

“TERRO(I)R” IN BRUSSELS

The New EU Protection System of Wine Geographical Indications

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The Regulation (EC) No 479/2008 on the common organization of the market in wine has radically changed the European system of protection for geographical indications of wines. Member States are no longer masters of the application procedure for protection and the European Union does not simply register national decisions any more. The new Regulation introduces a “double barrier” control mechanism. Whereas Member States remain competent to proceed to a preliminary check procedure and eventually reject applications for protection of a designation of origin or a geographical indication, the European Commission has the privilege of the “last word” and is exclusively competent to decide whether an application meets relevant legal requirements.

The paper scrutinizes the key features of the new control system compared to the previous model of “decentralized” national control and analyzes the major changes for European and third-country winemakers and the new possibilities of legal protection.

Nonetheless, the paper argues that the new EU protection system is not only a matter of distribution of powers between the Union and its Member States, but is likely to change European perceptions on “terroir” and wine identity. Protection of geographical indications is no longer granted on local criteria but rather on the basis of its possibility to “fit” in a European – and international – market. This can lead, in the long run, to a more uniform European wine identity.

Besides, in terms of procedure, the new protection system seems to be problematic. The paper argues that the double-barrier control is likely to multiply conflicts and litigation on wine geographical indications while the procedure will be much longer and, thus, less satisfactory.

In this sense, it seems that another solution would have been preferable. The paper will propose an alternative method based on federalism which could have guaranteed a more efficient process of scrutinizing applications for EU protection of wines.