

THE VINE AND WINE LAW NO 244 OF 11 APRIL 2002 REGARDING THE SYSTEM OF THE COMMON ORGANISATION OF THE MARKET IN WINE

The Romanian Parliament adopts the present law.

CHAPTER I: Scope

Article 1

(1) The common organisation of the market in wine shall contain rules concerning:

- a) the potential of the vinification and viticultural production;
- b) market techniques;
- c) producers' organisations and networking entities;
- d) enological treatments and practices, designation, denomination, presentation and protection of vinification and viticultural products;
- e) wines and other wine-based and viticultural products obtained in delineated viticultural areas;
- f) the policy of exchange with third countries

(2) The principles of the common organisation of the market in wine refer to:

- a) maintaining the best balance between supply and demand on the European Community market;
- b) the possibility of the producers to operate on emerging markets;
- c) the system's flexibility to become more competitive on a long-term basis;
- d) eliminating state intervention in case of exceeding wine production;
- e) sustaining the market in wine and the steady supply of the segments in the sector of drinking alcohol with wine-distillery products;
- f) the identification of regional diversity and institutionalisation of the potential role of producers' groups and of networking entities ;

(3) The products obtained from processing grapes, must of grapes , wines and vinification sub-products shall be provided for in Annex 1.

(4) The definitions of the products mentioned in Annex 1 and the terms used for designating them shall be provided for in Annex 2.

(5) The vinification and viticultural production campaign starts on August 1 each year and it ends on July 31 of the following year.

CHAPTER II: The potential of the vinification and viticultural production

PART A: The viticultural production

SECTION 1: Viticultural areas

Article 2

In Romania, vine is primarily cultivated in areas traditionally dedicated to this activity, situated in hilly regions or on sandy terrains, as well as on other suitable lots of land, called viticultural areas, which are subjected to territorial delineation.

Article 3

(1) Vine plantations shall be delineated, territorially, into viticultural areas, viticultural regions, vineyards, viticultural centres and viticultural fields, whose definitions shall be found in Annex 3.

(2) Vine plantations located outside the delineated perimeter of the vineyards and vinification centres shall be considered independent vines.

(3) The inclusion of the Romanian viticultural areas and centres as well as of the Romanian vineyards in the viticultural areas of the European Union shall be realised on the basis of studies carried out by authorised institutions of the Romanian state.

Article 4

(1) The national vinification patrimony includes the following categories of plantations and lots:

a) fruit-bearing vine plantations, mother plant plantations, mother plantations that provide grafting tendrils or slips for striking root and vine schools.

b) lots in the viticultural areas, resulting from vine clearfelling, in a state of preparation for being planted;

c) other lots within viticultural areas which, due to their location, complete or unite already existing viticultural areas and which present conditions favourable to viticulture.

(2) the lots mentioned in paragraph (1) (b) and (c) shall represent the reserve for vine cultivation.

Article 5

(1) The Ministry of Agriculture, Food and Forestry ensures the accomplishing and updating of delineation works of viticultural areas, the ones intended for wine making and other vinification and viticultural products with denomination of origin.

(2) Viticultural areas delineated for the making of wines, must- and wine-based products and of table grapes with denomination of origin include plots located in a vineyard or viticultural centre which, due to natural conditions, to the varieties of the vine cultivated and to the technologies applied allow to obtain high-quality products, characterised by the uniqueness of their features hence it shall be advisable for them to bear the denomination of the place where they were produced.

Article 6

(1) The territorial delineation works of viticultural areas shall be recorded distinctly in the agricultural cadastre as a separate recording subsystem, called viticultural cadastre, and shall include:

a) establishing the perimeters of viticultural areas, including categories of lots and winemaking plantations provided for in Article 4;

b) identifying and delineating wine-making areas and other vinification and viticultural products with a denomination of origin;

c) registering of viticultural plantations and of the lots liable to be cultivated with vine, according to owners and lots.

(2) The Ministry of Agriculture, Food and Forestry and the Ministry of Public Administration shall establish the methodology norms of making and keeping the viticultural cadastre, as a component of the agricultural cadastre, observing the methodology norms of making the general cadastre, elaborated by the National Office of Cadastre, Geodesis and Cartography.

SECTION 2: The production of the viticultural planting material

Article 7

(1) In viticulture the use of the following planting material categories shall be allowed:

- a) grafted vines;
- b) non-grafted vines from fruit-bearing kinds;
- c) mother plants

(2) Grafted vines may be planted in any type of soil, and non-grafted ones may only be planted in sandy soils.

(3) For the production of vines, the following categories of reproduction shall be allowed:

- a) tendrils for grafting;
- b) slips of fruit-bearing vines for striking root;
- c) slips for grafting or striking root.

(4) The reproduction material provided for in paragraph (3) shall come from specialized mother-plantations or from viticultural plantations acknowledged and authorised for reproduction.

Article 8

(1) The production, quality control and commercialisation of the planting and reproduction material shall be carried out complying with the provisions of the Law No 75/1995 republished regarding the production, control, commercialisation and use of seeds and other planting material, as well as registering the varieties of agricultural plants.

(2) The material base pertaining to the viticultural planting material production sector , i.e. grafting and pushing complexes, rotational lands, mother-plantations producing mother plants and tendrils for grafting is protected by law insofar as the initial destination shall be observed, regardless of the present or future owners.

SECTION 3: Founding, maintaining and clearfelling viticultural plantations

Article 9

(1) The cultivated vine varieties shall be classified according to the following groups:

- a) recommended;
- b) authorised;
- c) temporarily authorised;
- d) forbidden.

(2) The definitions of the groups of varieties shall be provided for in Annex 3.

(3) The Ministry of Agriculture, Food and Forestry organise the designation of the vine varieties recommended and authorised for cultivation within each area, as well as the regular updating of these works.

(4) Surfaces planted with forbidden varieties (directly producing hybrids) located in viticulture areas and beyond the limits of the localities not included in the viticulture areas shall be clearfelled within 15 years starting from the date of publication of the present law, on the basis of certain plantation re-establishment support programmes, approved by the Ministry of Agriculture, Food and Forestry.

(5) For the surfaces with directly producing hybrids located in divided viticultural areas, the Ministry of Agriculture, Foods and Forests shall provide the viticultural producers with the necessary planting material free of charge, using varieties that are recommended and authorised for re-plantation.

Article 10

Founding vine plantations shall be performed above all in delineated viticultural areas. On the lands outside the viticultural areas, plantations destined to satisfy local consumption only shall be established, on surfaces that are preferably massed in the vicinity of the localities situated particularly on sloping lands, on river terraces or on other lands less suited for any other cultivation.

Article 11

(1) In viticultural areas or outside localities situated outside viticultural areas, founding a vine plantation on a surface larger than 0,1 ha per economic operator or per family and extending beyond this limit of the existing ones shall only occur on the basis of the planting authorization, issued by the county or Bucharest general agriculture and food industry directorates , according to methodology norms for the application of this law. In order to obtain the planting authorization for surfaces larger than 3 ha the applicant shall hand in a project regarding the establishment of the viticultural plantation which shall be approved by the local vinification and viticultural research body .

(2) The planting authorization is issued on the basis of either a new planting, or replanting right, or according to the right of planting on a reserve land. The definitions of the terminology used in this paragraph shall be found in Annex 4.

(3) By family the present law shall refer to spouses and unmarried children, when they share the same household their parents.

(4) The county or Bucharest general agriculture and food industry directorates shall notify the public administration authorities whose territorial perimeter includes that lot for which the planting authorisation has been issued.

Article 12

(1) Establishing vine plantations on surfaces over 0,1 ha per economic operator or per family, as well as extending the existing lots beyond this surface shall be allowed only if carried out with recommended and authorised varieties. Modifying the vine variety of an already existing plantation by over-grafting them shall only be made by using the same varieties that have been used before.

(2) The following is forbidden: planting hybrids in viticultural areas and outside localities situated outside viticultural areas, as well as using planting material from hybrid vines in order to fill the gaps in the vines with noble variety in the above mentioned locations.

(3) Planting inter-specific hybrids having a relative resistance to diseases, and which are obtained from complex crossings between *Vitis vinifera* varieties and varieties belonging to other species of the *Vitis* sort, on a surface of 0,1 ha per family at the most, shall only be made inside localities situated outside viticultural areas, for ornamental or family consumption purposes. The list containing these inter-specific hybrids shall be approved by order of the Minister of Agriculture, Foods and Forests.

(4) The failure to observe the provisions (2) and (3) shall have as a consequence not only the imposition of a contraventional fine, according to the present law, but the clearfelling of the plantation as well. If the perpetrator fails to apply the measure of clearfelling the plantation within 6 months at the most from ascertaining the misdemeanour, the county and Bucharest general agriculture and food industry directorate shall proceed to clearfelling the plantation and force the perpetrator to pay for all expenses.

(5) Planting shall refer to irrevocably fixating the grafted vines with the purpose of producing grapes, tendrils for grafting and tendrils from a mother-plant.

Article 13

In order to adapt the vinification and viticultural production to the demands of the market and in order to ensure the quality of vinification and viticultural products the system of concentration, specialisation and reconversion of viticultural plantations shall be instituted:

a) in delineated viticultural areas;

b) outside viticultural areas, in order to replace hybrid vines situated outside localities with recommended and authorised noble varieties and to limit them to satisfying local consumption.

Article 14

(1) Owners of vine plantations are obliged to perform works of maintaining the vines, particularly the treatments against diseases and pests, under proper technical conditions and during appropriate seasons, according to the methodology norms of application of the present law.

(2) The vines destined to producing wines with denomination of origin shall be subjected to a special regime of control regarding the observation of culture conditions, established by the technical norms issued by the National Office of Denominations of Origin for Wines and other Viticultural and Vinification Products (NOODWVVP), on the basis of the order of the Minister of Agriculture, Foods and Forests, which has granted the right to produce wine with denomination of origin.

(3)The pedo- and hydro-ameliorative facilities shall not be destroyed or deteriorated by the plantation works.

Article 15

(1) Clearfelling of vine plantations larger than 0,1 ha per economic operator or per family shall occur only on the basis of the authorisation of clearfelling vines, issued by the county and Bucharest general agriculture and food industry directorates, according to the methodology norms set by the Ministry of Agriculture, Foods and Forests.

(2) Clearfelling shall refer to the complete eradication of any vine stocks on a vine-cultivated lot. .

Article 16

On irrevocable abandonment of surfaces with forbidden hybrids, larger than 0,1 ha per economic operator or per family, abandonment bonuses shall be granted according to the conditions provided for in the methodology norms of application of the present law.

SECTION 4: The Grape Production

Article 17

(1) Depending on their technological properties, grapes can have the following destinations:

- a) fresh consumption
- b) vinification
- c) processing: juice production, concentrated must, jams, compotes and raisins.

(2) Fresh grapes destined to commercialisation have to correspond to the standard quality norms . Other grapes, inappropriate for fresh consumption, shall be used for vinification, provided that the wines are destined to family consumption only, to distilling or to the production of vinegar.

(3) Table grapes obtained from certain varieties cultivated in favourable areas, recognised for their vocation, having high quality features, established by technical norms issued by the Ministry of Agriculture, Food and Forestry, shall be exploited with denomination of origin.

(4) Grapes obtained from table varieties accepted to have mixed functions shall be used for fresh consumption, provided that the standard quality norms of shall be observed, or for vinification, in order to serve as vinification or wine-distilling products.

(5) The list containing the varieties with mixed functions is approved by an order of the Minister of Agriculture, Foods and Forests.

PART B: Vinification production

SECTION 1: Wines and Must- and Wine-Based Products

Article 18

Depending on their qualitative and compositional characteristics, as well as on their production technology, wines are classified into: table wines, quality wines and special wines, as follows:

a) table wines are obtained from great production varieties, cultivated in specialised viticultural areas. They can also be obtained from table varieties with mixed functions, as well as from varieties for quality wines, the grapes of which do not fulfil the conditions provided for in this category. Table wines include wines from independent vines. Table wines shall have the alcoholic strength of at least 8,5%. Below this strength, the products shall not be commercialised for consumption under the denomination "wine". The definition of the notions of alcoholic strength is provided for in Annex 2.

b) quality wines are obtained from varieties with superior technological properties, cultivated in specially established viticultural areas, according to a specific technology. The obtained alcoholic strength of quality wines shall be at least 10,5%.

Quality wines shall be classified into:

1. quality wines bearing an established geographical indication;
2. quality wines with denomination of controlled origin.

Quality wines, distinguishable through the originality of their features that stems from the place of production, the variety or the assortment of varieties, the modality of cultivation and the technology used, shall qualify as superior quality wines with denomination of origin. Their acquired alcoholic strength shall be of at least 11%.

The commercialisation of superior quality wines with denomination of controlled origin occurs under the name of the delineated production area, usually that of the viticultural centre, eventually that of the viticultural field, as well as that of the variety or the assortment of varieties.

Quality wines without denomination of controlled origin are commercialised with the indication of their established geographical indication, with or without mentioning the variety or the assortment of varieties;

c) special wines are obtained from must or wines, by applying authorised treatments and characteristics determined by the technological properties of the raw material and by the technology used for their production.

The category of special wines includes: sparkling wines, frothy wines, aromatised wines, liquorish wines and other such wines authorised by law.

For the production of special wines it shall be allowed to use aromatising natural substances extracted from plants and authorised by law.

Article 19

The use of flavours or extracts in the production of wines is forbidden. The only permitted aromatisation is that due to the contact of the wine with oak wood.

Article 20

(1) Out of must of grapes one may obtain, besides wine: grape juice, light must, concentrated must of grapes, purified concentrated must of grapes, thick new wine, alcohol containing must of grapes and other authorised products.

(2) By processing wine, the following products may be obtained: alcohol-containing wine, distilled wine, alcohol from a viticultural source, wine vinegar; by distilling wine, romagnac and wine spirit may be obtained.

(3) The main secondary vinification products are the marc of grapes and wine yeast. By their mandatory processing in licensed distilleries spirits, alcohol of viticultural origin and other products may be obtained.

(4) It is forbidden to use any secondary product and grape juice in order to obtain wine, regardless of the technology.

(5) The conditions of obtaining the products derived from must, wine and viticultural by-products are established by the methodology norms of application of the present law.

Article 21

(1) Wine from directly producing hybrids or from inter-specific hybrids with relative resistance to diseases, as they are defined in Article 12(3), is destined only to household consumption, obtaining alcohol of viticultural origin, as well as vinegar.

(2) Wine obtained from mixing hybrid wines and noble ones shall be considered hybrid wine and shall be exploited under the conditions provided for in paragraph (1).

SECTION 2: Wines and products based on must and wine with denomination of controlled origin and with established geographical indications

Article 22

(1) A wine may bear the denomination of controlled origin, provided that it is established by tradition and by a fame due to the qualitative features of the product, which are determined by both natural and human factors.

(2) Wines with denomination of controlled origin may be obtained only by fulfilling special conditions concerning: the production area, the recommended and authorised varieties or assortment of varieties, the sugar contained in the grapes when harvested, the natural and the acquired alcoholic strength of the wine, the maximum production per ha, the cultivation methods, the vinification procedures, the analytical and organoleptical examination, packaging, labelling and the final control.

(3) The denominations of origin shall be granted to special wines also, romagnacs, under the conditions provided for by law.

Article 23

(1) Wines with denomination of controlled origin are obtained from the grapes produced in the vineyard or independent viticultural centre, delineated for the denomination approved by order of the

Minister of Agriculture, Foods and Forests, provided that the process of vinification, the storage, conditioning, maturation and bottling occur within the respective premises.

(2) Under special circumstances and under strict supervision, conditioning and bottling of wines with denomination of controlled origin may occur in specialised units, outside the vineyard or the independent viticultural centre where the grapes were produced. Under these circumstances, the bottler and the place of bottling shall be mentioned on the label.

(3) In emergency situations, the production of wines with denomination of controlled origin shall be allowed to occur in specialised units situated in an area in the proximity of the one where the grapes were produced.

Article 24

(1) The protection of the established geographical identification occurs when the wine is obtained in a viticultural region or in a renowned production area and the quality, renown or other features of the wine are specific to the location of origin.

(2) For the wines with established geographical identification, the production of the grapes and wines shall be related to the location of origin, and the other activities regarding the storage, conditioning and preparation of the wines for commercialisation may be performed outside this location.

SECTION 3: The Conditions of Quality and Production of the Wines and Must-, Wine- Based Products and Vinification By-products

Article 25

Wines and other products obtained from must, wine and vinification by-products shall correspond, at the time of their commercialisation, to the qualitative and compositional features established by methodology norms of application of the present law and by the standards in force.

Article 26

(1) The practices and treatments used for obtaining wines and must-, wine-based drinks and by-products shall ensure a thorough process of elaboration, preservation and evolution of the respective products. Applying these methods shall not lead to changes beyond normal limits in the composition of these drinks; their natural and authentic features shall be preserved.

(2) The practices and treatments authorised for usage in the production of wines, musts and the other products derived from must, wine and viticultural by-products shall be established by the methodology norms of application of this law; they shall constantly be updated according to the progress in this field.

(3) In the years with conditions unfavourable for the accumulation of sugars in the must of grapes, the Ministry of Agriculture, Food and Forestry and the National Office of Vine and Wine (NOVW) may authorise the augmentation of the alcoholic potential of the wines with 2% at the most, provided that the

total alcohol concentration of wines does not exceed the one obtained in regular years; the final concentration shall not be higher than 12,5%.

(4) The law shall forbid and sanction the falsification or substitution of wines or of wine-, must-based drinks or by-products. The following shall be considered to be falsifications: wine dilution with water, masking defects or alterations of the wines by additional ingredients ensuing the modification of their natural taste, flavour and composition; preparing drinks from yeast and marc of grapes with added sugar, as well as the use of any practices forbidden by the methodology norms of the present law. By substitution we shall refer to the production and commercialisation of wines, must-, wine--based drinks and sub products, as well as their presentation under a false identification.

Article 27

(1) Commercialising products realised from any raw material other than grapes under the denomination of wine is forbidden.

(2) The denomination of wine- and must-based drinks that do not comply with the terms provided for by the present law and by the methodology norms of application of this law shall not contain the word "wine", either directly or indirectly.

Article 28

Wines and wine-, must-based products and by-products that are imported or exported shall correspond to the qualitative and compositional criteria established by internal and international production and consumption norms. In the case of products exclusively meant for export, other enological practices and treatments as well as other composition methods authorised in the importing country may be used upon request or with the acceptance of the foreign client.

Article 29

(1) Wholesale wine producers, depositaries and merchants shall make a declaration of stocks, registered in 3 copies with the authorities of the local public administration under whose jurisdiction the products are stored, before the 15 of August of each year. One copy shall be kept by the depositor, one shall be deposited at the city hall and the third one shall be transmitted to the county or Bucharest general agriculture and food industry directorate.

(2) Within 15 days from the termination of the fermentation process, but no later than 15 December of the year of harvest, wine producers shall be obliged to submit a harvest declaration, which shall be registered and deposited in three copies at the local authorities of public administration under whose jurisdiction the wine shall be stored. Wine producers shall be obliged to keep one copy and to submit one copy to each of the following institutions: the city hall and the county or Bucharest general agriculture and food industry directorate.

(3) When the right is requested to use an denomination of origin, one copy of the harvest declaration shall also be deposited at the National Office of Origin Denominations for Wines and other Vinification and Viticultural Products.

(4) Producers possessing a total vine surface of less than 0,5 ha per family shall be exempt from making stock and harvest declarations.

Article 30

(1) The right of producing wines and other wine- and must-based products with denomination of origin within a particular area shall be granted by authorisations issued by the bodies empowered for this purpose.

(2) The right to use certain denominations of origin for particular lots of wine and products obtained from wine distillation shall be granted yearly to the producers, through certificates attesting the origin denominations, issued by the authorised bodies in the field, on the basis of the verifications performed by specialists empowered by the Ministry of Agriculture, Food and Forestry, regarding the compliance with the conditions imposed for viticulture and the production of wines as well as on the basis of the control performed by authorised laboratories upon the chemical and organoleptical characteristics of the wines.

(3) The certificate attesting the denomination of origin shall be withdrawn by the authorised control bodies, whenever it is ascertained that either at the producer or at the merchant, the wine concerned, irrespective of its development stage, no longer complies with the quality requirements provided for the denomination concerned.

(4) The records for the stocks of wine with denomination of origin shall be kept by the producer, who is obliged to record all wine deliveries in a special registrar.

Article 31

The production of wines, special wines, romagnacs, other wine- and must-based drinks as well as of vinegar made of wine for commercialisation shall only be done by economic operators and by private producers, on the basis of the production license issued by the Ministry of Agriculture, Food and Forestry and with the approval of the Ministry of Health and Family.

SECTION 4: The Exploitation of Wines and Other Vinification Products

Article 32

The commercialisation of wines and of wine- and must-based products shall be done by economic operators and by the private producers, through wholesale trade and by retail trade, under the provisions of the law.

Article 33

Producers and merchants of bulk products shall be obliged to keep record of these products, according to the methodology norms for the application of the present law. Producers owning a vine surface up to 0,5 ha are exempted from keeping these records .

Article 34

(1) The import and export of wines and other wine- and must-based products shall be made according to the commercial agreements based on contingents, custom taxes and certificates of origin.

(2) The quality of imported wines and other wine- and must-based or distilled drinks shall be certified by conformity declarations, quality certificates and test results, issued by laboratories acknowledged in the country of origin, in which the producer shall confirm that the product complies with the guaranteed quality level. Importers are in charge of confirming the authenticity of the products and the contents of the labels. As long as the agreement between states does not imply otherwise, the certificates shall contain recognition and identification information, such as: the producer's brand, the denomination of the product, the main qualitative reference characteristics, the fabrication date, the validity date. The verification of the compliance with the qualitative conditions shall be performed by testing the products in authorised laboratories or on the basis of mutual recognition with similar bodies of other countries, under the conditions provided by international rules that are acknowledged and applied in Romania.

(3) Wines and wine- and must-based drinks imported in bulk shall be commercialised under the denomination they were imported .

(4) Vinification products delivered for export shall be accompanied by the documents provided for by the regulations in force, as well as in the contract of the parties.

(5) The state ensures the protection of the internal vinification and viticultural production, by establishing custom taxes for similar imported products, including alcoholic extract, spirituous liquors and molasses up to the maximum level allowed by the international agreements and conventions in which Romania is a party..

Article 35

Wines and other wine- and must-based drinks may be put up for sale under bottled or un-bottled form. Bottling shall be mandatory in the case of grape juices, wines with denomination of controlled origin, wines with geographical indication , romagnacs, special wines, except for wormwood wine.

Article 36

(1) Labelling shall be mandatory for all wines and wine- and must-based drinks which are put up for sale in bottled form.

(2) The labelling system shall use mandatory or facultative references, as applicable, according to the specifications provided by the regulations in force.

(3) It is forbidden , according to the regulations in force, to inscribe the labels with references, signs or pictures liable to create confusions as to the origin, nature or category of the product.

CHAPTER III: Market Techniques

Article 37

(1) An aid system shall be established for the private storage of table wine, must of grapes, concentrated must of grapes and rectified concentrated must of grapes and for the utilization by the producers of concentrated must of grapes and rectified concentrated must of grapes.

(2) The state shall support producers for the private storage of the above mentioned products and for the utilization of concentrated must of grapes and rectified concentrated must of grapes, by subventions granted from the budget of the Ministry of Agriculture, Food and Forestry through its territorial bodies and with the approval of the Ministry of Public Finance.

(3) The financing sources for these aids shall be set up by government decision.

(4) Aids shall be granted for the use of concentrated must of grapes and rectified concentrated must of grapes for:

- a) obtaining grape juice and concentrated grape juice;
- b) performing certain enological practices.

Article 38

(1) The state may intervene by adopting measures regarding wine distillation, in the case of crisis situations that are liable to cause market perturbations due to some important excesses and/ or quality issues.

(2) These measures shall aim at:

- a) absorbing excessive wine quantities;
- b) ensuring continuity in the market supply from one harvest to the next.

(3) The measures can be limited to certain categories of wine or to certain production areas. They shall not be applied to quality wines produced in delineated viticultural areas, unless the producer requests.

Article 39

The methods of granting aids to producers for the private stock of the mentioned products and for using the concentrated must of grapes and the rectified concentrated must of grapes, as well as the payment system for distillation shall be provided by the methodology norms for the application of the present law.

CHAPTER IV: Producers' Organisations and Network Bodies

Article 40

(1) The state shall support the establishment of producers' organisations and of product-oriented networks through special laws.

(2) The establishment of the producers' organisations at the producers' free initiative shall be aimed at:

- a) guiding and adapting the production to the market's demands, both from a qualitative and a quantitative point of view;

- b) promoting the concentration of offer and the exploitation of market production;
 - c) promoting the cultural practices, the techniques of producing and administrating residues, and hereby observing the protection of the environment, of water quality, soil and landscape, ensuring the preservation and/ or the favouring of biodiversity.
 - d) reducing production costs and adjusting the production prices.
- (3) The term “network ” refers to a product or group of products and it entails two main issues :
- a) the identification of the products, the itineraries they follow and the network bodies , which are represented by economic operators and by operators along the network ;
 - b) the analysis of the mechanisms and policies of the product network regulation, the structures and the functioning of the market, the state’s interventions through subsidies, credits, taxation system, commercial policies and other similar issues.

Article 41

(1) In order to improve the functioning of the market for quality wine with denomination of controlled origin and with geographical indication, the government shall analyse the proposals of the channel bodies according to the definition provided by Article 40 (3) (a), in the field and shall sets up the rules of commercialisation and of adjustment of the supply according to market demand. .

(2) The actions of the network bodies shall aim at ::

- a) intensifying the production potential;
- b) guiding the production towards products that better respond to the requirements of the market and to the preferences and aspirations of consumers, particularly concerning the quality of products and the environmental protection;
- c) improving the quality of products in all stages of production, vinification and commercialisation;
- d) restricting the use of photo-sanitary substances, as well as of other substances affecting the quality of products, the protection of the soil and water;
- e) the exploitation of wines and other quality wine- and must-based drinks with denomination of controlled origin, of quality wines with geographical indication and of the appropriate labelling of quality products;
- f) promoting ecological viticulture, integrated control or other alterative measures of production , ensuring the protection of the environment;
- g) improving the knowledge and transparency of both production and market;
- h) coordinating the exploitation on the market of products, through market research ;
- i) drawing up standard contracts that are compatible with the Community regulations.

CHAPTER V: Guiding and Coordinating the Realization of the Viticultural and Vinification Production

Article 42

In view of exercising the competencies regarding the guidance of the activities in the field of viticulture and vinification, as well as the guidance and the specialised technical control in the realisation of the viticultural and vinification production, the following institutions shall be established and shall function :

- a) The State Committee of Inspection for the Viticultural and Vinification Technical Control;
- b) The National Office for Denomination of Origin for Wines and Other Viticultural and Vinification Products;
- c) The National Office for Vine and Wine.

Article 43

(1) The State Committee of Inspection for the Viticultural and Vinification Technical Control, hereafter referred to as SCIVVTC, functions as a directorate within the Ministry of Agriculture, Food and Forestry.

(2) The SCIVVTC shall have organisation structures within the general directorates for agriculture and food industry which are approved by order of the Minister of Agriculture, Food and Forestry.

Article 44

The staff employed by SCIVVTC shall be remunerated according to the same norms and criteria as the rest of the staff employed by the Ministry or by the county or Bucharest general agricultural and food industry directorates..

Article 45

Current expenses and capital expenses of the SIVWTC shall be covered from the state budget set up for the Ministry of Agriculture, Food and Forestry.

Article 46

The SIVWTC shall ensure the supervision of the application of the law in the field of the production of grapes, wines and other viticultural and vinification products, including those with denomination of controlled origin; the SIVWTC shall exercise the following competencies:

- a) respecting the legislation concerning the establishment and clearfell of viticultural plantations, their maintenance, and the preservation of the arrangements of controlling the soil erosion at all producers, regardless of the property or exploitation form ;
- b) approving the requests drawn up for the establishment and clearfell of viticultural plantations on surfaces larger than 0,1 ha per family or per economic operator, in view of the planting and clearfell authorisations to be granted by the county or Bucharest general agricultural and food industry directorates.
- c) collaborating with the experts of the State Committee of Inspection for the Quality of Seeds and Planting Material from the Ministry of Agriculture, Food and Forestry, in order to apply the production and commercialisation rules for the viticultural planting material;

d) verifying and controlling the manner of applying the legal provisions concerning the production for commercialisation of grapes, wines and other viticultural and vinification products, regardless of the producer;

e) respecting the practices and treatments allowed for the production of wines and other viticultural and vinification products, the exercise of the analytical control of wines and distilled alcoholic drinks with geographical identification, for their commercialisation, in authorised laboratories;

f) exercising the technical control in all stages of production of wines and other products with denomination of origin, as well on the issuance of the documents necessary for certifying the quality of the products concerned, including at commercialisation;

g) performing technical surveys and analyses in the field of realization of the production of grapes, wines and other viticultural and vinification products;

h) exercising the technical control in all production stages of distilled alcoholic drinks with geographical indication, as well as controlling the issuance of the documents necessary for certifying the quality of the products concerned, including at commercialisation;

i) verifying the activity of laboratories authorised by the Ministry of Agriculture, Food and Forestry, in view of performing analyses and surveys on wines and other drinks obtained from must and other viticultural and vinification by-products, for internal consumption and export;

j) performing, in collaboration with the National Office for Origin Denomination for Wines and Other Viticultural and Vinification Products, technical control actions regarding the production of wines and other viticultural and vinification products with denomination of controlled origin, for internal market and export;

k) verifying that the provisions of the present law are observed, as well as those of the Government Emergency Order No 97/2001 regarding the regulation of the production, circulation and commercialisation of foods or of other normative acts in force;

l) forbidding, until the remedy of the noted infringement, the functioning of the units that produce, process, store, transport or commercialise wines or other distilled viticultural and vinification products with geographical indication which do not comply with the quality requirements provided by the regulations in force; as well as the use of raw materials, additives, adjuvants, packaging materials, equipments, tools, machines and decontamination substances that are qualitatively improper;

m) ascertaining that the wines and other viticultural and vinification alcoholic distilled drinks with geographical indication are improper for consumption or qualitatively improper; limiting or forbidding the use and commercialisation of such drinks for or deciding to destroy them according to the regulations in force;

n) sequestering those lots of wines or other viticultural and vinification distilled drinks with geographical indication which do not comply with the quality norms in force, until the clarification of their status. The owners of sequestered products shall ensure adequate storage and preservation conditions until the termination of the situation occurred;

o) drawing samples from the verified products and from other auxiliary materials necessary for the production process, for the analyses made in authorised laboratories. The equivalent value of these analysis is set up according to the tariffs used by them and shall be covered by the economic operator.

p) keeping the professional secret, in order not to divulge confidential data learned during the control to a third party;

q) verifying, randomly, the correctness of drawing up the stock and harvest declarations, on the staff and factually, regardless of the declaring person (natural or legal person);

r) verifying the production licenses requested by natural or legal persons who produce wine, must-based products, distilled wine and distilled alcoholic drinks with geographical indication, destined to commercialisation;

s) proposing the withdrawal of the production license to the production units and of commercialising the above-mentioned products if they do not comply with the quality norms and with the law;

t) exercising other competencies set up by the normative acts in force.

Article 47

The sums cashed in by SIVWTC resulting from fines and rendering services shall be deposited in the special fund "The Development of Romanian Agriculture", established according to the provisions of Law No 268/2001 concerning the privatisation of trading companies which administer lands in the state's private and public property with agricultural destination, as well as the establishment of the Agency of State Domains, at the disposal of the Ministry of Agriculture, Food and Forestry, which shall be used for supporting the development and modernisation of the viticultural and vinification production, approved by an order of the Minister of Agriculture, Food and Forestry.

Article 48

(1) The National Office for Origin Denominations for Wines and Other Viticultural and Vinification Products, hereafter referred to as NOODWOVVP, shall be organised and shall function as a public institution, with legal personality, in the service of the Ministry of Agriculture, Foods and Forests, with financing from the state budget approved for the ministry, as well as from incomes outside the budget.

(2) The methods of organisation and functioning of the NOODWOVVP, as well as its central and territorial organisational structures shall be approved order of the Minister of Agriculture, Food and Forestry.

Article 49

The NOODWOVVP: shall have the following competencies:

a) elaborating the technical norms for the production of wines and other viticultural and vinification products with denomination of origin, which shall be approved by order of the Minister of Agriculture, Food and Forestry, after consulting the SIVWTC and the National Office of Vine and Wine;

b) drawing up, together with the National Office of Vine and Wine, draft orders of the Minister of Agriculture, Food and Forestry for the approval of the denomination of controlled origin of wines and other viticultural and vinification products;

c) issuing the decisions regarding the granting of the right to produce wines and other viticultural and vinification products with denomination of controlled origin ;

d) issuing the producer authorisation for wine and other viticultural and wine-making products with denomination of controlled origin, on the basis of the requests drawn up by the owners of viticultural plantations who are entitled to produce such drinks or by wine producers who carry out the vinification of grapes taken from vine cultivators who own such plantations;

e) issuing certificates attesting the right to commercialise wines and other viticultural and vinification products with denomination of controlled origin , on the basis of verifications performed concerning the compliance with the technical norms of realisation of these products, as well as on the basis of the analytical and organoleptical control exercised on those prepared for commercialisation;

f) analysing the legal contests made concerning the decisions of withdrawal of the certificates mentioned at point e);

g) controlling, together with the SIVWTC, on the manner of observance and application of legal provisions regarding the system of denominations of controlled origin for the mentioned products;

h) temporarily or irrevocably withdrawing the attesting documents, if the producers' failure to observe the decisions for the production of wines and other drinks with denomination of origin is ascertained; in such cases, notifying the SIVWTC in view of ascertaining the infringements and the offences provided by law ;

i) ensuring, with the aid of authorised experts that are appointed by order of the Minister of Agriculture, Food and Forestry, that the documents certifying the quality of the wines, other viticultural and vinification products with denomination of controlled origin , as well as of distilled alcoholic drinks with geographical indication are signed;

j) exercising other competencies set up by the normative acts in force.

Article 50

The taxes for the issuance of the producer authorisation for the producers of grapes, wine, other viticultural and vinification products with denomination of controlled origin and of the certificate attesting the right to commercialise these products, requested by the owners of viticultural plantations, as well as by the wine producers from this category, shall be set up by order of the Minister of Agriculture, Food and Forestry.

Article 51

The sums cashed in by NOODWOWWMP resulting from fines and rendering services shall be deposited in the special fund "The Development of Romanian Agriculture", established according to the provisions of Law No 268/2001 at the disposal of the Ministry of Agriculture, Food and Forestry, which

shall be used for supporting the development and modernisation of the viticultural and vinification production, approved by an order of the Minister of Agriculture, Food and Forestry.

Article 52

(1) The National Office of Vine and Wine, hereafter referred to as NOVW, shall function subordinated to the Ministry of Agriculture, Food and Forestry as a specialised body with technical and scientific profile, with legal personality.

(2) The organisation and functioning method of the NOVW shall be approved by order of the Minister of Agriculture, Food and Forestry.

Article 53

(1) The NOVW shall be financed from incomes outside the budget and from budgetary allowances, through the budget set up for the Ministry of Agriculture, Food and Forestry.

(2) The incomes outside the budget of the NOVW shall be realised from:

- a) subscriptions of its members;
- b) sponsorships;
- c) donations;
- d) rendering services.

(3) The incomes outside the budget and the budgetary allowances allotted by the Ministry of Agriculture, Food and Forestry to the NOVW shall be used for the support of the activity of the permanent secretariat, the payment of Romania's subscription membership fee to the International Organisation of Vine and Wine, hereafter referred to as IOVW, the subscriptions to specialised foreign publications, the Romanian experts' participation in the events organised by IOVW, the organisation of technical and scientific actions and other actions of national interest in the field, approved by the Ministry of Agriculture, Food and Forestry.

Article 54

(1) The NOVW shall consist of the most renowned experts in the viticultural and vinification field, of the research, education and production systems, elected in the general meeting.

(2) The general meeting shall elect the executive committee, the permanent secretariat and shall adopt the status of this body. By order of the Minister of Agriculture, Food and Forestry, the status and structure of the NOVW, the executive committee and the permanent secretariat shall be approved .

Article 55

The NOVW shall exercise the following competencies:

a) substantiating, on the basis of studies and analysis, the strategy which Romania shall develop in viticulture and vinification and participating in setting up the methodology frame for the execution of the activities in the field, according to the economy's and the producers' interests, as well as to the international regulations;

b) approving the delineation works in viticultural areas, the division into zones of the vine varieties, establishing the types of wine and other wine- and must-based products, authorised for production, including those with denomination of controlled origin, as well as other works concerning the development of the viticultural and vinification sector;

c) approving the technical norms regarding the conditions of cultivating vine and of producing wine and other viticultural and vinification products with denomination of controlled origin .

d) initiating and supporting activities for viticultural and vinification publicity, national and international events in the field and ensuring Romania's relationship with the specialised international bodies.

CHAPTER VI: Sanctions

Article 56

The breach of the provisions of the present law shall entail civil liability, liability for a minor offence or criminal liability, as the case may be.

Article 57

The following acts shall be considered offences:

a) clearfelling noble vines on a surface larger than 0,1 ha per economic operator or per family, without authorisation , shall be sanctioned according to Article 217 of the Criminal Code;

b) the falsification or substitution of wines or drinks obtained from must, wine, distillate and vinification by-products, according to Articles 19 and 26 (4), as well as their sale as false or substituted products shall be punished according to Articles 297 and 313 of the Criminal Code.

Article 58

(1) For damages due to the actions stated under Article 57, the guilty parties are liable to pay compensations, according to the common law.

(2) In the case of committing the actions stated under Article 57 (b), the entire amount of forged goods shall be confiscated.

Article 59

The following actions are considered contraventions, unless they have been committed in such a way that, by criminal law, they are offences:

a) establishing vine plantations on surfaces larger than 0.1 ha per economic operator or per family or extending the already existing ones beyond this limit, without a planting licence issued by the county or Bucharest general agriculture and food industry directorates, according to the provisions of Article 11 (1) and (2).;

b) establishing plantations larger than 0.1 ha or extending the already existing ones beyond this limit by planting other varieties than those that are recommended and authorised, according to the provisions stated in Article 12 (1).

c) infringing Article 12 (2) by planting directly producing hybrids in viticultural areas or outside the localities situated outside the viticultural areas;

d) producing wines with origin denomination outside the delineated area, except for the cases stated under Article 23 (2) and (3).

e) marketing and commercialising some wines and other products obtained from must, wine and wine distillate which do not correspond to the qualitative and compositional characteristics established by the methodology norms for the application of the present law and by the standards in force, according to Articles 25 and 26 (1) and (2).

f) using some origin denominations for the commercialisation of wines and other vinification products, without complying with the conditions set by the Ministry of Agriculture, Food and Forestry for granting these, according to the provisions of Article 30 (1) - (3);

g) producing for commercialisation some wines, special wines, Romagnacs, other drinks obtained from must and wine, and wine vinegar, without a production licence, issued according to the provisions of Article 31;

h) the non-observance by the bulk products' producers and traders of their norms of records, according to Article 33;

i) the import and export of wines and other vinification products in other conditions than those stated under Article 34 (1) – (4);

j) commercialising wines and drinks obtained from must, wine and wine distillate in bottled form, without observing the provisions of Article 36;

k) producing for commercialisation distilled alcoholic drinks with established geographical indication, not corresponding to the technical norms in force;

l) using natural flavouring substances for the production of special wines, others than those stated under Article 18 (c). In case of repetition of this contravention, the production licence shall be withdrawn;

m) planting inter-specific hybrids with relative resistance to diseases, obtained by complex crossings between *Vitis vinifera* varieties and varieties belonging to other species of the *Vitis* genre, in other conditions than those stated under Article 12 (3).

Article 60

(1) The contraventions stated under Article 59 are sanctioned as follows:

a) by 8 000 000 to 16 000 000 lei fine those established under b) and h);

b) by 20 000.000 to 25 000 000 lei fine those established under a), f), g), i), j) and m);

c) by 30 000 000 to 50 000 000 lei fine those established under c);

d) by 200 000 000 to 250 000 000 lei fine those established under d), e), k) and l), along with the confiscation of the amount of forged goods.

(2) Fines are also applicable to legal persons.

Article 61

Ascertaining the contraventions and applying the sanctions stipulated by this law occur by minutes concluded by persons especially authorised by the Ministry of Agriculture, Food and Forestry, by the Ministry of Public Finances, by the Ministry of Health and Family and by the National Authority for Consumers' Protection, each one of these institutions dealing with the tasks that have been assigned to them in the respective Regulations on their organisation and functioning.

Article 62

The contraventions established under Article 59 also fall under the provision of the law on the establishment and sanctioning of contraventions.

CHAPTER VII: Final Provisions

Article 63

(1) The following are set by the methodology norms for the application of the present law, processed by the Ministry of Agriculture, Food and Forestry, with the approval of the Ministry of Public Finances, the Ministry of Health and Family and the Ministry of European Integration: the territorial delineation conditions of the viticultural areas; conditions regarding the norms of founding, maintaining and clearing viticultural plantations; conditions that must be met by wines and products obtained from must, wine and wine distillate and vinification by-products specific to direct human consumption; the conditions of granting origin denominations and those of obtaining wines from this category; the authorised practices and enological treatments; the norms of realising, keeping reference and attesting vinification and viticultural products; norms regarding their commercialisation, as well as other measures.

(2) The Ministry of Agriculture, Food and Forestry will issue the methodology norms for the application of this law, which shall have to be approved by the Government within 60 days from the publication of this law in the Official Journal of Romania, Part I.

Article 64

The census of the viticultural patrimony shall be approved by Government decision.

Article 65

The following are excepted from the provisions of Articles 11, 12, 17, 25 and 26: the vine surfaces and lots of grapes, as well as the drinks used for experiment and teaching purposes, used by research and education units, by units specialised in trying out varieties or in product testing. Derogation limits shall be established by the methodology norms for the application of the present law.

Article 66

The objections, claims and complaints lodged with reference to control acts shall be solved according to the legal provisions regarding the settlement of objections, claims and complaints concerning the amounts ascertained and applied by the control acts issued by bodies of the Ministry of Agriculture, Food and Forestry.

Article 67

(1) This law shall come into force within 90 days from its publication in the Official Journal of Romania, Part I.

(2) On the day of its coming into force, the Vine and Wine Law No 67/1997, published in the Official Journal of Romania, Part I, No 81, 5 May 1997, amended and supplemented by Government Ordinance No 34/2000, as well as any other contrary provisions, shall be repealed.

Article 68

Annexes 1- 4 are part of the present law.

This law has been adopted by the Senate in the session of 25 March 2002, by observing the provisions of Article 74 (1) in the Constitution of Romania.

PRESIDENT OF THE SENATE,

PAUL PACURARU

This law has been adopted by the Chamber of Deputies in the session from April 9th, 2002, by observing the provisions of Article 74 (1) from the Constitution of Romania.

PRESIDENT OF THE CHAMBER OF DEPUTIES,

VALER DORNEANU

ANNEX 1: Products obtained from the exploitation of grapes, musts, wines and other vinification and viticultural by-products

1. Fresh grapes
2. Must of grapes
3. Cut must
4. Concentrated must of grapes
5. Rectified concentrated must of grapes
6. Grape juice
7. Concentrated grape juice
8. Mistel
9. Partially fermented must of grapes
10. Thick new wine
11. Wine
12. Raw wine
13. Sparkling wine
14. Frothy wine
15. Sparkling Muscat Wine
16. Petiant wine
17. Pearling wine
18. Sparkling weak alcoholic grape drink
19. Specially flavoured wine
20. Wormwood wine
21. Liquorish wine
22. Alcoholic wine
23. Wine-based drinking alcohol
24. Wine distillate
25. Romagnac
26. Wine spirit
27. Marc of grapes
28. Marc of grapes distillate
29. Marc of grapes spirit
30. Wine yeast
31. Wine yeast distillate
32. Wine yeast spirit
33. Yeast froth

34. Wine vinegar

35. Piquet

ANNEX 2: Definitions of the products obtained from musts, wines and vinification and viticultural by-products and the terms used to designate them

1. Fresh grapes are the fruit of vine, used as such or as raw material for vinification, harvested at technological ripeness or for consumption or at a certain stage of over-ripeness; at this latter stage, grapes can enter spontaneously alcoholic fermentation if crushed or pressed by regular means.

2. The must of grapes is the liquid product obtained through free leakage or through physical methods from fresh grapes. It is admitted for the must of grapes to contain an acquired alcohol concentration of 1% at the most.

3. The cut must is the must prevented from entering alcoholic fermentation, by applying an authorised procedure; its alcohol content does not exceed 1%.

4. The concentrated must of grapes is the non-caramelised product obtained by partially dehydrating the fresh or cut must, performed through an authorised procedure other than heating on a direct source of heat. It is obtained from wine grapes with a sugar concentration of at least 145g/l, its content of sugars is indicated by a refractometric index determined at 20°C of at least 50,9%, and it can have an acquired alcohol content of 1% at the most.

5. The rectified concentrated must of grapes is the product obtained by the partial dehydration of fresh or cut must, executed by an authorised method other than heating on a direct source of heat; it is subjected to some authorised treatments of taking out its acid and of eliminating any compounds except sugar. It is obtained from wine grapes with a sugar concentration of at least 145g/lm, its contents of sugar is indicated by a refractometric index determined at 20°C of at least 61,7% and it can have an acquired alcohol content of 1% at the most.

6. The grape juice is the unfermented, but fermentable, liquid product obtained by applying authorised treatments, from must of grapes or by reconstitution, from concentrated must of grapes or from concentrated grape juice. It is admitted for the grape juice to have an acquired alcohol content of 1% at the most.

7. The concentrated grape juice is the non-caramelised product obtained by partially dehydrating the grape juice by using an authorised method other than heating on a direct source of heat, so that the refractometric index determined at 20°C is not lower than 50,9%. It is admitted for the concentrated grape juice to have an acquired alcohol content of 1% at the most.

8. The Mistel is obtained by adding alcohol to non-fermenting must. It can have an acquired alcoholic strength between 12% and 15%, and the must used for obtaining it must have a sugar content

of at least 145g/l. In order to obtain it, drinking alcohol or wine-based alcohol with the strength of at least 95% is used; wine distillate with an alcoholic strength ranging from 52% to 86% can also be used. The Mistel is mainly used as raw material for the preparation of special wines.

9. The partially fermented must of grapes is the product obtained from fermenting the must of grapes, having an acquired alcoholic strength higher than 1%, but lower than three fifths of its total alcoholic strength. In the case of producing quality wines with origin denomination, the musts whose acquired alcoholic strength is lower than three fifths of its total alcoholic strength, but no less than 5,5%, are not considered partially fermented musts.

10. The thick new wine is the wine in the process of finishing its alcoholic fermentation, not separated from yeast, with a total alcoholic strength of at least 8,5%. It can be commercialised until the end of the harvest year.

11. The wine is the drink obtained exclusively from complete or partial alcoholic fermentation of fresh, crushed or not crushed grapes or of must of grapes. Its acquired alcoholic strength cannot be lower than 8.5%.

12. The raw wine is the wine whose alcoholic fermentation is finished before its separation from the yeast.

13. The sparkling wine is the product whose content of carbon dioxide is exclusively endogenous; it is obtained from the secondary fermentation of wine suitable for consumption or from the natural fermentation of the must of fresh grapes that develops a pressure of at least 3 bars at 20°C when bottled as a finite product.

14. The frothy wine is the product whose content of carbon dioxide is partially or exclusively endogenous, it is obtained from wines suitable for consumption and it develops a pressure of at least 3 bars at 20°C when bottled as a finite product.

15. The sparkling Muscat Wine is the effervescent drink obtained from must of grapes with a Muscat-type flavour, whose sugar content is of at least 180g/l. Its carbon dioxide content is endogenous, resulted from the fermentation of the must of grapes in reservoirs, developing a pressure of at least 3 bars at 20°C when bottled as a finite product. The sparkling Muscat Wine has an acquired alcoholic strength of at least 6%.

16. The petiant wine is the product with endogenous carbon dioxide content, which develops a pressure ranging from 1 to 2.5 bars at 20°C when bottled as a finite product; its acquired alcoholic strength is of at least 7% and its total alcoholic strength is of at least 9%.

17. The pearling wine is the product with endogenous or partly endogenous carbon dioxide content, developing a pressure ranging from 1 to 2.5 bars at 20°C when bottled as a finite product; its acquired alcoholic strength is of at least 7% and its total alcoholic strength is of at least 9%.

18. The sparkling weak alcoholic grape drink is the product with an acquired alcoholic strength of at most 3%, its sugar content is higher than 80g/l, its carbon dioxide content is of endogenous origin, resulted from the fermentation of must in reservoirs, developing a pressure of at least 2,5 bars at 20°C when bottled as a finite product.

19. The flavoured wine is the product obtained from wine with added must of grapes, partially fermented must and/or Mistel, wine distillate, concentrated must, saccharose, flavouring substances extracted from plants admitted by the law in force, drinking alcohol, other special wines. The proportion of the used wine has to be of at least 75% of the finite product. The acquired alcoholic strength is of 14.5-22%, and the total alcoholic strength is of at least 17.5%.

20. The wormwood wine is the product obtained from must fermented with wormwood or with other plants among which wormwood is dominant, eventually with some fruits; it can also be obtained from wine to which alcoholic extracts from the above named plants were added. Authorised sweeteners are optional: cut must, concentrated must or saccharose.

21. The liquorish wine is the product that can be obtained from must or wine, or from mixing the two, with added concentrated must, rectified concentrated must, wine distillate with an alcoholic strength ranging from 52% to 86%, wine-based alcohol or rectified drinking alcohol with an alcoholic strength of at least 96%, Mistel, used separately or mixed together. The grapes used as raw material for producing liquorish wines must have a sugar content of at least 204g/l when harvested. The acquired alcoholic strength of the liquorish wines is between 15% and 22%, and their sugar content is of at least 80g/l. Part of the acquired alcoholic strength of the finite product, not lower than 4%, must come from the partial or total fermentation of the initial sugar from the grapes, musts or wines that were used.

22. The alcoholic wine is the product obtained from dry wine with added wine distillate with an acquired alcoholic strength of maximum 86%. Its acquired alcoholic strength ranges from 18% to 24% and its volatile acidity is of maximum 1.5g/l (in acetic acid).

23. The wine-based drinking alcohol is the product obtained exclusively by distillation and rectification, starting from wine, piquet, wine distillate, marc of grapes, marc of grapes distillate and wine yeast. Its minimum alcoholic concentration is of 95.5%.

24. The wine distillate is the product obtained exclusively by distilling wine or alcoholic wine to a maximum of 86% or by re-distilling wine distillate to a maximum of 86%.

25. The Romagnac is the distilled alcoholic drink obtained exclusively from wine distillate, aged for at least 12 months in an oak wood container; its production presupposes the use of authorised treatments and practices and its minimum alcoholic strength is of 36%. The quality categories are set by the methodology norms for the application of the present law.

26. The wine spirit is the alcoholic drink obtained from wine distillate, aged for at least 6 months in an oak wood container with added authorised substances or not aged, with or without added substances. The wine spirit dilution occurs with water whose hardness is of maximum 3 German degrees, and its minimum alcohol concentration is of 37.5%.

27. The marc of grapes is made up of the totality of the vegetal component parts of grapes used for obtaining must or wine by means of pressing. It can be unfermented or in any fermentation stage.

28. The distillate from marc of grapes is the product obtained by distilling the fermented marc of grapes, using direct steam or by adding water to the marc of grapes, as well as by re-distilling a distillate from marc of grapes with a lower alcoholic concentration, which after the process of re-distillation must have an alcoholic concentration of maximum 86%.

29. The marc of grapes spirit is the alcoholic drink obtained from distillate from marc of grapes not aged or aged in oak-wood containers for at least 6 months. Upon commercialisation, the dilution occurs with water whose hardness is of maximum 3 German degrees, and its minimum alcohol concentration is of 37,5%.

30. The wine yeast is the sediment formed in containers as a result of: must fermentation, wine or must storage, applying authorised treatments on musts and wines; it can also be separated by filtering or using a centrifugal power on these products.

31. The wine yeast distillate is the product obtained from distilling wine yeast or from re-distilling a wine yeast distillate at maximum 86%.

32. The wine yeast spirit is the alcoholic drink obtained from yeast distillation, not aged or aged in an oak-wood container for at least 6 months; the use of authorised supplementary substances is allowed, and the minimum alcoholic strength is of 37,5%.

33. The wine yeast froth is the distilled alcoholic drink obtained from the wine yeast that has been submitted to a process of distillation and re-distillation at maximum 86% with the help of special equipments that allow the separation of the fractions "front" and "tail" and the minimum alcoholic concentration of the finite product obtained by water dilution with water whose total hardness is of maximum 3 German degrees, is of 37,5%. Maturing the distillate for obtaining the froth occurs in oak-wood recipients for at least 3 months.

34. The wine vinegar is the product obtained from the acetic fermentation of the wine or of the fermentable mixture, in which wine intervenes in proportion of minimum 70%. The total acidity of the vinegar is of minimum 60g/l (in acetic acid).

35. The piquet is the product obtained by adding water to the fresh or fermented marc of grapes, without added sugar. It can be used exclusively for industrialization, producing wine-based alcohol, or it can enter the mixture for the preparation of vinegar, but its commercialisation for human consumption is forbidden.

36. The acquired alcoholic strength represents the number of volumes in pure alcohol contained in 100 volumes of the respective product, at a temperature of 20°C.

37. The potential alcoholic strength, in volumes, represents the number of volumes of pure alcohol that can be obtained by the total fermentation of the sugars contained in the product, contained in 100 volumes of the respective product, determined at a temperature of 20°C.

38. The total alcoholic strength is the sum of the acquired and potential alcoholic strengths.

39. The natural alcoholic strength is the total alcoholic strength of the respective product before any substances are added.

40. The German degree of hardness (°dH) equals 10 milligrams of calcium oxide in one litre of water.

ANNEX 3: DEFINITIONS of the viticultural area and of the varieties

1. The viticultural area represents the geographical area of the vine culture and it includes the viticultural zones, the viticultural regions, the vineyards, the viticultural centres and the viticultural fields.

2. The viticultural zone is the large area that groups together more vineyards that are part of different viticultural regions; its characteristics include the determined climatic conditions for the qualitative potential of grapes and wines.

3. The viticultural region includes a large piece of land cultivated with vine, characterised by natural conditions such as climate and landform that are relatively similar, as well as by close production trends and varieties.

4. The vineyard is a natural and traditional territorial unit, characterised by specific climatic, soil and landform conditions, by the cultivated soils, by the culture methods and by the vinification processes used, which, overall, lead to obtaining of grape and wine productions with specific properties.

5. The viticultural centre is the territory that includes the viticultural plantations from one or more localities, which is or is not part of a vineyard and which constitutes a territorial unity characterised by specific factors such as climate, soil and variety, as well as by similar agro-technical and technological conditions. The viticultural centre has a smaller surface than the vineyard.

6. The viticultural field is the small territory within a viticultural centre, which includes the vine plantations located on the same landform type. The natural factors, along with the culture and technology conditions regarding the viticultural field are similar all throughout the cultivated vine surface, leading to obtaining products with specific qualitative properties.

7. The recommended varieties are those which best exploit the environmental conditions and which mostly value the qualitative and productive potential in the areas where they are grown. The recommended varieties are authorised particularly for extending the plantation.

8. The authorised varieties are those that, through their biological and technological properties, emphasize the qualitative and quantitative potential, under the recommended varieties, in the conditions of their culture area. The authorised varieties can be complementarily extended, along with the recommended ones.

9. The temporarily authorised varieties are those which are being cultivated, but which exhibit a less satisfactory or an un-satisfactory behaviour in the conditions of the respective areas. The temporarily authorised varieties cannot be promoted in the new plantations from the vineyard or from the viticultural centre in which they exhibit a mediocre or weak behaviour. This category includes both the varieties belonging to the *Vitis vinifera* type from the old local varieties, and the inter-specific hybrids.

10. The forbidden varieties are those that, through their biological or technological properties, have a negative influence on the quality of vinification and viticultural products. This category includes the directly producing hybrids, called DPH. The list containing the forbidden varieties is approved by order of the Minister of Agriculture, Food and Forestry.

ANNEX 4: Definitions of the right to plant, of the right to a new plantation, of the right to replant and of the right to plant on a land reserve

1. The right to plant is the right to establish a viticultural plantation in the following situations:

- a) the right to a new plantation;
- b) the right to replant;
- c) the right to plant on a land reserve.

2. The right to a new plantation is the right to establish a viticultural plantation, which is granted within the measures of merger or expropriation for public utilities, for viticultural experiments, for mother-plantations which provide grafting tendrils or mother-plants or for the surfaces meant for family consumption exclusively.

3. The right to replant represents the right to re-establish a viticultural plantation on a surface equivalent in pure culture with that of the vines that were or that have to be cleared.

4. The right to plant on a land reserve is the right to establish a viticultural plantation which is obtained if the rights to a new plantation or to replant are not used in due time.

5. Over-grafting is grafting a vine that has already been the subject of grafting, in order to render the viticultural plantation complete again. The used grafting variety has to be from the same production line as the one on which the over-grafting is being done.

Published in the Official Journal of Romania No 3333 of 20 May 2002.