



NOVA
UNIVERZA

DIGNITAS

Revija za človekove pravice

Slovenian journal of human rights

ISSN 1408-9653

The Slovenian Wine Law

Arne Mavčič

Article information:

To cite this document:

Mavčič, A. (2018). The Slovenian Wine Law, Dignitas, št. 59/60, str. 317-340.

Permanent link to this document:

<https://doi.org/10.31601/dgnt/59/60-20>

Created on: 07. 12. 2018

To copy this document: publishing@nova-uni.si

For Authors:

Please visit <http://revije.nova-uni.si/> or contact Editors-in-Chief on publishing@nova-uni.si for more information.

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License.



© Nova univerza, 2018



NOVA
UNIVERZA

FAKULTETA ZA SLOVENSKE
IN MEDNARODNE ŠTUDIJE



NOVA
UNIVERZA

EVROPSKA PRAVNA
FAKULTETA



NOVA
UNIVERZA

FAKULTETA ZA DRŽAVNE
IN EVROPSKE ŠTUDIJE

The Slovenian Wine Law

Arne Marjan Mavčič¹

ABSTRACT

Regarding the then Slovenian territory, a vineyard as a legal term was first mentioned in Code No. 238 of 861 in the second half of the 9th century, at the time of Prince Kocelj's principality at Balaton Lake. Moreover, the Slovenian wine law tradition goes back to the »Gorsko pravo« (Vineyard Law) which regulated the relations between owners and those renting vineyards. The Carniolan Privilegium, dated 1338, allowed the subsidiary force of Styrian law; accordingly, the Styrian Vineyard Books were also used in Carniola (as the Bergrecht).

The first official document associated with wine was issued in

¹ Arne Mavčič, LL.D., completed his Bachelor of Law degree at the University of Ljubljana Law School which, after completing his post-graduate studies at the law schools of the universities of Zagreb and Ljubljana, awarded him a Doctorate of Law. As head of the Information Department and the Analysis and International Cooperation Department of the Constitutional Court of the Republic of Slovenia from 1976 to 2009, a Senior Expert Counsellor to the University of Ljubljana Law School from 1981, and Professor of Human Rights Law, Constitutional Law and Comparative Constitutional Law at the School of Government and European Studies, Brdo, Slovenia, from 2001 (<http://www.fds.si/sl/fakulteta/fakulteta-akademski-zbor/721-izr-prof-dr-arne-marjan-mavcic>, (accessed 23 October 2013)) and at the European Law School, Nova Gorica, Slovenia, from 2003 (<http://www.evro-pf.si/>, (accessed 23 October 2013)), he specialises in legal information systems, (comparative) constitutional law and human rights law (www.concourts.net (accessed 23 October 2013)). Dr Mavčič was the liaison officer for Slovenia to the Commission for Democracy through Law (the Venice Commission) under the Council of Europe from 1991 to 2009 (http://www.venice.coe.int/site/dynamics/N_Search_ef.asp?L=E&Text=mavcic&S=0&C=0&Search=Title+Search, (accessed 23 October 2013)), the national correspondent for Slovenia to ACCPUF Paris from 1998 to 2009. He was a member for Slovenia in the EU Network of Experts for Human Rights in 2002 – 2006, and he was a member for Slovenia of the EU FRALEX from 2006 to 2010. He was a Fulbright Scholar in 2001/2002 and an editor of the Collected Slovenian Constitutional Case-Law series from 1992 to 2009. He has been a national author for Slovenia of Kluwer's Encyclopedia of Constitutional Law since 1998 (<http://www.kluwerlawonline.com/toc.php?area=&mode=bypub&level=6&values=Looseleafs~IEL+Constitutional+Law~National+Monographs~Slovenia>, (accessed 23 October 2013)). As the editor and author of several other publications in the field of constitutional law as well as the author of over 270 papers and reports of a national and international character (<http://izumbib.izum.si/bibliografije/Y20120309222357-19597.html>, (accessed 23 October 2013)), Dr Mavčič has largely been engaged in practical and promotional activities in the fields of comparative constitutional review and human rights law.

1570 in the Slovenian language as a letter order following an order by Archduke Charles requiring a wine tax to be imposed on farmers in order to collect more money for the fight against the Turks.

At the time of the Austro-Hungarian Empire the first appropriate law was adopted which was also applicable to Slovenian territory. The history of wine law continues with the Wine Act of the Kingdom of Yugoslavia. After World War II, the Wine Act was adopted in 1957 and provided for the protection of wine and cider. Later on, in times of the former Yugoslav Federation, the Wine Act was adopted and subsequently amended several times. Further, with a view to detailed regulation the Wine Labelling Act was also passed by the then Slovenian republican parliament. The republican Slovenian wine regulation was completed in 1974. Later on, the Slovenian Wine and Other Products of Wine Act was adopted and then amended in 1986. This Act continued to remain in force after the independence of the Republic of Slovenia (1991), i.e. up until 1997 when a new Wine and Other Grape and Wine Products Act was adopted and implemented, including its subsequent amendments and supplements.

The last mentioned Act already took the European legislation into consideration. Later on, the European Union adopted various new additional regulations and agreements. This was certainly one reason for the adoption and enforcement of the current new Slovenian Wine Act.

Key words: Slovenian wine law, history of wine law, Wine Act

Slovensko vinsko pravo

POVZETEK

Na tedanjem slovenskem ozemlju je bil vinograd kot pravni pojem prvič omenjen v Kodeksu št. 238 iz leta 861, v času vladavine kneza Koclja na območju Blatnega jezera. Razen tega tradicija slovenskega vinskega prava sega v obdobje t. i. gorskega prava (gorskih bukev), ki je urejalo odnose med lastniki in viničarji. Kranjski privilegij iz leta 1338 je omogočil subsidiarno uporabo štajerskega gorskega prava; zato so se štajerske gorske bukve tudi na ozemlju

tedanje dežele Kranjske uporabljale kot veljavno gorsko pravo (Bergrecht).

Prvi slovenski uradni pravni dokument, povezan z vinom, je bil izdan leta 1570 kot zapovedni list Nadvojvode Karla o uvedbi kmečkega vinskega davka z namenom zbrati čim več denarja za bojevanje proti turškim vpadom.

V času avstro-ogrske vladavine je bil sprejet prvi cesarski zakon o vinu, veljaven tudi za tedanje slovensko ozemlje. Zgodovina vinskega prava se nadaljuje z Vinskim zakonom Kraljevine Jugoslavije. Leta 1957 je bil sprejet Vinski zakon o zaščiti vina in mošta. Bivša jugoslovanska federacija je pozneje sprejela Zakon o vinu z večkratnimi spremembami in dopolnitvami. Podrobnejšo ureditev je pomenil Zakon o označevanju vina, ki ga je sprejel tedanji slovenski parlament. Sicer je bila slovenska vinska zakonodaja v celoti zaključena leta 1974. Sledil je leta 1986 sprejeti slovenski Zakon o vinu in drugih proizvodih iz vina s poznejšimi spremembami. Ta zakon je ostal v veljavi tudi po slovenski osamosvojitvi (1991), in sicer do leta 1997, ko je bil sprejet in uveljavljen novi slovenski Zakon o vinu in drugih proizvodih iz grozdja in vina s poznejšimi spremembami in dopolnitvami.

Navedeni zakon je že upošteval evropsko zakonodajo, ki pa je bila pozneje spremenjena in dopolnjena. To je bil tudi poglobitni razlog za sprejetje in uveljavitev veljavnega slovenskega Zakona o vinu.

Ključne besede: slovensko vinsko pravo, zgodovina vinskega prava, zakon o vinu

1. General

The history of Slovenian viticulture dates back some 2,400 years. Archaeological findings show that wine was known to the Celtic and Illyrian tribes² before the Romans arrived in what are today Slovenian wine-growing regions³. The Celts probably made their own wine, after having learned the methods from the Greeks⁴.

² 4th and 3rd centuries B.C.

³ http://en.wikipedia.org/wiki/Slovenian_wine (accessed 23 October 2013).

⁴ «Vaska situla», a 6th century B.C. Celtic vessel discovered in Vace, depicts festivities which include wine (<http://slovenian-wines.com/history.html>) (accessed 23 October 2013).

Later on, wine growing in the territory of what is now Slovenia was extended by the Romans⁵. However, their viticulture methods and traditions were lost along with the decline of the Roman Empire.

In the 6th century A.D., wine growing almost stopped when the first Slavs immigrated into the area, and also later when Hungarian tribes threatened some parts of the territory between the 9th and 11th centuries.

Wine growing returned with the Christianisation of the Slavs. It was reintroduced mostly by Christian monks⁶ around the 11th century⁷. The vineyards were mainly owned by the Catholic Church, the land aristocracy and, from the 15th century onward, by the emerging bourgeoisie.

In 2004, the “*Žametovka*” or “*Modra Kavčina*” old vine that grows in Slovenia, Maribor Lent⁸ was entered into the Guinness Book of Records. It is officially recognised as the oldest grape-bearing vine in the world, estimated to be some 440 years old and planted around 1570⁹.

Wine growing in Carniola in the 17th century was described by J. V. Valvasor in his *Glory of the Duchy of Carniola*, reporting about the quality of the wines and the wine trade¹⁰.

During the rule of the Austro-Hungarian Empire, some privately owned wineries existed in the region of today's Slovenia but, due to *Phylloxera* and an economic crisis, they gradually declined after the fall of the Empire and at the beginning of the former Kingdom of Yugoslavia¹¹.

After World War II¹², socialist co-operatives in the former Yugoslav Federation controlled nearly all of the region's wine produc-

⁵ After 181 B.C.

⁶ Christianity also had a major influence on the development of viticulture because wine is an integral part of its ceremonies.

⁷ E.g. monasteries in Krško or Pleterje.

⁸ http://commons.wikimedia.org/wiki/Category:Guinness_World_Records (accessed 7 August 2013).

⁹ <http://www.drustvo-vinogradnikov.si/> (accessed 23 October 2013).

¹⁰ Janez Vajkard Valvasor, from 1687 a member of the British Royal Society, published a monumental book containing the topography of Koroška (Carinthia) and Kranjska (Carniola) as well as a comprehensive historical, geographical and ethnological description of the then Slovenian lands, entitled in German: *Die Ehre des Hertzogthums Crain* (in Slovenian: *Slava Vojvodine Kranjske*, in English *Glory of the Duchy of Carniola*), one of the most significant sources for researching the history of Slovenian territory and its people. The *Glory of the Duchy of Carniola* is the lifework of the polymath Valvasor, first issued in 1689 (<http://www.slava-vojvodine-kranjske.si/>). (accessed 23 October 2013).

¹¹ http://en.wikipedia.org/wiki/Slovenian_wine; also see <http://www.matkurja.com/projects/wine/viticulture/> (accessed 23 October 2013).

¹² At the end of the war, vineyards were once again almost entirely destroyed, <http://www.drustvo-vinogradnikov.si/> (accessed 23 October 2013).

tion. The wine quality was low as the emphasis was laid on bulk wine production. An exception was some small private wineries in the Slovenian Drava Valley region that were able to continue operations. The then Slovenian republican government introduced testing practices for quality assurance and issued seals of approval for wines that met the organisation's standards¹³.

Since Slovenia gained its independence¹⁴, the Slovenian wine industry has been the most advanced and well-developed of the former Yugoslav republics and is starting to penetrate global wine markets¹⁵. The Slovenian Wine Growers and Producers Association imposes and enforces strict rules governing everything from the types of grapes that may be grown in specific regions to the methods of wine production and labelling.

Slovenia has three main wine regions: the Littoral, Lower Sava Valley, and Drava Valley¹⁶. The Littoral is Slovenia's best known region internationally and, although predominately a white wine producer, the region is known for being the source of most of Slovenia's red wine¹⁷.

The current Slovenian Wine Law fully integrates the European wine-related legislation while maintaining some Slovenian particularities¹⁸. The origins and marketing of Slovenian wines are subordinated to strict origin and quality control according to EU standards.

Generally speaking, Slovenian wines are divided into the following groups¹⁹:

¹³ The roots of the first wine competition of Ljubljana date back to 1811 when the first "Wine Tasting of Illyria" took place. The trade fair in Ljubljana organised the first exhibition and tasting of Slovenian wines in 1926. The first modern international wine competition was held in 1955 when the Ljubljana competition received the patronage of the International Organisation of Vine and Wine (OIV), which has since been retained. Since 1980 it has also had the patronage of the International Federation of Oenologists (UIŠ). When in 1994 the elite World Federation of Major Wine Competitions (VinoFed) was established, the Ljubljana competition took on the presidency of that organisation for three years and permanent membership of that organisation. Step by step, the Ljubljana International Wine Competition has become a reference competition of all three international organisations responsible for the sensory analysis of wine – OIV, UIŠ and VinoFed. Further, the Ljubljana International Wine Competition was officially declared by the EU's Official Journal No. C 289 of 17 November 1990; Ljubljana was thereby given the opportunity to advertise and market medals in the EU (www.gr2007.arhiv.klaro.si/.../o-ocenjevanju/reference). (accessed 23 October 2013).

¹⁴ 1991: <http://www.slovenia.si/en/slovenia/history/the-independent-state/>; http://www.servat.unibe.ch/icl/si_indx.html (accessed 23 October 2013)

¹⁵ Johnson, H. & Robinson, J. *The World Atlas of Wine*, 253 pages, Mitchell Beazley Publishing 2005 ISBN 1-84000-332-4

¹⁶ http://dvs.lendava.si/?page_id=55&lang=en (accessed 23 October 2013).

¹⁷ <http://www.slovenianwine.si/> (accessed 23 October 2013)

¹⁸ Ministrstvo za kmetijstvo, gozdarstvo in prehrano. *Opis stanja v panogi*. (accessed 10 March 2011).

¹⁹ <http://www.fama.eu/vina/Zakonodaja/zakonodaja1.htm> (accessed 23 October 2013).

Table Wine (*namizno vino*) which includes table wines and table wines with a geographical indication – IGT wine (*deželno vino*) PGO²⁰ (similar to *vin de pays*, *Landwein*) and

Quality Wine (*kakovostno vino*) ZGP²¹ – produced in a specified region, also including Premium Quality Wine (*vrhunsko vino*) ZGP that constitutes the top of the quality pyramid.

Wines with a recognised traditional denomination – vino PTP²² – also belong to the group of quality wines:

- *Cviček PTP*, which is the name for the light reddish wine produced from white and red varieties (*Žametovka*, *Kraljevina*, *Modra Frankinja*, *Laški Rizling*). This wine can only be found in the district of Dolenjska;

- *Teran PTP*, a strong, dark ruby (almost black) coloured wine, produced from the red variety of *Refošk* from the *Kras* (Karst) district²³;

- *Metliška Črnina PTP* is a red blend made of *Modra Frankinja*, *Šentlovrenka*, *Modra Portugalka* and Gamay. This wine is produced in Bela krajina; and

- *Belokranjec PTP* is a white blend of *Kraljevina* and *Laški Rizling* and at times of Sauvignon, Chardonnay, *Zeleni Silvanec*, *Sivi Pinot* and *Beli Pinot*. It is also produced in Bela krajina.

Sweet wines produced from completely ripe grapes – so-called ‘predicate’ wines; only premium wines accompanied by additional traditional expressions: “*pozna trgatav*” (late vintage), “*izbor*” (selection), “*jagodni izbor*” (berry selection), “*suhi jagodni izbor*” (dry berry selection), “*ledeno vino*” (ice wine), and “*vino iz sušenega grozdja*” (wine made of dried grapes) qualify for this category.

In wine labelling, wines are also categorised as those with and without a protected geographical origin. To deserve a protected geographical origin, a wine has to pass obligatory organoleptic

²⁰ *Vino s priznano geografsko označbo* (PGO) (Wine with a recognised geographical indication).

²¹ *Vino z zaščitenim geografskim poreklom* (ZGP) (Wine with a protected geographical origin).

²² *Vino priznanega tradicionalnega poimenovanja* (PTP) (Wine with a recognised traditional denomination).

²³ Strongly influenced by the soil, it grows in – the red Karstic soil – the so-called ‘*terra rossa*’ or ‘*jerina*’; there are also influences of the Mediterranean, Continental and Pre-Alpine climates. The cultivation of Refosko wine probably goes back to the beginnings of our era. The Roman historian Pliny wrote that the extreme old age of Emperor Augustus’ consort is to be entirely attributed to the drinking of the wine “*vino puniccum*” (particularly valued by the ancient Greeks who called it “*praetorian wine*”; <http://www.vinskacestakras.si/en/wine/index.html>) (accessed 23 October 2013). This wine was produced on rocky hills not far from the source of the Timava River. Pliny himself also points out that no other wine is more beneficial (<http://vodnik.kras-carso.com/?id=234&oblika=ZNACILNO&isci=>).

evaluations and physicochemical analyses. With the exception of the IGT PGO wine (*deželno vino*²⁴ PGO), no table wines without a geographical origin are produced in Slovenia.

Young or new wine (*mlado or novo vino*) is a special designation for wines of the current vintage and may be marketed until 31 January of the year following the vintage.

Archive wine (*arhivsko vino*) is a designation reserved for wines that are usually more than three years old, even though the age is not legally determined.

All Slovenian wine-growing districts have organised wine roads (*vinska cesta*) where you can taste excellent Slovenian wines²⁵.

2. Legal Regulation

2.1. History

Regarding the then Slovenian territory, a vineyard as a legal term was first mentioned in Code No. 238 of 861²⁶ in the second half of the 9th century, at the time of Prince Kocelj's principality at Balaton Lake.

Moreover, the Slovenian wine law tradition goes back to the "*Gorsko pravo*" (Vineyard Law) which regulated the relations between owners and those renting vineyards²⁷. In the Slovenian language, the words "*gorica*" and "*gorca*" – originally denoting a small wooded hill – became synonymous with "*vinograd*" (vineyard)²⁸. The first codes written in German – »*Gorske bukve*« (Vineyard Books, *Bergrecht*), constituting some »Codex Generalis«²⁹ – were enforced by the local provincial prince for the territory of the then Slovenian Styria (*Štajersko*). They were written in 1543 and translated into the ancient Slovenian language³⁰ in 1582. The transla-

²⁴ Indicazione Geografica Tipica (IGT wine), *deželno vino*, Landwein, wine from Typical Geographical Area, *vin de pays*.

²⁵ http://www.slovenia.info/en/Wine-roads.htm?vinska_cesta=0&lng=2 (accessed 23 October 2013).

²⁶ www.knjiznica-celje.si/raziskovalne/7020000236.pdf (accessed 23 October 2013)

²⁷ M Kambič, *Recepcija rimskega dednega prava na Slovenskem s posebnim ozirom na dedni red Karla VI.*, Založba ZRC, 2007, pp. 114-118

²⁸ F. Goršič, "Organizacija gore in Gorske bukve." *Kronika* (Ljubljana) Vol. 8. No. 1 (1960) pp. 36-40. <<http://www.dlib.si/?URN=URN:NBN:SI:DOC-6CD7VLJ8>> Narodna in univerzitetna knjižnica (Digitalizirano v okviru projekta Digitalna knjižnica Slovenije - dLib.si (EEA SI0014)) (accessed 23 October 2013)

²⁹ www.knjiznica-celje.si/raziskovalne/7020000236.pdf (accessed 23 October 2013).

³⁰ Towards the end of the 16th century, in the Slovenian village of Raka (the Krško commune) lived and worked vicar Anton Recelj who is known as the author of the Slovenian translation of the German-written Vineyard Books; his translation is considered to be the first comprehensive legal wording in the Slovenian language.

ted Styrian Vineyard Books³¹ contained many regulations on: the proper cultivation of vineyards; vineyard protection with fences in order to avoid damage by livestock or wildlife along roads and waterways; cleaning the headland between the vineyards before early harvest, which should begin only with the permission of the vineyard lord or upon a decision of experts from the ranks of vineyard co-cultivators. This was intended to prevent hyper acidity of wines due to an early harvest or to avoid a small yield due to a late harvest³². However, the translated Vineyard Books have remained in a manuscript even though they are an important Slovenian historical legal document. Their importance lies in the rich legal terminology they contain³³.

The Carniolan Privilegium³⁴, dated 1338, allowed the subsidiary force of Styrian law³⁵; accordingly, the Styrian Vineyard Books were also used in Carniola (as the *Bergrecht*). However, although the German draft of the Carniolan Vineyard Books was prepared for Carniola, it was never enacted. Recelj's Vineyard Books are not the only Slovenian translation and adaptation of the original, but they are the most loyal to the original³⁶.

The first official document associated with wine was issued in 1570 in the Slovenian language as a letter order following an order by Archduke Charles requiring a wine tax to be imposed on farmers in order to collect more money for the fight against the Turks³⁷.

³¹ *Gornih Buqui od Krailove Suetlosti Offen innu poterien general inu Privilegium*.

³² The translated Vineyard Books remained in manuscript, but are an important Slovenian legal monument. Their importance lies in the rich legal terminology they contain. They include 27 handwritten sheets, with all 52 Articles and with a citation (*allegat*) of the final text of the original Vineyard Books. They are preserved in the Archives of the Republic of Slovenia.

³³ They include 27 handwritten sheets with all 52 Articles and with a citation (*allegat*) of the final part of the original Vineyard Books. They are preserved in the Archives of the Republic of Slovenia.

³⁴ Privilege (in Slovenian *ročin*, in German *Handfest*, in Latin *manifestum*) is the title of the document issued by the provincial prince (ruler) at his address confirming the privileged rights (privileges) of the particular province, usually in return for their financial and military assistance. (http://sl.wikipedia.org/wiki/De%C5%BEelni_ro%C4%8Din). (accessed 23 October 2013).

³⁵ Starting in 1335, the Habsburgs took over the direct rule of Carniola. Thus, in 1338 Albrecht II awarded the Carniolan population a privilege that was a basic document of the Carniolan Constitution.

³⁶ http://www.jurisprudencia.net/index.php?option=com_content&task=view&id=458&Itemid=42 (accessed 23 October 2013).

³⁷ <http://www.drustvo-vinogradnikov.si/> (accessed 23 October 2013) In 1570 the Carniolan provincial states agreed to increase the annual provincial contribution to consolidate the military frontier against the Turks. In return, their provincial prince allowed them to collect customs duty on things being unloaded from the province. For farmers engaged in a lot of trade in wine the newly introduced "wine tax" became a more serious burden. This triggered a rebel movement in Lower Carniola, the Karst and the Pazin County in Istria. The Carniolan provincial states wanted to make farmers sure that this tax was necessary and therefore the respective letter order associated with wine was translated

At the time of the Austro-Hungarian Empire the first appropriate law was adopted³⁸ which was also applicable to Slovenian territory.

The history of wine law continues with the Wine Act of the Kingdom of Yugoslavia that prohibited the sweetening of cider; foreign wines could only be imported and launched in the market following a professional analysis; it was forbidden to manufacture or sell counterfeit wine extracts; the contents of a bottle should be in accordance with the marking on the label. In addition, the law also allowed the protection of individual districts; production and marketing control through wine-making control services.³⁹

After World War II, the Wine Act was adopted⁴⁰ in 1957 and provided for the protection of wine and cider. Article 28 of the Act stipulated that the protection of renowned wines originates from a specific conservation code where a renowned brand of wine is characterised by high quality, is distinguished by its special taste and smell, and can only be obtained in a specific area, only at a particular location, only from grape varieties or blends of grape varieties, yet in accordance with a long-standing practice⁴¹. In addition, based on the Wine Act of 1957 Rules on traffic in wine, cider and *petiot*⁴² were passed. They concerned the protection of renowned wines of origin and the rights of employees performing inspections⁴³.

Later on, in times of the former Yugoslav Federation, the Wine Act⁴⁴ was adopted and subsequently amended several times⁴⁵. Further, with a view to detailed regulation the Wine Labelling Act⁴⁶ was also passed by the then Slovenian republican parliament. The

into Slovenian and it was ordered that it be read out in public places. The mentioned proclamation of the wine tax was written in the Slovenian language by the Carniolan provincial administrator Jan Khisl from Fužine Castle in Ljubljana. It is the first official legal document issued in Slovenian.

³⁸ *Weingesetz of 12 April 1907- samt Durchführungsverordnung* vom 27. November 1907 und Ministerialverlass vom 22. November 1907. Ein erstes österreichisches Weingesetz tritt in Kraft, das unter anderem die zulässigen Weinbehandlungsmaßnahmen auflistet und die Herstellung von Kunstwein verbietet (The first Austrian wine law comes into effect which, among other things, enumerates the permissible wine treatments and prohibits the production of synthetic wine): <http://www.oesterreichwein.at/unser-wein/kostbare-kultur-besonderer-genuss/geschichte/> (accessed 23 October 2013).

³⁹ Official Gazette of the Kingdom of Yugoslavia No. CXXIV 297 of 1929

⁴⁰ Official Gazette FLRJ, No. 31/57.

⁴¹ A. Kristančič, Predlog zaščite geografskega porekla Goriška brda v okviru Evropske unije, Univerza v Novi Gorici, Visoka šola za vinogradništvo in vrtnarstvo, diplomsko delo, Ajdovščina, 2011, www.ung.si/~library/diplome/VINARSTVO/6Kristancic.pdf (accessed 23 October 2013).

⁴² *petiot*, pikola, East Styrian wine made from pomace, sugar and water.

⁴³ Official Gazette FLRJ, No. 35/58.

⁴⁴ Official Gazette of the SFRY, No. 27/65.

⁴⁵ The latest consolidated text was published in the Official Gazette of the SFRY, No. 31/1987.

⁴⁶ The Official Gazette SRS, No. 21/70.

republican Slovenian wine regulation was completed in 1974⁴⁷. The then enforced constitutional arrangements⁴⁸ allowed republican legislation in this area. Accordingly, since then every former Yugoslav republic including Slovenia has adopted its own wine law. Hence, the Slovenian Wine and Other Products of Wine Act⁴⁹ was adopted and then amended in 1986⁵⁰.

This Act, together with the newly accepted (already existing) Federal Rules on the Quality of Wines (adopted in line with the then Federal Standardisation Act⁵¹), continued to remain in force after the independence of the Republic of Slovenia (1991⁵²), i.e. up until 1997 when a new Wine and Other Grape and Wine Products Act⁵³ was adopted and implemented, including its subsequent amendments and supplements⁵⁴.

The last mentioned Act already took the European legislation into consideration, but could not take account of the results of the negotiations of the Republic of Slovenia with the European Union. In addition, in the meantime the European regulation was amended⁵⁵; however, the last mentioned EU Regulation (as a supporting basis) was later replaced by a new EU regulation⁵⁶. Later on, the European Union adopted various new additional regulations and agreements. This was certainly one reason for the adoption and enforcement of the current new Slovenian Wine Act that regulates grapes, cider, wine and other products made from grapes and wines.

In addition to the formal changes in EU law, the Slovenian wine law was also amended to reflect the changed conditions in the production and marketing of wine which were influenced by the single European market on one hand, and by the opening of the European market to third countries in line with the WTO's requirements on the other.

⁴⁷ D Černic, Pomen blagovne znamke na trgu vina – primer blagovna znamka Quercus, Univerza v Ljubljani, Fakulteta za družbene vede, diplomsko delo, Ljubljana, 2002, *dk.fdu.uni-lj.si/dela/Cernic-Dajana.PDF*.

⁴⁸ Constitution of SFRY (Official Gazette SFRY, No. 9/1974); Constitution of SR Slovenia (Official Gazette SRS, No. 6/1974).

⁴⁹ Official Gazette SRS No. 16/74.

⁵⁰ Official Gazette SRS, No. 29/86.

⁵¹ Official Gazette of the SFRY, Nos. 17/81 and 14/89.

⁵² [http://en.wikipedia.org/wiki/Statehood_Day_\(Slovenia\)](http://en.wikipedia.org/wiki/Statehood_Day_(Slovenia)) (accessed 23 October 2013).

⁵³ Official Gazette RS, No. 70/1997.

⁵⁴ Official Gazette RS, No. 16/01.

⁵⁵ Regulation No. 822 of 16.03.1987.

⁵⁶ Regulation No. 1493 of 17.05.1999.

2.2. Objectives, principles and main solutions of the current Wine Act (2006)⁵⁷

The main grounds for the Act presently in force⁵⁸ may be summarised as follows:

- the new challenges and new situation in the industry (open market, competition, production exceeding consumption in the domestic market, price drop);
- consequently, producers' requirements for change; and
- harmonisation with the EU acquis, in particular as a result of the Slovenian accession negotiations⁵⁹.

Key innovations in the Act include the parallel introduction of the Roman type of wine care and protection. Until then, in Slovenia the Germanic protection system had been in force, although the Roman type of protection requires producers to cooperate more and be better organised.

The Act regulates the geographical origin of grapes, cider, wine and other products made from grape, cider and wine, the production of grapes, cider, wine and other products, the labelling and evaluation of wine, cider and other products, the marketing of grapes, cider, wine and other products as well as the appoint-

⁵⁷ National Assembly, Parliamentary materials, Prva obravnava, 22.06.2006, EVA: 2006-2311-0090, Predlog Zakona o vinu.

⁵⁸ The Wine Act, Official Gazette RS, Nos. 105/2006 and 72/2011.

⁵⁹ The Act in force listed the following EU regulations which were considered before adopting the Act: Council Regulation (EEC). 357/1979 of 5 February 1979 on statistical surveys of areas under vines (OJ L No. 54. of 5.03.1979, p. 124, as amended) and regulations governing its implementation in detail, Council Regulation (EEC). 2392/86 of 24 July 1986 establishing a Community vineyard register (OJ L no. 208 of 31.07.1986, p. 1, as amended) and regulations governing its implementation in detail, Council Regulation (EEC). 1601/91 of 10.06.1991 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (OJ No L. 149, of 14.06.1991, p. 1, as amended) and regulations governing its implementation in detail, Council Regulation (EC). 1493/1999 of 17 May 1999 on the common organisation of the market (OJ L no. 179 of 14.07.1999, p. 1, as amended, hereinafter referred to as Regulation 1493/1999/ES) and regulations governing its implementation in detail, Commission Regulation (EC). No 884/2001 of 24 April 2001 laying down detailed rules of application concerning the documents accompanying the carriage of wine, and the records to be kept in the wine sector (OJ L no. 128 of 10.05.2001, p. 32, as amended, hereinafter referred to as Regulation 884/2001/ES), and regulations governing its implementation in detail, international treaties of the European Union with third countries governing the protection of wine names and the mutual recognition of oenological practices and resources, and the Treaty between the Kingdom of Belgium, Denmark, Federal Republic of Germany, Hellenic Republic, the Kingdom of Spain, French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, Austria, Portugal, Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic concerning the accession of the Czech Republic, Estonia, Cyprus, Republic of Latvia, Lithuania, Hungary, Malta, Poland, the Republic of Slovenia and the Slovak Republic to the European Union (Official Gazette - International Treaties, no. 3/04, 8/04 and 20/04, hereinafter referred to as the accession contract).

ment of authorised organisations to provide analytical, technical and administrative tasks (Article 1 of the Act).

The new Act's largest contribution to the Slovenian wine industry involved the merger of districts in the Drava wine-growing region.

According to the current Act, the geographical origin of wines and other products shall be designated by the geographical area where the grapes were harvested and with reference to certain special features acquired as a result of natural or human factors, grapes, wine and other products. The law distinguishes several types of wine denominations of origin, as follows:

- a protected geographical origin (ZGP), which may only indicate wines from a wine class of quality wines, which grapes and wine are produced in a given area, which is equal to or less than the wine-growing region;
- a recognised geographical indication (PGO), which may indicate IGT (deželna) wines for which all the grapes grown in a particular country or a region in a smaller area of a wine country;
- a recognised traditional denomination (PTP), which may indicate wines for whose labelling a previously made expert special report defines the geographical area and characteristics of the wine and justifies the use of the traditional name. The Act provides that the PTP tag indicates the wines Teran⁶⁰ and Cviček, with the Teran wine being produced and bottled in the original packaging within the Karst (Kras) plateau wine sub-region, and the Cviček wine within the Dolenjska region⁶¹.

⁶⁰

⁶⁰ Judgment and Ruling No. U 401/2005 of 6 November 2008, Administrative Department (*Upravni oddelek*): The documents indisputably show that the Teran wine, from which the Teran desert liqueur drink was made (which the administrative authority of first instance banned the sale of) made by the producer (applicant), registered in the register of producers of grapes and wine, and that the wine from which the drink was made, corresponds to the *Wine and Other Grape and Wine Products Act*, and to the *Rule of wine bearing the recognised traditional denomination – Teran*. Therefore, the applicant, in accordance with Article 28 of the *Wine and Other Grape and Wine Products Act*, which states that other products can be identified by geographical origin only if the grapes or wine from which they are processed originates entirely from the marked area, and there is evidence required, the Teran desert liqueur drink, R. (another product from wine) is rightly named with the prefix "Teran" (www.sodisce.si/usrs/odlocitve/64485, Administrative Court Case-Law Database, (accessed 23 October 2013)). Decision No. U-I-228/00 of 8 November 2001, Official Gazette RS, No. 101/00, Official Gazette RS, No. 96/01 and OdlUS X, 182

Act on Amendments and Modifications of the Wine and Other Grape and Wine Products Act (Official Gazette RS, No. 16/01) (ZVDP), Art. 1 Rules on Wine with an Indication of the Recognised Traditional Name – Cviček (Official Gazette RS, No. 3/00), the second sentence of Art. 2.1, Art. 21

Art. 1 of the Act on Amendments and Modifications of the Wine and Other Grape and Wine Products Act (Official Gazette RS, No. 16/01) is not inconsistent with the Constitution. The second sentence of Article 2.1 and Art. 21 of the Rules on Wine with an Indication of the Recognised

The objective of the Act is to allow for the further development of viticulture and oenology.

The Act stresses the importance of quality production in viticulture and oenology, and opens up new approaches to the marketing of wine. This is particularly important in facilitating the transition to the Roman type of care and protection of the origin

Traditional Name - Cviček (Official Gazette RS, No. 3/00) is not inconsistent with the Constitution and the statute.

The Constitutional Court had to answer the question of whether the determination of wine only in a certain wine-growing region as a condition for obtaining the right to use the mark of origin PTP is unconstitutional and undermines the principle of free enterprise (first and second paragraphs of Article 74 of the Constitution). Further, it had to answer whether the procedure for determining the PTP designation was inconsistent with the TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights, signed in Marrakesh, Morocco on 15 April 1994) and whether the National Assembly had acted arbitrarily in this (violation of the rule of law under Article 2 of the Constitution), and contrary to the principle of equality before the law (Art. 14. 2 of the Constitution).

The challenged regulation does not interfere with the principle of free economic initiative as determined in Art. 74.1 of the Constitution. By adopting the Wine and Other Grape and Wine Products Act (ZVDP), the legislature wanted to assure and enable the further development of wine growing and wine making, especially by directing wine growing and wine making towards the quality production of grapes and wine. Therefore, the statutory regulation of the protection of the designation of origin proceeds from the principle of consumer protection and from the protection of the producer of grapes and wine. The protection of the producers and consumers of wine is provided by ZVDP, particularly by the strict protection of the designation of origin of wine and its indicating, as well as by the protection of the quality of wine and its indicating. The goals pursued by the legislature are in the public interest since the consistent and proper use of indications of the designation of origin is in the interest of the protection of a producer as well as a consumer of wine.

The challenged regulation is also not inconsistent with Art. 14.2 of the Constitution. The conditions determined by the legislature for acquiring the right to use an indication of the designation of origin are valid within the area to which a certain indication of the designation of origin applies. These conditions apply equally to everyone within the state. The conditions for use of an indication of the designation of origin apply equally to everyone since the Act does not determine different conditions for acquiring the right to use indications of the designation of origin according to the producers of grapes and wine, but according to the special characteristics of the produce (grapes and wine), which is the result of natural resources (soil, climate, water, flora, fauna) or caused by the traditional methods of manufacturing. The challenged regulation was not adopted arbitrarily. In accordance with Art. 4.5 of ZVDP, a special expert detailed report was made. It precisely defines the geographical area in which Cviček wine is produced, its characteristics and the established use of the traditional name. ZVDP-A and the Rules determined in the challenged provisions the wine-growing district for the production of Cviček PTP wine on the basis of the aforementioned report.

The challenged regulation is not inconsistent with the principle of trust in the law (Art. 2 of the Constitution). The Constitutional Court adopted a position in line with the existing judicial practice that in cases where applied operating conditions are changing, a reasonable time limit for the adjustment to the new conditions has to be provided. The Constitutional Court found the time needed for the adjustment to the new conditions to be reasonable. It thereby has to be emphasised that ZVDP-A does not prevent a petitioner from producing wine from grapes from which Cviček is usually produced, but only prevents them from indicating such a wine with the Cviček PTP indication.

The challenged regulation is not inconsistent with the International Agreement on the Trade Aspects of Intellectual Property Rights (TRIPS), which only determines the basic principles for regulation of the commercial aspects of intellectual property rights and the basic principles for the exercise of those rights. The specific regulation is left to national legislatures. It follows from ZVDP that anyone who fulfils the prescribed conditions for use of an indication of the designation of the origin of wine may use it. The right to use is acquired with a decision on the evaluation of wine (Art. 26.1 of ZVDP). The legal protection of rights is provided by ZVDP and by the regulations which regulate industrial property (Art. 4 of ZVDP) (www.us-rs.si, Constitutional Case-Law Database, (accessed 23 October 2013)).

according to which only a wine from an area with a certain distinctive character of wine⁶² will be a PTP wine.

It is important to use traditional terms that are understandable by non-Slovenian-speaking consumers in order to enable Slovenia to increase its wine exports and to obtain new wine marketing opportunities⁶³. On one hand, the reduction in the number of districts must also lead to improved recognition of the wine and better marketing while, on the other hand, it has to lead to a reduction of administrative borders for producers.

The main principle of the Act is to protect wine consumers and wine producers.

In accordance with the provisions of the European legislation, the Act introduced two concepts - a traditional term and an additional traditional expression that had hitherto in the current Slovenian legislation made up part of a geographical indication. The Act is conceptually in line with European regulations in this area.

The Act introduced two new traditional expressions (eminent wine and renowned wine) that can be used as follows: the first instead of or together with the traditional term "high quality wine ZGP", and the others instead of or together with the traditional term for "wine PTP", in order to be comprehensible to non-Slovenian-speaking customers.

As a result of the negotiations between Slovenia and the European Union, the minimum natural alcoholic strengths are also different. These shall be inspected in wine-making, following the example of most wine-growing countries. The creation of a separate wine-making inspection is necessary because the law requires certain additional conditions for a wine-inspector (cited in the wine cellar, a test of sensory knowledge).

2.3. Some particularities of the current legal regulation

Wine brands and other products: Wine brands are: still wine, sparkling wine, superb sparkling wine, liquor or special wine (para. 1 of Article 2 of the Act). Other products are: concentrated grape cider, rectified concentrated grape cider and the remaining products made from grapes, cider and wine if used in

⁶²National Assembly, Parliamentary materials, prva obravnava, 22.06.2006, EVA: 2006-2311-0090, Predlog Zakona o vinu.

⁶³<http://en.ljubljanskavinskapot.si/radost/winegastronomy/about-wine/wine-growing-slovenia/> (accessed 23 October 2013).

the production of cider and wine (para. 2 of Article 2 of the Act). If products made from grapes, cider and wine, not listed above, contain cider, wine, concentrated grape cider or rectified concentrated grape cider, they shall satisfy the conditions prescribed by the Act (para. 3 of Article 2 of the Act).

Geographical origin of grapes, cider, wine and other products: Grapes, cider, wine and other products with a designation of origin in the Republic of Slovenia shall be marked with the geographical indication of the production areas, with the traditional name and also with an additional traditional name if they have acquired certain special features due to natural or human factors (Article 3 of the Act).

Protection and control of geographical origin: To protect and control the geographical origin of grapes, cider, wine and other products, traditional terms, other traditional terms, and geographical indications are determined by the Act, by the regulations issued thereunder and by rules of the European Union (para. 1 of Article 4 of the Act). Geographical indications, traditional names and additional traditional names are a collective right that may be used by the producers of grapes, cider, wine and other products that are entered into the Register of grape and wine if grapes, cider, wine and other products are produced in a given geographical area and fulfil other prescribed conditions, in particular regarding oenological practices and resources, constraints on crop/hectare, vine selection (production of registered and permitted vine sorts and bases), chemical compounds found in grapes, cider, wine and other products, where the vineyard is planted in the appropriate area of vines and wine, cider and other products are also adequately assessed and marked (para. 2 of Article 4 of the Act).

Ban on the labelling of other products: Geographical indications, traditional expressions or additional traditional terms, as well as their parts or derivatives of the word should not be used:

- for other beverages containing alcohol; or
- for any other products from grapes, cider and wine that are not used in the production of cider and wine (para. 1 of Article 5 of the Act).

Traditional names and additional traditional names: Traditional names and additional traditional names may only be used for wine and cider, but can also be used for other products

provided they are not intended for the end-consumer (para. 1 of Article 6 of the Act). Traditional names shall be used in conjunction with the geographical indications provided for in the Act, in the regulations issued thereunder and in regulations of the European Union (para. 2 of Article 6 of the Act). For wines that are not still, the type of wine shall be added to the traditional name (para. 2 of Article 6 of the Act).

PTP Wine: Labelled PTP wines may be wines that meet certain conditions for use of an additional traditional term “Teran” or “Cviček”, as determined by the Act and by the regulations issued thereunder (para. 1 of Article 7 of the Act). The terms »Teran« and »Cviček« can be used as a constituent part of a geographical indication (para. 2 of Article 7 of the Act). PTP wine can be connected to other traditional terms if so specified in the study and in the regulation governing the detailed conditions for the production and labelling of wine (para. 3 of Article 7 of the Act). Other wines from the PDPO wine quality class⁶⁴, other than “Cviček PTP Dolenjska wine” and “Teran PTP Kras wine”, may have a PTP wine indication if a preliminary expert report is also made for such wine which provides the name of PTP wine that is a derivative of a word from the list of geographical indications under this Act which sets out the conditions of production, including a definition of the geographical area of production not smaller than the narrow district that provides the technology and the production of wine (para. 4 of Article 7 of the Act).

Geographical indications of production areas: The origin of wines and other products shall be labelled according to the geographical area in which the grapes were harvested (para. 1 of Article 8 of the Act). According to the ecological conditions (relief, climate, soil and agro-biological factors), vine sciences, main organoleptic characteristics of cider, wine and other traditional and historical aspects of the production, the wine-growing area of the Republic of Slovenia shall be divided into the following regions: wine-growing regions, wine-growing districts and wine-growing sub-districts, narrow wine-growing districts, wine-growing

⁶⁴ “ Areas planted with wine grape varieties suitable for the production of quality wines produced in specified regions (pdpo) in accordance with the provisions of Regulation (EC) No. 1493/1999 and its implementing provisions of this regulation, as well as with the national provisions adopted pursuant to that Regulation” (Commission Regulation (EC) No. 1402/2003 of 1 August 2003 setting out the schedule of tables and laying down the definitions relating to basic statistical surveys of areas under vines).

places and wine-growing areas (para. 2 of Article 8 of the Act). The wine-growing region is quite a wide geographical area with similar climatic and soil conditions which (together with agro-biological main factors) affects the organoleptic properties of wine, cider and other products produced in the area. Wine regions are: “Primorska” (Littoral), “Drava” and “Posavje” (para. 3 of Article 8 of the Act). A wine-growing district is a geographically defined area with similar climatic and soil conditions, a similar selection of sorts and other similar agro-biological factors that enable the production of grapes, cider, wine and other products for a specific wine district offering similar organoleptic properties. Wine-growing districts are: “Štajerska Slovenija” (Styrian Slovenia), “Prekmurje”, “Dolenjska”, “Bela Krajina”, “Bizeljsko Sremič”, “Kras” (Karst), “Slovenian Istria”, “Vipava Valley” or “Vipava” and “Brda” or “Goriška Brda» (para. 4 of Article 8 of the Act)⁶⁵.

Determination of the production areas: The Minister shall determine the boundaries of the production areas and place them on the list of geographical indications on the basis of a study of the regions prepared by an authorised organisation (para. 1 of Article 9).

Vine selection: The growing area of the Republic of Slovenia shall be planted by those varieties of *Vitis vinifera* that are determined by vine selection. This issue shall be determined by the minister on the basis of a study of the production areas. In the above mentioned study, the authorised organisation specifies the appropriateness of each vine sort for the particular production region according to the ampelographic characteristics of the sort, the character of the wine produced from the respective sort and the advantages of the sort for the market.

Cultivation of grapes, cider, wine and other products: The production of grapes covers all work in the vineyard, including the harvesting of grapes (para. 1 of Article 12 of the Act). The production of cider, wine and other products includes: transport and acceptance of grapes; processing of grapes: removal of stems and crushing of grapes; tasks of a cellarman: pressing of grapes, treatment of cider; conducting the alcoholic fermentation of cider; clarifying, maintenance and storage of cider, wine and other products; and the preparation of wine for consumption: bottling

⁶⁵ <http://www.wine-searcher.com/regions-slovenia> (accessed 23 October 2013).

of wine in the prescribed original packaging and storage of wine prior to dispatch (para. 2 of Article 12 of the Act).

Producers of grapes, cider, wine and other products:

Grapes, cider, wine and other products can be produced by independent individual proprietors and by legal entities that meet all the conditions required for the respective activity: professional qualification, appropriate facilities and equipment as well as due registration (para. 1 of Article 13 of the Act). The producer of grapes is a natural person or a legal entity that grows grapes for cider or wine and other products and:

- cultivates at least 0.05 hectare of vineyards; or
- cultivates less than 0.05 hectare of vineyards, provided that he/it places grapes, cider, wine or other products on the market (para. 3 of Article 13 of the Act).

Liability for registration: Producers shall be entered in the register of farmers who grow grapes, produce cider, wine or other products and satisfy the prescribed conditions (para. 1 of Article 14 of the Act). Producers shall be registered in the administrative unit where such a register is kept (para. 3 of Article 14 of the Act).

Vineyards in absolute positions: Appropriate cider areas for the production of PDPO wines and IGT PGO wines shall be identified according to specific criteria – the absolute position of vineyards. A vineyard in an absolute position is a vineyard where the vines can provide the best quality output (para. 1 of Article 17 of the Act).

Grapes: The grapes suitable for the production of cider, wine and other products can only be produced on the surfaces of growing areas and from the recommended and authorised varieties of *Vitis vinifera*, as determined in the vine selection (para. 1 of Article 19 of the Act). The grapes for making wine belonging to PDPO wines and IGT PGO wines, IGT PGO cider and other products can only be produced in absolute vineyard sites (para. 2 of Article 19 of the Act). The grapes for the production of cider, wine and other products shall be produced according to the appropriate viticultural technology, with reference to the envisaged wine quality and in accordance with the accession treaty, primarily in consideration of the hectare yield limits and of the corresponding content of natural alcohol (para. 3 of Article 19 of the Act).

Harvesting: The harvesting of grapes for cider, wine and other products is not permitted before the grapes are technolo-

gically mature. Technological maturity shall be noted by the producer himself/itself, taking account of the results of monitoring the ripening of grapes carried out by an authorised organisation (para. 1 of Article 21 of the Act).

Grapes for high quality ZGP wine: If a producer wants to produce wines bearing the designation of high quality ZGP wine, he/it shall obtain the opinion of an authorised organisation about the quantity and quality of grapes for the high quality ZGP wine, in particular regarding the level of the natural strength and health of the grapes (para. 1 of Article 22 of the Act).

Care of grapes, cider, wine and other products: Grapes, cider, wine and other products shall be handled in a way that preserves and develops all of their natural quality characteristics (para. 1 of Article 23 of the Act). Only prescribed oenological practices and oenological products are permitted in the production of grapes, cider, wine and other products. The use of certain oenological practices and resources and the time and place of their use shall be pre-notified to the inspector in charge of wine (para. 2 of Article 23 of the Act). It is prohibited to add any substance to grapes, cider, wine and other products, unless specifically permitted by the Act, by the regulations issued pursuant thereto or by the European Union (para. 3 of Article 23 of the Act).

Content material: Cider, wine and other products shall contain the required content of the substance (para. 1 of Article 14 of the Act). If the value of the content of each substance is not determined by any regulation of the European Union or by the minister, the values shall be used as recommended by the International Organisation of Vine and Wine (*Organisation Internationale de la Vigne et du Vin*)⁶⁶ and included in its publications (para. 2 of Article 24 of the Act).

Isotopic analysis: To establish a data bank of the European Union, the Republic of Slovenia shall submit the results of an isotopic analysis carried out by an institution regulated by the European Union (Article 25 of the Act).

Alcohol-free wine and low-alcohol wine: An alcohol-free wine is a drink made from wine with the alcohol content subsequently reduced to a maximum of 0.5 vol. % without the addition of any new substances so as to minimise the impact on the

⁶⁶<http://www.oiv.int/oiv/cms/index?lang=en> (accessed 23 October 2013).

character of the wine (para. 1 of Article 26 of the Act). A low-alcohol wine is a drink made from wine whose alcohol content is subsequently, without the addition of any new substances, reduced from 0.5 vol. % to 5.0 vol. % so as to minimise the impact on the character of the wine (para. 2 of Article 26 of the Act).

Experimental wine: Experimental wine is a wine made using oenological practices and resources that are not prescribed, and may only be offered to the market if the producer has already obtained the respective permission (Article 27 of the Act).

Mixing of grapes, cider, wine and other products: The mixing of grapes, cider, wine and other products for each grade, geographical origin, vintage and different grape colours shall only be allowed to the prescribed extent and in the prescribed manner (Article 28 of the Act).

Oenological resources: The producer of cider, wine and other products may only use originally packaged oenological products containing only permitted active substances, such as those laid down by the rules of the European Union that govern oenological products (Article 29 of the Act).

Evaluation of cider, wine and other products: The evaluation of cider, wine and other products serves to determine the respective suitability for the market, the labels appropriate for cider, wine and other products on the market and to check the compliance of cider, wine and other products with the respective accompanying documents (para. 1 of Article 30 of the Act).

Mandatory evaluation of cider, wine and other products prior to marketing (para. 1 of Article 31 of the Act): Wine from the PDPO class of wines, the IGT PGO wine, the IGT PGO cider and other products shall be evaluated in the prescribed manner prior to their marketing to the end-consumer. After the evaluation, the cider, wine and other products cannot be changed.

Parameters taken into account in the evaluation (para. 1 of Article 32): In evaluating the PDPO class of wines, IGT PGO wines, cider and other products produced in the Republic of Slovenia, the following shall be considered when determining the respective geographical origin:

- the production area of grapes, cider, wine and other products;
- yields;
- results of laboratory analyses;
- oenological practices and processes;

- tasting (except for other products); and
- a producer's request.

Tasters for the organoleptic evaluation of cider, wine and other products shall be appointed by the minister, provided that they meet the prescribed conditions (para. 1 of Article 34 of the Act).

Commission for the organoleptic evaluation of cider and wine: The organoleptic evaluation of cider and wine is carried out by an authorised commission of tasters consisting of representatives of producers, consumers and professionals in viticulture and oenology (para. 1 of Article 35 of the Act).

Labelling of cider, wine and other products: The labelling of cider, wine and other products (labels, packaging, documents and advertising material for supply to the end-consumer) only prescribes markings and packaging. These two things should not mislead the consumer as to the geographical origin, quality, ingredients, varieties of grapes, any decorations, producers, special production methods, and other properties of cider, wine and other products (para. 1 of Article 36 of the Act).

Labelling of the geographical origin of ciders, wines and other products: The labelling of ciders, wines and other products is subject to the marking and traditional terms prescribed in the Act, provided it has been established by a decision that the evaluation of wines complies with the statutory conditions (para. 1 of Article 37 of the Act). The labelling of ciders, wines and other products can also use other traditional terms prescribed by the Act (para. 2 of Article 37 of the Act).

Identification of the types of wine (para. 1 of Article 38 of the Act):

The labelling of the types of wine produced in the Republic of Slovenia that meet the prescribed conditions may include the type of wine or the following traditional terms:

- Still wines: "high quality wine ZGP", "quality wine ZGP", "wine PTP", "IGT PGO Wine" or "table wine".

- Sparkling wines: "superb sparkling wine ZGP", "quality sparkling wine ZGP", "sparkling wine PTP", "quality sparkling wine" or "sparkling wine".

- Semi-sparkling wine: "quality semi-sparkling wine ZGP", "IGT PGO semi-sparkling wine", "semi-sparkling wine PTP" or "semi-sparkling wine".

- Liqueur wine: “quality liqueur wine ZGP”, “liqueur wine PTP”, “IGT PGO liquor wine” or “liqueur wine”.

The above mentioned wines that are carbonated or flavoured shall bear an additional indication: “flavoured” or “carbonated” (para. 2 of Article 38 of the Act).

Cider for direct human consumption produced in the Republic of Slovenia that meets the prescribed conditions shall be labelled with the traditional term “Land cider PGO” (para. 3 of Article 38 of the Act).

Labelling with geographical indications according to the traditional term:

(1) A geographical indication of the wine region is used for country and IGT PGO wines and cider PGO (para. 1 of Article 39 of the Act). A geographical indication of the wine region is used for quality PDPO wines (para. 2 of Article 39 of the Act). A geographical indication of any narrower wine-growing district may be used as an additional geographical designation for quality PDPO wines (para. 3 of Article 39 of the Act). A geographical indication of the wine-growing location or place may only be used as a collateral geographical indication for ZGP quality wines and for PTP wine (para. 4 of Article 39 of the Act).

(5) Geographical indications may only be used in the form provided with a list of geographical indications (para. 5 of Article 39 of the Act).

Rules on the labelling of origin: A geographical indication shall be clearly visible on the packaging (para. 1 of Article 40 of the Act).

Prohibition of labelling: The labelling of cider, wine and other products is prohibited (para. 1 of Article 41 of the Act) if it is any way misleading, especially as regards the geographical origin of wine. The translation of geographical indications as well as traditional and additional traditional terms is also prohibited. Any indication of effects or properties that do not exist is also prohibited. It is prohibited to provide any specific characters if comparable products have identical or very similar properties.

Marketing: The marketing of grapes, cider, wine and other products under the Act includes all procedures subsequent to the cultivation of grapes, cider, wine and other products, such as those resulting from storage other than storage for the grower’s own consumption, the transport, distribution and sale of grapes, cider,

wine and other products (para. 1 of Article 42 of the Act). In accordance with the Act, marketing shall also be deemed to include the offering of wine in bars, wine shops, on farms, along wine routes as well as in other forms of direct offers of cider and wine to the end-consumer (para. 2 of Article 42 of the Act).

Prohibition of marketing: The marketing of certain cider, wine and other products is prohibited (para. 1 of Article 43 of the Act): Prohibited is the marketing of cider, wine and other products: produced from grapes of the vine *Vitis vinifera*, other than hybrids of *Vitis vinifera* and other species of the genus *Vitis*; and produced from grapes of interspecific hybrids of *Vitis vinifera* provided they were produced in the Republic of Slovenia etc.

Offer of cider and wine, depending on the bottling: Wine can only be marketed to the end-consumer as originally bottled. An originally bottled wine is one that is filled in the prescribed packaging and labelled in the prescribed manner (para. 1 of Article 44 of the Act).

Conditions of marketing: Grapes, cider, wine and other products on the market should be treated so as to retain all of their organoleptic as well as physical and chemical properties (para. 1 of Article 45 of the Act).

Place of production of cider and wine:

Wine of the PDPO class shall only be produced (other than the preparation of wine for consumption) in the wine district in which the grapes were harvested (para. 1 of Article 47).

Administration and monitoring:

Analytical, technical and administrative tasks of viticulture and oenology such as those provided by the Act and its implementing regulations are to be carried out by authorised organisations (para. 1 of Article 48).

Implementation of the Act, the regulations issued pursuant thereto and regulations of the European Union in the field of grapes, cider, wine and other wine-making is subject to an inspection service that operates within the inspectorate responsible for agriculture; monitoring the implementation of some provisions is also provided by the agricultural inspection service; monitoring of the implementation of certain provisions is also provided by the inspection service responsible for the quality control of agricultural products and foodstuffs (para 1 of Article 50 of the Act).

In carrying out inspections pursuant to the Act, the transport

of grapes, cider, wine and other products, the police (in line with its powers) provides assistance to the wine or agricultural inspector as well (para. 1 of Article 54).

REFERENCES

- Constitutional Court of the Republic of Slovenia: Decision No. U-I-228/00 of 8 November 2001, Official Gazette RS, No. 101/00, Official Gazette RS, No. 96/01 and OdlUS X, 182
- Černic, Dajana, Pomen blagovne znamke na trgu vina – primer blagovna znamka Quercus, Univerza v Ljubljani, Fakulteta za družbene vede, diplomsko delo, Ljubljana, 2002, dk.fdv.uni-lj.si/dela/Cernic-Dajana.PDF
- Goršič, France, "Organizacija gore in Gorske bukve." Kronika (Ljubljana) Volume 8. No. 1 (1960), pp. 36-40.
- <<http://www.dlib.si/?URN=URN:NBN:SI:DOC-6CD7VLJ8>>Narodna in univerzitetna knjižnica (Digitalizirano v okviru projekta Digitalna knjižnica Slovenije - dLib.si (EEA SI0014))
- <http://www.us-rs.si>, Constitutional Case-Law Database
- <http://www.sodisce.si/ursr/odlocitve/64485>, Administrative Court Case-Law Database
- http://en.wikipedia.org/wiki/Slovenian_wine
- <http://www.fama.eu/vina/Zakonodaja/zakonodaja1.htm>
- <http://en.ljubljanskavinskapot.si/radost/winegastronomy/about-wine/wine-growing-slovenia/>
- http://dvs-lendava.si/?page_id=55&lang=en
- <http://www.slovenianwine.si/>
- <http://www.slovenia.si/en/slovenia/history/the-independent-state/>
- http://www.servat.unibe.ch/icl/si__indx.html
- <http://www.vinskacestakras.si/en/wine/index.html>
- <http://vodnik.kras-carso.com/?id=234&oblika=ZNACILNO&isci=>
- <http://www.oiv.int/oiv/cms/index?lang=en>
- <http://www.wine-searcher.com/regions-slovenia>
- <http://www.oesterreichwein.at/unser-wein/kostbare-kultur-besonderer-genuss/geschichte/>
- <http://www.drustvo-vinogradnikov.si/>
- <http://www.knjiznica-celje.si/raziskovalne/7020000236.pdf>
- [http://en.wikipedia.org/wiki/Statehood_Day_\(Slovenia\)](http://en.wikipedia.org/wiki/Statehood_Day_(Slovenia))
- http://commons.wikimedia.org/wiki/Category:Guinness_World_Records
- <http://www.slava-vojvodine-kranjske.si/>
- <https://www.ip-rs.si/.../odlocbe-in-mnenja-varstvo-osebnih-p>, Information Commissioner Case-Law Database
- Johnson, H. & Robinson, J. The World Atlas of Wine, p. 253 pages, Mitchell Beazley Publishing 2005 ISBN 1-84000-332-4.
- Kristančič, Alan, Predlog zaščite geografskega porekla Goriška brda v okviru Evropske unije, Univerza v Novi Gorici, Visoka šola za vinogradništvo in vrtnarstvo, diplomsko delo, Ajdovščina, 2011, www.ung.si/~library/diplome/VINARSTVO/6Kristancic.pdf
- University Press 2006 ISBN 0-19-860990-6
- Ministrstvo za kmetijstvo, gozdarstvo in prehrano. Opis stanja v panogi. Retrieved 10 March, 2011.
- National Assembly, Parliamentary materials, prva obravnava, 22.06.2006, EVA: 2006-2311-0090, Predlog Zakona o vinu
- Robinson, J. (ed.) "The Oxford Companion to Wine" Third Edition, pp 632-633 Oxford University Press 2006 ISBN 0-19-860990-6
- Zakon o vinu (Wine Act), Official Gazette RS, Nos. 105/2006 and 72/2011; http://zakonodaja.gov.si/rpsi/r06/predpis_ZAKO4816.html