. shall determine – in case of wines of controlled appellation of origin – the limits of the area, the suitable varieties, the pruning methods, the maximum yield per ha and the content of sugar into the must, – in case of simple appellation of origin – the limits of the area, the suitable varieties for each region, as well as the procedure for annual renewal of the right to use the appellation of origin.
10. Wines of appellation of origin should not be marketed otherwise than as bottled wines, bottling rights are assigned either to persons entitled, by virtue of the present L.D., to use a controlled or a simple appellation of origin, or to persons particularly authorized by the entitled one through a notarial act.
11. Joint decisions of the Ministers of Agriculture, Industry and Finance, published in the official gazette shall determine:
 - a) The special conditions of bottling wines of appellation of origin.
 - b) The loading and transit centers, the way of shielding of barrels, containers, tanks or other transportation means (tankers, railcars, vehicles, etc) used for the transportation of these wines.
12. Transportation of non-bottled wines of appellation of origin is permitted, under the issuing of a relevant licence from the competent Directorate of Agriculture, if these are destined for bottling outside of the production places, either domestically or abroad, as well as if these are destined to be used for the production of other products. The type and conditions for issuing such licence will be determined through a decision of the Minister of Agriculture. Concerning wines containing alcohol additives, the above licence is issued after prior examination carried out by the General State Chemical Laboratory or its regional branches.
13. The terms and conditions for using toponymies as trade-marks for wines are defined by a R.D., issued after proposal of the Minister of Agriculture, following the suggestion of C.C.P.V.P.
14. All registered wine trade-marks applied to toponymies up today are valid till the publication of the above mentioned R.D. and henceforth provided that the terms and conditions laid down thereof are fulfilled.
15. Trade-marks registered under the relevant legislation on trade-marks and applied to toponymies of limited vine-zones as well as on bottled wines of recognised high quality can henceforth be exceptionally applied, provided – following a relevant application of the interested persons – they are registered under a R.D. issued within a 3-month period from the entry into force of the present L.D. after a proposal made by the Ministers of Trade and Agriculture following the relevant suggestion from the C.C.P.V.P.
16. Production, control and protection issues for the resin-flavored wines are governed through a R.D. issued after a relevant proposal made by the Ministers of Agriculture, Trade and Finance.
17. Exports of typical wines is forbidden, in case they are not accompanied by a certificate of origin issued by the competent Directorate of Agriculture. The form and further details of such certificates shall be determined by a decision of the Minister of Agriculture.

Article 7

1. Each person engaged in the production of viticultural products entitled to an appellation of origin, is obliged to keep a register, which should contain full information allowing control of products. This information shall be determined by a joint decision of the Ministers of Agriculture and Finance.
2. All viticultural and viticultural products (grapes, must, wines, special wines) entitled to an appellation of origin should be accompanied – in the course of their circulation, except for retail sale – by a report stating at least the names and the addresses of the consigner and the receiver, the place of origin, the weight or the volume and the kind of product, the alcoholic strength (the content of alcohol and deoxidizing sugar) and the appellation of origin, the kind and type of the said report, its use and supplementary data (depending on the nature of the product) shall be defined by a joint decision of the Ministers of Agriculture and Finance.
3. Each person employed in the marketing of viticultural products, entitled to an appellation of origin, with the exception of retailers, Should keep a register containing all information mentioned in the above (par 2) accompanying report, which should be kept and presented upon request of relevant control authorities for a five-year period.
4. Persons intending to market wines of appellation of origin as common wines, should make a relevant declaration to the competent Directorate of Agriculture, concerning the quantity to be marketed as common wine.
5. Supervision and control for compliance with the provisions of the present L.D., concerning wines entitled to an appellation of origin, is carried out by the Local Agricultural Services, while concerning other

wines by the State Chemical Laboratory and its regional branches respectively, according to the existing provisions.

6. The bodies authorized for the supervision and control for compliance are entitled to carry out their task every working day at wineries, wine storehouses, wine sale-stations. while winery owners etc are obliged to furnish these bodies with full details about their work.

7. Control and supervision activities, their extent as well as full details about the application of the previous paragraph shall be determined by joint decision of the Ministers of Finance and Agriculture.

8. Bodies authorized by the present article for supervision and control, being aware of either professional, commercial, trading etc secrets, pertaining to their competencies or other relevant activities, are obliged to safeguard secrecy thereof, otherwise subjected to penalties provided for in the Penal Code.

Article 8

1. Validity of the provisions of the present L.D., concerning the registration and protection of appellations of origin, may be extended to imported wines from third countries on the principle of mutuality, via the issuing of R.Ds. following a proposal made by the Ministers of Agriculture, Finance and Trade.

Article 10

1. A Central Committee for the Protection of Vine Products (C.C.P.V.P.) is constituted by the Ministry of Agriculture. The C.C.P.V.P. is a consulting body responsible for the designation of appellation of origin, as well as for the protection and improvement of vine production and wine marketing.

2. Setting up and operating procedures of this Committee shall be determined by a joint decision of the Ministers of Agriculture, Finance and Trade, issued within a 3-months period from the entry into force of the present L.D. and published in the Official Gazette.

3. A decision of the Minister of Agriculture shall enable the constitution of special committees, responsible for the examination of the terms governing the territories of a toponymy, the suitability of soil, the proper vine varieties, the pruning methods, the maximum yield per ha, the content of sugar into the must.

CHAPTER III General Dispositions

Article 14

At least a 3-months imprisonment and financial penalties are imposed on:

a) Whoever, by violation of article 4 of the present L.D., uses the toponymy of a region as a wine appellation of origin, while this product is neither of the quality nor has the characteristic properties owing to the natural or technical factors of the region, also whoever uses the toponymy of a region to wines of other origin, even in case of decisive designations prior to toponymy such as kind, type of product etc.

b) Whoever puts in the market or in any way sales a product as a wine of the category of controlled appellation of origin, while it does not fulfill the conditions provided for in paragraph 2 of article 5 of the present L.D.

c) Whoever puts in the market or in any way sales a product as a wine of the category of simple appellation of origin, while it does not fulfill the conditions provided for in paragraph 3 of article 5 of the present L.D.

d) Whoever uses a recognised controlled appellation of origin together with a simple appellation of origin to the same wine (article 5 par. 5).

e) Whoever uses a non-recognised or abolished appellation of origin or a toponymy as a trade-mark, in case conditions laid down by the relevant Decree are not fulfilled (article 5 par. 7, 13, 14).

f) Whoever puts on the market a wine of appellation of origin, without being entitled to (article 5 par 10).

g) Whoever violates provisions laid down in the joint decision of the Ministers of Agriculture, Industry and Finance, published in the Official Gazette, concerning the specific terms governing the bottling of wines of appellation of origin, the loading and reloading centres, the way of shielding of barrels, containers, tanks or other transportation means (tankers, railcars, vehicles, etc.).

h) Whoever carries or delivers over for transportation non-bottled wine of appellation of origin, either to be bottled out of its production place, or to be used for the production of other products, without any licence of the competent Directorate of Agriculture.

Article 15

1. Legal proceedings against violators of articles 4, 5 and 6 par 2 of the present L.D., are taken place under a violation protocol prepared by the State Chemical Laboratory or its regional branches, the competent Directorate of Agriculture, or the the Wine Institute.

Relevant procedures are laid down by the R.D. of 14th February 1939 “concerning legislation codex governing duties and taxes on alcoholic beverages”, by the applicatio of the provisions of articles 22 and 27 thereof, as well as par, 5 of article 26 on confiscation.

Article 16

1. Wine or must produced, owned, transported, exported or sold in violation of the provisions of article 4, 5 and 6 par. 2 of the present L.D. is confiscated.

2. Confiscation is ordered by the Court, even if the person having any relevant right does not commit the offence.

3. The confiscated wine or must or the distilled alcohol or the wine extract are sold under the current provisions, and the money is deposited to the Central Fund for Agriculture, Livestock Breeding and Forests, following clearing of import duties, taxes, etc. due to the Public.

Article 17

For the infringements set out in the provisions of article 4 of the present L.D., destruction of labels or wrappers is pronounced by the Court. In addition, the Court may also order confiscation of caontainers and bottles.

The Court may therefore order once for all publication of the whole condemning judgement or its summary in one Gazette at the expense of the condemned.
