

# Wine and Spirit Drinks Act

Promulgated, State Gazette No. 45/15.06.2012, effective 16.09.2012, amended, SG No. 15/15.02.2013, effective 1.01.2014, amended and supplemented, SG No. 26/21.03.2014, amended, SG No. 14/20.02.2015, SG No. 61/11.08.2015, supplemented, SG No. 9/26.01.2017, effective 26.01.2017, amended, SG No. 58/18.07.2017, effective 18.07.2017, amended and supplemented, SG No. 17/23.02.2018, effective 23.02.2018, supplemented, SG No. 77/18.09.2018, effective 1.01.2019, amended and supplemented, SG No. 98/27.11.2018, effective 1.01.2019, amended, SG No. 51/5.06.2020, effective 20.06.2020, SG No. 102/23.12.2022, effective 1.01.2023

\*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 102/8.12.2023, effective 12.12.2023, SG No. 105/19.12.2023, effective 1.01.2024, SG No. 41/10.05.2024, effective 10.05.2024

Text in Bulgarian: Закон за виното и спиртните напитки

## Chapter One GENERAL PROVISIONS

**Article 1.** (Supplemented, SG No. 26/2014) This Act shall regulate the terms and procedures for growing, obtaining, harvesting, treatment, processing, labelling of, trade in and control over wine grapes, wines, and products obtained from grapes and wine, fruit wines, vinegar, ethyl alcohol and distillates of agricultural origin, and spirit drinks, as well as the management, control, and supervision of the wine-growing potential.

## Chapter Two MANAGING AUTHORITIES

**Article 2.** (1) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall implement state policies in the wine-growing sector.

(2) (Amended, SG No. 14/2015) The Minister of Economy shall implement government policies as regards the production of ethyl alcohol of agricultural origin, distillates of agricultural origin, and of spirit drinks.

(3) (Supplemented, SG No. 26/2014, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Supervision and control over compliance with statutory and regulatory requirements as regards areas under vines and grapevine and wine products, fruit wines and vinegar shall be carried out by the Vine and Wine Executive Agency (VWEA) reporting to the Minister of Agriculture. The Agency shall be a budgeted legal entity based in Sofia.

(4) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Budgetary resources to fund the activities of the VWEA shall be provided annually through the budget of the Ministry of Agriculture from the following sources:

1. (amended, SG No. 15/2013, effective 1.01.2014, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) transfers from the budget of the Ministry of Agriculture;
2. revenues from provision of services;
3. monies collected from the imposition of fines and penalties pursuant to this Act;
4. funds received under international projects and programmes;
5. other sources.

(5) To provide services pursuant to (4), item 2, the VWEA shall collect fees as set out in a fixed fee scale issued by the Council of Ministers.

(6) The organisation set-up, structure, and activities of the VWEA shall be governed by its rules of procedure as approved by the Council of Ministers.

(7) The Executive Director of the VWEA shall issue an order to approve model document forms under this Act save as otherwise provided for in any other legal act. Such order and model forms shall be published on the Internet site of the VWEA within 24 hours following their approval. The order may also lay down the terms and provisions for electronic document submission.

(8) The VWEA shall issue wine safeness certificates for wines intended for export to third countries assuming such requirements apply in the country of importation. Such certificate shall be issued at the exporter's request in return for a fee in accordance with the fixed fee scale provided for in (5).

(9) The Vine and Wine Executive Agency shall administer measures to promote the wine-growing sector.

## **Chapter Three**

# **PRODUCER ORGANISATIONS AND INTER-BRANCH ORGANISATIONS**

## **Section I**

### **Producer Organisations**

**Article 3.** A producer organisation may be any legal entity or cooperative whose members are producers of wine-sector products.

**Article 4.** (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Organisations referred to in Article 3 shall be recognised by the Minister of Agriculture in keeping with the terms and conditions laid down in the Implementing Rules for this Act.

## **Section II**

### **Inter-branch Organisations**

**Article 5.** (1) The following shall be considered inter-branch organisations of producers, processors, and traders of wine-sector products and spirit drinks:

1. The National Vine and Wine Chamber (NVWC);
2. The Regional Vine and Wine Chambers (RVWC);
3. The Association of Producers, Importers and Traders of Spirit Drinks (APITSD)
4. organisations referred to in Article 3 recognised as inter-branch bodies under the terms and conditions laid down in the Implementing Rules for this Act.

(2) The organisations referred to in (1) above shall propound practices for socially responsible consumption and for taking action to limit abuse of wine and spirit drinks.

**Article 6.** (1) The National Vine and Wine Chamber is a legal entity registered under the provisions of the Non-Profit Legal Entities Act. It is based in Sofia.

(2) The National Vine and Wine Chamber shall adopt Statutes to regulate its set-up and activities.

(3) The Regional Vine and Wine Chambers are legal entities established by decision of the National Vine and Wine Chamber on the basis of a duly submitted application approved by the NVWC Chair. The decision to establish a Regional Vine and Wine Chamber shall stipulate also its registered seat and territorial range of authority (jurisdiction).

(4) The right to be designated "Regional Vine and Wine Chamber" shall be exercised solely by legal entities eligible as per the terms and conditions hereof. All Regional Vine and Wine Chambers shall carry out their activities in full compliance with the decisions of the NVWC's General Assembly and shall be required to keep the NVWC's Management Board and General Assembly informed of their operations.

**Article 7.** (1) The organisations referred to in Article 5 (1), items 1, 2, and 4 shall be entitled to:

1. play a part in the implementation of the national policy for advancement of wine growing and wine-making, and of the country's winegrowing regions;
2. participate in drafting bills and regulations relating to the wine-growing sector. They shall issue also comments and opinions on bills and regulations relating to the wine-growing sector;
3. (amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) put together best practice guides for production and marketing of grapevine products and put those forward to the Minister of Agriculture for approval. Once approved, such best practices shall be mandatory for all registered wine growers;
4. advance suggestions to designate wine regions of protected designation of origin (PDO) or protected geographical indication (PGI);
5. protect the interests of the wine-growing sector at the national level;
6. (amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) suggest to the Minister of Agriculture the ways to allocate funds from the State Fund Agriculture earmarked for advancement and support of wine growing;
7. advance reasoned suggestions to the Council of Ministers for government intervention in the wine product market;
8. (amended, SG No. 15/2013, effective 1.01.2014, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) lend assistance to and collaborate with the Minister of Agriculture, the Minister of Finance, the Minister of Economy and the Minister of Health, as well as with other bodies of the executive on issues relating to the advancement of the wine sector;
9. support the central and territorial government authorities as well as local self-government bodies in framing their economic policies and targeted funding of programmes and projects, inclusive of issues regarding planning and development of agricultural and viticultural areas and settlements;
10. approve the composition of regional tasting committees tasked with carrying out organoleptic evaluation of wines, grape spirits and brandy and/or draft proposals for their composition as per terms and procedures laid down in the Implementing Rules for this Act;
11. get involved in disputes over the protection of the quality and origin of wines when authorised by their members;
12. organise national and international wine and spirits competitions;
13. organise training events on topics pertaining to the production of wine-sector products;
14. perform other functions conferred upon them by law or specified in their statutes.

(2) The Association of Producers, Importers and Traders of Spirit Drinks shall be entitled to:

1. play a part in the implementation of the national policy for the development of the country's spirit drinks sector;
2. participate in drawing up laws and regulations relating to the spirit drinks sector. They shall also issue comments and opinions on laws and regulations relating to the spirits drinks sector;
3. protect the interests of the spirit drink sector at the national level;
4. advance reasoned suggestions to the Council of Ministers for government intervention in the spirit drinks market;
5. (amended, SG No. 15/2013, effective 1.01.2014, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) lend assistance to and collaborate with the Minister of Agriculture, the Minister of Finance, the Minister of Economy and the Minister of Health, as well as with other bodies of the executive on issues with regard to the improvement of the spirit drinks market;
6. draft proposals for the composition of regional tasting committees authorised to carry out organoleptic evaluation of grape spirits and brandy in compliance with the terms and procedures laid down in the Implementing Rules for this Act;

7. support the central and territorial government authorities as well as the local self-government bodies in framing their economic policies and targeted funding of programmes and projects including issues concerning the planning and development of agricultural and viticultural areas and populated places;
8. get involved, when duly authorised by their members, in disputes over the protection of the quality and origin of traditional Bulgarian spirit drinks and products, as well as over the protection of spirit drinks with a geographical indication;
9. organise national and international wine and spirits competitions;
10. organise training events on topics pertaining to the production of spirit drinks;
11. perform other functions conferred upon it by law or specified in its statutes.

**Article 8.** Membership in the NVWC is open to:

1. the Regional Vine and Wine Chambers;
2. producers, processors, and traders of wine-sector products;
3. wine growers' associations;
4. universities and research institutes in the field of viticulture and oenology, as well as other entities and organisations promoting or contributing to the advancement of viticulture and winegrowing.

**Article 9.** Membership in the APITSD is open to:

1. natural and legal persons, who are producers, importers and/or traders of spirit drinks;
2. producers of grains, fruits, grapes, and their products, intended for production of alcoholic beverages, as well as producers and importers of ethyl alcohol of agricultural origin and distillates;
3. scientific and research organisations, schools, specialised laboratories, institutes, and other organisations and entities promoting or contributing to the development of the production and trade of spirit drinks in the Republic of Bulgaria.

**Article 10.** (1) In addition to the powers provided for in Article 7 (1), the Regional Vine and Wine Chambers shall issue certificates of:

1. origin of grapes intended for production of wines with a PDO/PGI, varietal wines without a PDO/PGI, wines without a PDO/PGI, as well as certificates of origin of wines with a PDO/PGI;
2. authenticity of grape, wine, and marc (pomace) spirits, and brandy.

(2) The certificates referred to in (1), item 1 shall be validated by the territorial unit of the VWEA where the vineyard holding is located in return for a fee as set out in the fee scale provided for in Article 2 (5).

(3) The form and content, as well as the procedure for issuing and endorsing such certificates shall be regulated by the Implementing Rules for this Act.

**Article 11.** (1) Membership in a Regional Vine and Wine Chamber is open to:

1. owners of vineyards and vine nurseries located within the territory of the relevant Regional Vine and Wine Chamber;
2. legal and natural persons, producing vine propagation material within the territory of the relevant Regional Vine and Wine Chamber;
3. persons other than those referred to in item 1 above who cultivate vineyards within the territory of the relevant Regional Vine and Wine Chamber;
4. winemaking cooperatives operating within the territory of the relevant Regional Vine and Wine Chamber;
5. producers of wines and wine products operating within the territory of the Regional Vine and Wine Chamber;
6. traders of wine and wine-sector products within the territory of the relevant Regional Vine and Wine Chamber;
7. persons and entities promoting or contributing to the advancement of viticulture and winemaking within the territory of the relevant Regional Vine and Wine Chamber.

(2) Persons and entities referred to in (1) who own and/or cultivate vineyards or operate within the territories of more than one Regional Vine and Wine Chamber, shall be entitled to membership in all relevant Regional Vine and Wine Chambers.

**Article 12.** (1) (Amended, SG No. 61/2015(\*), SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) To stimulate the advancement of viticulture, the Minister of Agriculture, in the case of land plots within the national land fund, and the respective municipal council, in the case of land plots within a municipal land fund, shall, on a proposal from the relevant Regional Vine and Wine Chamber, grant long-term land tenure for vineyard cultivation under the terms and procedures laid down in Article 24a (2) and (5) of the Agricultural Land Ownership and Use Act.

(2) The duration of the land tenures provided for in (1) shall be no shorter than 35 years.

(3) Where the use of tenured land for vineyard cultivation as provided for in (1) is terminated prior to the expiration of the term provided for in (2), such land shall be returned without delay to the national or municipal land fund, respectively.

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*(\*)This amendment concerns new spelling of a Bulgarian word which does not affect the English version.*

**Article 13.** National control bodies and authorities, bodies of local self-government, and central and territorial government authorities shall be required to collaborate with the producer and inter-branch organisations in the wine-growing sector.

## **Chapter Four**

# **PRODUCTION POTENTIAL**

## **Section I**

### **General Provisions**

**Article 14.** (1) Production potential is the aggregate of all areas actually planted with wine grape vines, the National Reserve of wine grape planting rights, plus any replanting rights, new planting rights, and rights granted from the National Reserve of wine grape planting rights allocated but not yet used by producers, which constitute vineyards suitable for the production of wines:

1. with a PDO;
2. with a PGI;
3. without a PDO/PGI.

(2) Wine grape vineyards planted without a planting right after 1 January 2007, shall be subject to forcible grubbing-up at the expense of the producer in compliance with the provisions hereof.

(3) Pending grubbing-up of vineyards as provided for in (2), products made from their grapes may be used only for the purposes of distillation at the exclusive expense of the producer.

(4) Products resulting from distillation as provided for in (3) may not be used in the preparation of alcohol having actual alcoholic strength by volume of 80 % or less.

(5) Planting and grafting of wine grape vines classifiable within the meaning of this Act, shall be carried out only after acquiring a new planting right, a replanting right, or a planting right granted from the National Reserve of wine grape planting rights.

(6) Forcible grubbing-up shall be carried out upon the issuance of a reasoned order by the Executive Director of the VWEA.

(7) The order provided for in (6) shall be issued on the basis of a statement of administrative offence.

(8) The order provided for in (6) shall be communicated and may be appealed under the provisions of the Code of Administrative Procedure.

## **Section II**

### **Classification of Wine Grape Varieties**

**Article 15.** (1) Only classifiable wine grape varieties satisfying the conditions set out in the Implementing Rules for this Act may be planted, replanted or grafted for the purpose of wine production.

(2) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) On a proposal from the VWEA, the Minister of Agriculture shall issue an order to approve a list of classifiable wine grape varieties.

(3) Planting, replanting or grafting with vines of unclassifiable wine grape varieties shall be prohibited and they shall be subject to forcible grubbing-up in conformity with the provisions hereof.

(4) The prohibition provided for in (3) shall not apply to unclassifiable wine grape varieties where the relevant production is intended exclusively for consumption by the wine-producers' households.

(5) Where a wine grape variety is deleted from the classification list referred to in (2), grubbing-up of all areas planted with the variety concerned shall take place within 15 wine years following the year in which the deletion took place.

(6) Products listed in Annex No. 1 hereto shall be made solely from classifiable wine grape varieties.

## **Section III**

### **New Planting Right**

**Article 16.** (1) A new planting right shall be granted in respect of areas:

1. intended for wine-growing experiments;
2. for cultivation of vine propagation material;
3. affected by land consolidation or compulsory land purchases in the public interest.

(2) A new planting right shall not be transferable or leasable to other persons and shall be used no later than the end of the second wine year following the wine year during which it was granted.

(3) To obtain a new planting right, a producer shall apply to the VWEA using a model form approved in accordance with Article 2 (7) accompanied by all documents specified in such form. Applications shall be reviewed for a fee pursuant to the fixed fee scale provided for in Article 2 (5).

(4) The relevant territorial unit of the VWEA shall, within 5 business days from the application referred to in (3), review all documents submitted. Where an application is found to be incomplete and/or inaccurate, the territorial unit of the VWEA shall notify the applicant in writing. The latter shall, within 10 business days from receipt of notice, provide all documents requested or written explanations. Where an applicant has failed to remedy the deficiencies within the time limit, his/her application shall be closed with no further action taken.

(5) The complete file with all attachments shall be forwarded to the Head Office of the VWEA within 5 business days after the document review provided for in (4) or the correction of any omissions and/or deficiencies, respectively.

(6) The Executive Director of the VWEA shall issue a new planting right licence within 7 business days from the receipt of the documents referred to in (5).

(7) A new planting right licence shall specify:

1. the legal grounds for issuing the licence;
2. the name or business name of the natural or legal person who is the producer and to whom the new planting right is granted;
3. the producer's registration number and vineyard holding identification number;

4. the purpose for granting the new planting right;
5. information about the land plot or plots for which the new planting right is granted - land and populated place code according to the Unified Classification of Administrative-Territorial and Territorial Units (UCATTU), cadastral number of the plot or plots, total area size; and the legal grounds for holding or using it;
6. wine grape variety names by plot;
7. the time limit for using the new planting right;
8. the time-frame for the wine-growing experiment in the cases provided for in (1), item 1;
9. the period of vine propagation material cultivation in the cases provided for in (1), item 2;
10. appeal provisions;
11. any other relevant data.

(8) Subsequent to the planting of a plot or plots specified in a new planting right licence, the producer shall be required to notify the VWEA by submitting a model notice form approved by the Executive Director of the VWEA. Such notice shall be submitted within 30 days of planting.

(9) Within 30 days from receipt of a notice provided for in (8), the VWEA shall carry out an on-the-spot check to verify the compliance of the actual planting with the planting licence.

(10) The verification provided for in (9) shall include measurement of the area actually planted using a GPS device and creation of photographic images. The findings shall be presented in a checklist completed in duplicate and signed by the officials carrying out the inspection and the producer or his/her duly authorised representative. The file shall be forwarded to the Head Office of the VWEA within 5 business days from the on-the-spot check to have the planting recorded on the Vineyard Register.

(11) The VWEA shall, within 15 days from receipt of the file referred to in (10), record the planting on the Vineyard Register and shall notify the producer in writing as well as send him/her updated summary information on their vineyard holding particulars.

(12) Planting rights not used within the time limit set out in (7), item 7 shall be allocated to the National Reserve of wine grape planting rights.

(13) Where a new planting right has been granted for areas intended for wine-growing experiments or for cultivation of vine propagation material, upon the expiry of the time-frame laid down in (7), items 8 and 9, the vines:

1. may be used by the producer for production of wine-sector products, which may be marketed only if the producer has been granted rights from the National Reserve of wine grape planting rights, or replanting rights, or;

2. shall be grubbed up at the producer's expense; pending grubbing-up, products made from grapes coming from the area concerned may be put into circulation only for the purposes of distillation, at the expense of the producer; these products may not be used in the preparation of alcohol having an actual alcoholic strength by volume of 80% or less.

(14) A producer shall, within 14 days after the expiry of the period set out in (7), items 8 and 9:

1. submit an application to the VWEA to use the vines in the cases referred to in (13), item 1;
2. give written notice to the VWEA of the grubbing up in the cases provided for in (13), item 2 and set a time limit for grubbing up.

(15) Grubbing up of vines pursuant to (13), item 2 shall not give rise to any replanting rights.

## **Section IV**

### **Replanting Right**

**Article 17.** (1) A replanting right shall be granted by the VWEA to producers who have grubbed up existing vine plants in production and in good agrotechnical condition, which are not abandoned vineyards within the meaning of this Act.

(2) A replanting right shall be used by a producer no later than the end of the fifth wine year after the end of the one during which the grubbing-up took place.

- (3) In case of force majeure within the meaning of this Act, the period for the use of a replanting right set out in (2) above may be extended by up to three wine years.
- (4) A producer shall be required to apply to the VWEA no later than 30 days prior to the expiry of the term set out in (2) above to have the period for the use of the replanting right extended.
- (5) Any rights not used within the time-frames set out in (2) and (3) shall be allocated to the National Reserve of wine grape planting rights.
- (6) Replanting of vineyards cultivated under European Union programmes may be carried out no earlier than 5 wine years after the end of the one during which such vineyards were planted.

**Article 18.** (1) To obtain a replanting right, a producer shall file an application for grubbing-up commencement using a model form approved under Article 2 (7) accompanied by all required documents specified in it. The application shall be filed with the relevant territorial unit of the VWEA where the vineyard holding is registered upon payment of a review fee as set out in the fee scale provided for in Article 2 (5).

- (2) Within 10 business days from the date of application referred to in (1), the territorial unit of the VWEA shall review all documents submitted and compare plot particulars indicated in the application with the vineyard holding particulars entered in the Vineyard Register.
- (3) Where an application and the attachments thereto are found to be incomplete and/or inaccurate, the territorial unit of the VWEA shall notify the applicant in writing. The latter shall, within 10 business days from receipt of notice, provide all requested documents or written explanations.
- (4) Where an applicant has failed to remedy the deficiencies within the time limit set out in (3), his/her application shall be dropped with no further action taken. Such producer may reapply within the same wine year.
- (5) Within 7 business days after the review provided for in (2) or the correction of any omissions and/or deficiencies as per (3), the territorial unit of the VWEA shall carry out an on-the-spot check of the plots specified to verify the actual agrotechnical condition of the vineyards. Such verification shall include measurement of the area actually planted with vines and creation of photographic images. The findings shall be presented in a checklist completed in duplicate and signed by the officials carrying out the inspection and the producer or his/her duly authorised representative.
- (6) Subsequent to the on-the-spot check provided for in (5), the territorial unit of the VWEA shall notify the producer in writing of the measured area actually planted with vines.
- (7) Grubbing up of vines shall commence upon receipt of the notice provided for in (6). To obtain a replanting right, the producer shall be required to grub up his/her vineyard by the end of the second wine year following the notification.

**Article 19.** (1) Where a vineyard is grubbed up, a producer shall be required to completely eliminate all epigeal vine parts and roots and shall be required also to clear the area of any plant remains.

- (2) No later than 30 days following the completion of grubbing-up operations, the producer shall file with the relevant territorial unit of the VWEA a notice of grubbing-up completion using a model notice form approved in accordance with Article 2 (7).
- (3) Within 10 business days following the receipt of notice provided for in (2), the relevant territorial unit of the VWEA shall carry out an on-the-spot check of the areas grubbed up. The findings shall be presented in a checklist completed in duplicate and signed by the officials carrying out the inspection and the producer, or by his/her authorised representative.
- (4) In case of non-compliance with the requirements laid down in (1), the territorial unit of the VWEA shall issue mandatory instructions and set a time limit for compliance.
- (5) Within three business days after the on-the-spot check provided for in (2), the territorial unit of the VWEA shall put forward a suggestion to the Agency's Executive Director to issue a replanting right licence.
- (6) The Executive Director of the VWEA shall issue a replanting right licence within 7 business days from receipt of the suggestion provided for in (5). Such licence shall specify:
1. the legal grounds for issuing the licence;



2. the name or business name of the natural or legal person who is the producer and to whom the replanting right is granted;
3. the producer's registration number and vineyard holding identification number;
4. particulars of the land plot or plots for which the replanting right is granted - land and populated place UCATTU code, cadastral number of the plot or plots, total area size, and the legal grounds for holding or using it;
5. the variety of the wine grape vines grubbed up;
6. the time limit for using the replanting right;
7. appeal provisions;
8. any other relevant data.

**Article 20.** (1) To commence replanting, a producer shall apply to the VWEA using a model form approved in accordance with Article 2 (7) accompanied by all required documents specified therein.

(2) Where areas to be replanted are areas grubbed up and declared in conformity with the provisions of Article 18, the relevant territorial unit of the VWEA shall, within 15 business days from receipt of the application provided for in (1), carry out an on-the-spot check of the areas concerned. The findings shall be presented in a checklist completed in duplicate and signed by the officials carrying out the inspection and the producer, or his/her authorised representative.

(3) In case of change in the vineyard location, the relevant territorial unit of the VWEA shall carry out, within 5 business days from receipt of the application provided for in (1), a review of all documents attached.

(4) Where an application and the attachments thereto are found to be incomplete and/or inaccurate, the territorial unit of the VWEA shall notify the applicant in writing. The latter shall, within 10 business days from receipt of notice, provide all requested documents or written explanations.

(5) Where a producer has failed to remedy the deficiencies within the time limit set out in (4), his/her application shall be closed with no further action taken. Such producer may reapply within the same wine year.

(6) Within 10 business days from the document review provided for in (3) or the correction of any omissions and/or deficiencies referred to in (4), the territorial unit of the VWEA shall carry out an on-the-spot check of the plots specified. The findings shall be presented in a checklist completed in duplicate and signed by the officials carrying out the inspection and the producer, or by his/her duly authorised representative.

(7) No producer shall be allowed to start replanting until the inspection provided for in (6) has been completed.

(8) Where the variety of the wine grape vines to be planted is different from the one specified in the application, the producer shall be required to notify the VWEA in writing within 10 days of such change.

(9) No later than 30 days after the replanting of the area specified in the licence is completed, the producer shall file with the relevant territorial unit of the VWEA a notice of replanting completion using a model form approved in keeping with the provisions of Article 2 (7).

(10) Within 10 business days from receipt of notice as provided for in (9), the relevant territorial unit of the VWEA shall carry out an on-the-spot check of the plots specified. Such check shall include measurement of the area actually planted using a GPS device and creation of photographic images. The findings shall be presented in a checklist completed in duplicate and signed by the officials carrying out the inspection and the producer, or by his/her duly authorised representative. The file shall be forwarded to the VWEA's Head Office within 5 business days after the on-the-spot check to have the planting recorded on the Vineyard Register.

(11) The VWEA shall, within 15 days from receipt of the file referred to in (10), record the planting on the Vineyard Register and shall notify the producer in writing as well as send him/her updated summary information on their vineyard holding particulars.

## **Section V**

### **Transfer of Replanting Rights**

**Article 21.** A replanting right shall be transferrable in whole or in part from the vineyard holding to which it is granted to another vineyard holding within this country's territory provided that:

1. part of the vineyard holding concerned is being transferred to the other holding;
2. a portion of all areas within the vineyard holding to which the replanting rights are transferred are intended for the production of wines with a PDO or PGI, or for cultivation of vine propagation material (graft nurseries).
3. a harvest declaration for the wine year preceding the grubbing-up of the vineyards for which the replanting right is granted has been filed evidencing that the vineyards in question were in production and conformed to the provisions of Article 17 (1).

**Article 22.** The terms and procedures for replanting right transfers as provided for in Article 21 shall be laid down in the Implementing Rules for this Act.

## **Section VI**

### **National Reserve of Wine Grape Planting Rights**

**Article 23.** (1) The Vine and Wine Executive Agency shall create and maintain a National Reserve of planting rights.

(2) Planting rights from the National Reserve provided for in (1) shall be granted by the VWEA to producers who have a registered vineyard holding and shall be used by the end of the second wine year following the one during which the rights were granted. Planting rights not used during this period shall be returned to the National Reserve.

(3) Planting rights from the National Reserve may be transferred or leased under terms and procedures to be laid down in the Implementing Rules for this Act.

**Article 24.** (1) The National Reserve provided for in Article 23 shall be made up of the following rights:

1. new planting rights unused within the time limits set out in Article 16 (2);
2. replanting rights unused within the time limits set out in Article 17 (2) and (3);
3. planting rights granted from the National Reserve and not used within the time limit set out in Article 23 (2).

(2) Planting rights in the National Reserve which are not disbursed before the end of the fifth wine year following their allocation to the reserve shall be extinguished.

**Article 25.** (1) To obtain planting rights from the National Reserve referred to in Article 23, producers shall apply to the VWEA using a model form approved as per Article 2 (7) accompanied by all documents stated in it. Applications shall be reviewed for a fee as set out in the fee scale provided for in Article 2 (5).

(2) Applications as provided for in (1) may be filed also by persons who do not have a registered vineyard holding within the wine-growing region where the plots specified are located. However, to obtain planting rights from the National Reserve, such persons shall be required to register a vineyard holding.

(3) Producers under 40 years of age, who possess adequate occupational skills and competence, and who are setting up a new wine holding for the first time shall be exempt from paying the fee provided for in (1). Possession of such occupational skills and competence shall be attested by a higher education diploma (bachelor's or master's degree) in agronomy, technology, or agro-economics.

**Article 26.** (1) Within 5 business days from the date of application provided for in Article 25 (1), the relevant territorial unit of the VWEA shall review all documents as submitted. Where an application is found to be incomplete and/or inaccurate, the territorial unit of the VWEA shall notify the applicant in writing. The latter shall, within 10 business days from receipt of notice, provide all documents requested or written explanations. Where an applicant has failed to remedy the deficiencies within the time limit prescribed, his/her application shall be closed with no further action taken.

(2) Within 5 business days after the document review provided for in (3) or the correction of any omissions and/or deficiencies as provided for in (4), the territorial unit of the VWEA shall carry out an on-the-spot check of the plots specified. The findings shall be presented in a checklist completed in duplicate and signed by the officials carrying out the inspection and the producer, or by his/her duly authorised representative.

(3) The territorial unit of the VWEA shall, within three business days after the check provided for in (2), put forward a suggestion to the Agency's Executive Director to issue a licence for planting rights from the National Reserve of rights.

(4) The Executive Director of the VWEA shall issue a licence for planting rights from the National Reserve within 7 business days from receipt of the documents referred to in (3).

(5) The licence provided for in (4) shall specify:

1. the legal grounds for issuing the licence;
2. the name or business name of the natural or legal person who is the producer and to whom the planting right is granted;
3. the producer's registration number and vineyard holding identification number;
4. the purpose for granting the planting right;
5. information about the land plot or plots for which the planting right is granted - land and populated place UCATTU code, cadastral number of the plot or plots, total area size; and the legal grounds for holding or using it;
6. wine grape varieties by plot;
7. the time period for using the planting right;
8. appeal provisions;
9. any other relevant data.

(6) Within 30 days after a particular area has been planted, the producer shall file with the relevant territorial unit of the VWEA a notice of planting completion using a model form approved in accordance with Article 2 (7).

(7) Where the variety of the wine grape vines to be planted is different from the one specified in the application, the producer shall be required to notify the VWEA in writing within 10 days of such change.

(8) Within 10 business days from receipt of the notice provided for in (6), the relevant territorial unit of the VWEA shall carry out an on-the-spot check of all planted plots. Such check shall include measurement of the area actually planted using a GPS device and creation of photographic images. The findings shall be presented in a checklist completed in duplicate and signed by the officials carrying out the inspection and the producer, or by his/her duly authorised representative. The file shall be forwarded to the Head Office of the VWEA within 5 business days after the on-the-spot check to have the planting recorded on the Vineyard Register.

(9) The VWEA shall, within 15 days from receipt of the file referred to in (8), record the planting on the Vineyard Register. It shall also notify the producer in writing and shall send him/her updated summary information on their vineyard holding particulars.

## **Section VII**

### **Vineyard Register**

**Article 27.** (1) To ensure verification of compliance, the VWEA shall maintain a Vineyard Register containing updated information on the production potential. The Register shall be publicly available and accessible on the VWEA's website in conformity with the provisions of Article 15 (1) of the Restriction of Administrative Regulation and Control over Economic Activity Act.

(2) (Amended, SG No. 26/2014) Recorded on the Vineyard Register provided for in (1) shall be wine growers, vineyard holdings, wine producers and vinegar producers.

(3) The Vine and Wine Executive Agency shall set up and maintain wine grower files and production files of wine producers which shall be an integral part of the Vineyard Register.

(4) The requirements as regards the contents of the files provided for in (3) shall be laid down in the Implementing Rules for this Act.

(5) The Register provided for in (1) shall be set up and kept so as to allow a common functioning of, or the exchange of data with the Integrated Administration and Control System (IACS).

(6) To be entered in the register provided for in (1), producers shall apply to the VWEA using a model form approved in accordance with Article 2 (7) accompanied by all documents specified in that form.

(7) Upon initial registration in the Vineyard Register, producers shall be assigned a unique identification number (UIN) which shall be non-transferrable. Such unique identification number shall contain a wine grower or wine producer code, information on the year of entry, and entry sequence number.

(8) Within 10 days from the application provided for in Article 6, the VWEA shall register the applicant and issue a certificate of wine grower registration or wine producer registration. Indicated in such certificate shall be their UIN.

**Article 28.** The wine grower files provided for in Article 27 (3) shall contain identification particulars of the vineyard holding registered within the wine growing region where the plots are located, the characteristics of the vineyard parcels, as well as information regarding harvest declarations, certificates of wine grape origin, annual summary information on accompanying documents issued for wine grapes transport, changes to the structure of the vineyard holding, unique registration number (URN) in the IACS, and information regarding replanting rights, planting with rights from the National Reserve, unlawful vineyard plantings, support for restructuring and conversion of vineyards, and green harvesting.

**Article 29.** (1) A vineyard holding comprises vineyard parcels cultivated by a wine grower. Vineyard holdings shall be subject to registration in the Register provided for in Article 27.

(2) A vineyard holding within the meaning of (1) may be registered by any natural or legal person who or which:

1. acquires or uses an area under vines of at least 0,1 hectares;
2. has applied to obtain planting rights from the National Reserve pursuant to the provisions of Article 25 (2);
3. obtains replanting rights by reason of a change in vineyard location.

(3) Upon initial entry in the Register provided for in Article 27, vineyard holdings shall be assigned an identification number (IDN). Such IDN consists of 11 digits where the first digit indicates the wine-growing region, the second digit indicates the number of the VWEA's territorial unit where the vineyard holding is located; digits 3 through 7 indicate the UCATTU code of the populated place on whose land the vineyard parcels are located; and digits 8 through 11 indicate the land entry sequence number.

(4) Vineyard parcels in the meaning of (1) shall be recognised individually in a vineyard parcel identification system and shall have their unique identification. Such identification system shall be compatible with the agricultural parcel identification system (APIS) provided for in Article 33 of the Agricultural Producers Support Act.

(5) The vineyard parcel identification system provided for in (4) shall be established on the basis of maps and land registry documents or other cartographic references. Use shall be made of

computerised geographical information system techniques including aerial or spatial orthoimagery, with a homogenous standard guaranteeing accuracy at least equivalent to cartography at a scale of 1:10 000.

**Article 30.** (1) The production files of wine producers provided for in Article 27 (3) shall comprise identification of production, warehousing, and storage installations for wine and wine products, production and vessel capacity, lists of technologists in charge of production processes and of making register entries in compliance with the provisions of this Act, mandatory production declarations and stock declarations, quarterly summary information on accompanying documents issued for transport of wine and wine products. Only one wine producer shall be registered per production facility.

(2) Within 30 days of any change in the particulars entered in the Register provided for in Article 27, wine producers shall be required to submit a notice of change accompanied by:

1. documentary evidence of such change;
2. (supplemented, SG No. 17/2018, effective 23.02.2018) proof of payment of the review fee set out in the fixed fee scale provided for in Article 2 (5), where the payment has not been made by electronic means.

**Article 31.** (1) The data in the Vineyard Register shall be kept for at least 5 wine years following the wine year to which they relate.

(2) The Vine and Wine Executive Agency shall, at least once every five years, verify that the information from the wine grower files corresponds to the actual situation in the vineyards.

## **Section VIII**

### **Changes to the Structure of a Vineyard Holding**

**Article 32.** (1) The Vine and Wine Executive Agency shall be required to reflect in the Vineyard Register any changes occurring in the structure of vineyard holdings.

(2) The following events shall be considered structural changes to a vineyard holding:

1. a vineyard plot or plots being added to and/or removed from one vineyard holding, and moved to another, as well as changes in the way the vineyard plots are cultivated and run.
2. a division of a vineyard plot resulting in the formation of two or more separate plots from the original one, or consolidation of vineyard plots where two or more adjacent plots have formed a new one.

**Article 33.** (1) (Supplemented, SG No. 17/2018, effective 23.02.2018) Within 30 days of a structural change in the meaning of Article 32 (2), a grape grower shall be required to file with the relevant territorial unit of the VWEA a notice of structural change to a vineyard holding using a model form approved in accordance with Article 2 (7) accompanied by all required documents specified in the form. Attached thereto shall be also proof of payment of the review fee set out in the fee scale provided for in Article 2 (5), where the payment has not been made by electronic means.

(2) A notice of structural change as provided for in (1) shall be filed for each vineyard holding.

(3) Where a producer who does not have a registered vineyard holding within the respective wine-growing region acquires plot(s) in any of the cases referred to in Article 32 (2), as well as in cases of planting right transfers, their vineyard holding shall be registered on the grounds of the notice provided for in (1).

(4) Within 5 business days from the date of notice provided for in (1), the relevant territorial unit of the VWEA shall inspect all documents submitted. Where a notice is found to be incomplete and/or inaccurate, the territorial unit of the VWEA shall notify the applicant in writing. The latter shall, within 10 business days from receipt of notice, provide all requested documents or written explanations. Where an applicant has failed to remedy the deficiencies within the period prescribed, no change to the vineyard holding structure shall be effected.

(5) Within 30 days from the date of notice provided for in (1) or the correction of omissions and/or deficiencies as per (4), the VWEA shall reflect the changes in the Vineyard Register. It shall notify the producer in writing and shall send him/her updated summary information on their vineyard holding.

## **Chapter Five**

# **GRAPEVINE PRODUCTS AND CATEGORIES OF WINE**

**Article 34.** (1) The categories of grapevine products shall be determined in accordance with Annex No. 1.

(2) Wine types shall be determined by their residual sugar content in accordance with Annex No. 2.

**Article 35.** Wines shall be classified as:

1. wines with a PDO;
2. wines with a PGI;
3. varietal wines without a PDO/PGI;
4. wines without a PDO/PGI.

**Article 36.** The requirements to be met as well as the procedures for the production and registration of wines with a PDO, wines with a PGI, and varietal wines without a PDO/PGI shall be laid down in the Implementing Rules for this Act.

**Article 37.** Wine with a PDO is wine originating in a specific geographical region, micro-region, or locality whose name is used for its designation, and its quality and characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors. The grapes from which it is produced come exclusively from this geographical region, micro-region, or locality and it is obtained from vine varieties belonging to the *Vitis vinifera* species.

**Article 38.** Wine with a PGI is wine originating in an area or specific place whose name is used for its designation and it possesses a specific quality, reputation or other characteristics attributable to that geographical origin. At least 85 % of the grapes used for its production come exclusively from this geographical area and it is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.

**Article 39.** (1) Varietal wine without a PDO and PGI is wine which:

1. is obtained from vine varieties belonging to the *Vitis vinifera* species;
2. does not have a PDO and PGI;
3. bears an indication of a wine grape variety and/or a vintage year;
4. has a statement of production issued by the VWEA in conformity with the procedure laid down in the Implementing Rules for this Act.

(2) The statement referred to in (1) shall be issued for a fee in accordance with the fee scale provided for in Article 2 (5). Producers of varietal wines obtained from local wine grape varieties shall be exempt from paying the fee.

(3) Varietal wines without a PDO and PGI shall be marketed after their producers have been registered and have obtained a statement of production as provided for in (1).

**Article 40.** Wine without a PDO/PGI is wine obtained from vine varieties belonging to the *Vitis vinifera* species which does not have the characteristics of the wines specified in Article 37, 38 and 39 (1).

## **Chapter Six**

# **PRODUCTION OF GRAPEVINE PRODUCTS**

## **Section I General Provisions**

**Article 41.** (Amended and supplemented, SG No. 26/2014) Production and supply of wine grapes, grapevine products, fruit wines and vinegar shall be carried out by legal and natural persons entered in the Register provided for in Article 27.

## **Section II Declarations**

**Article 42.** Wine grape harvesters shall submit to the territorial unit of the VWEA no later than January 15th of each year a grape harvest declaration for the current wine year's grape harvest.

**Article 43.** (1) Legal or natural persons, including winemaking cooperatives, who have produced from the current wine year's harvest wine and/or grape must, shall submit to the territorial unit of the VWEA, no later than 15 January of each year, a production declaration.  
(2) Declarations under (1) shall be filed also by natural or legal persons, including winemaking cooperatives, who or which have treated and/or marketed wine grapes and/or grape must. They shall submit to the territorial unit of the VWEA a treatment and/or marketing declaration.

**Article 44.** (1) The following producers shall not be required to submit declarations as per Article 42:

1. harvesters whose entire grape production is intended for consumption unprocessed or for drying, or for processing directly into grape juice;
2. harvesters whose holdings comprise less than 0.1 hectares of area under vines, no part of whose harvest will be marketed in any form whatsoever;
3. harvesters whose holdings comprise less than 0.1 hectares of area under vines and who deliver their entire harvest to a cooperative winery.

(2) Producers who obtain, by vinification on their premises or production facilities of products bought in, less than 10 hectolitres of wine which has not been or will not be marketed shall not be required to submit declarations as provided for in art 43 (1).

(3) Exemption from the obligation to submit declarations as provided for in Article 43 (2) shall be granted to harvesters belonging to a cooperative winery required to submit a declaration, who deliver their production of grapes to that winery but reserve the right to obtain by vinification a quantity of wine of less than 10 hectolitres for their family consumption.

**Article 45.** (1) Natural or legal persons, including winemaking cooperatives, other than private consumers and retailers, shall declare to the VWEA, no later than 10 September of each year, the stocks of grape must, concentrated grape must, rectified concentrated grape must and wine held by them as at 31 July of the current year.

(2) Stock declarations provided for in (1) shall not include wine products obtained from grapes harvested in the same calendar year.

**Article 46.** Model declarations provided for in Article 42, Article 43 and Article 45 (1) shall be approved in conformity with the provisions of Article 2 (1).

## **Section III Registers**

**Article 47.** (1) Registered producers of wine and of vine and wine products shall be required to keep registers for all grapevine products, raw materials, and oenological operations.

- (2) The said registers shall be kept separately for each production facility.
- (3) The form, content, and manner of keeping the registers provided for in (1) shall be regulated by the Implementing Rules for this Act.

**Article 48.** (1) Only registered producers or oenologists duly authorised by them and listed on the certificate of registration provided for in Article 27 (8) shall be allowed to make entries of products, raw materials, and oenological operations in the registers provided for in Article 47 (1).

(2) The entries in the registers shall be made for each separate product, raw material, and oenological operation leaving no blank fields and pages, in chronological continuity, and in such a way as to be indelible.

(3) The entries of products in the registers shall be made, in the case of entries, not later than the end of the working day following the day of receipt and, in the case of withdrawals from the facility, the entries in the registers shall be made not later than the third working day following dispatch.

(4) The entries of raw materials in the registers shall be made, in the case of entries and withdrawals, not later than the end of the working day following receipt or dispatch and, in the case of use, the entries shall be made on the day of use.

(5) Register entries of oenological operations shall be made not later than the first working day following the day of the operation and, in the case of an increase in the natural alcoholic strength, or acidification and de-acidification of wines, the entries shall be made on the day of operation.

**Article 49.** (1) Registered producers shall keep the registers provided for in Article 47 in either paper or electronic format provided that:

1. the paper registers consist of fixed leaves numbered consecutively (i.e. bound and paginated).
2. the registers completed electronically are generated by means of a computerised system in accordance with the requirements laid down in Article 48 and the entries in them shall be made using a suitable accounting system, provided that the particulars which should be entered in the registers appear therein.

(2) the particulars entered in the computerised registers must be identical to the particulars in paper registers.

**Article 50.** (1) The registers under Article 47 shall be closed annually and endorsed for the subsequent accounting year by the territorial unit of the VWEA.

(2) Registered producers shall keep the registers within the grounds of the production facility to which they refer for a period of five years. When checks are performed, the registers must be presented to the inspection bodies of the VWEA.

**Article 51.** (Amended, SG No. 26/2014) Retailers of wine products shall not be required to keep the registers provided for in Article 47.

**Article 52.** Products, raw materials, and oenological operations subject to entry in the registers provided for in Article 47, the obligatory particulars to be included in the registers, and the maximum acceptable percentages for loss or ullage from evaporation during storage, from processing operations or from changes in product category shall be laid down in the Implementing Rules for this Act.

**Article 53.** (1) Register entries provided for in Article 76 of the Implementing Rules for the Excise Duties and Tax Warehouses Act (promulgated in SG issue No. 42/2006, amended in SG Nos. 61 & 70/2006, Nos. 8 & 33/2007, SG No. 4/2008, Nos. 28 & 100/2009, Nos. 24 & 78/2010, Nos. 16 & 44/2011, and No. 7/2012) made by licensed warehouse-keepers shall be recognised as entries made pursuant to this Act.

(2) Register entries referred to in (1) shall be made within the time limits set out in Article 74 (4) of the Implementing Rules for the Excise Duties and Tax Warehouses Act.



## Section IV

# Authorised Oenological Practices and Restrictions

**Article 54.** (1) The authorised oenological practices applicable to the production and conservation of the products covered in Annex No. 1 hereto, the conditions for and the limits on their use, as well as the purity and identification specifications of substances used in oenological practices, shall be laid down in the Implementing Rules for this Act.

(2) The oenological practices referred to in (1) shall not apply to:

1. grape juice and concentrated grape juice;
2. grape must and concentrated grape must intended for the preparation of grape juice.

(3) Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper product preservation or proper product refinement.

(4) The restrictions applicable to the production and conservation of the products covered in Annex No. 1 to this Act, shall be laid down in the Implementing Rules for this Act.

(5) Fresh grapes, grape must, grape must in fermentation, concentrated grape must, rectified concentrated grape must, fresh grape must with fermentation arrested by the addition of alcohol, grape juice, concentrated grape juice and wine, or mixtures of those products, originating in third countries, shall not be turned into the products covered in Annex No. 1 or added to such products in the territory of the European Union.

(6) Exceptions to the restrictions referred to in (5) with regard to products originating in third countries shall be laid down in the Implementing Rules for this Act.

(7) The terms and provisions for withdrawal of by-products under supervision shall be laid down in the Implementing Rules for this Act.

**Article 55.** (1) Authorised oenological practices and restrictions relating to natural alcoholic strength increase and acidification or de-acidification of sparkling wines, quality aromatic sparkling wines and liqueur wines shall be laid down in the Implementing Rules for this Act.

(2) The authorised oenological practices provided for in (1) shall be applicable without prejudice to the oenological practices and restrictions of general application laid down in Article 54.

**Article 56.** (1) Coupage of wines shall be carried out in conformity with the conditions laid down in Article 8 of Commission Regulation (EC) No. 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No. 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ, L 193/1 of 24 July 2009) hereinafter referred to as Regulation (EC) No. 606/2009.

(2) Where "coupage" within the meaning of (1) is carried out, it involves the mixing of wines or musts of different geographic origins, obtained from different vine varieties, different harvest years or different categories of wine or of grape must, produced within the territory of this country and/or within the territory of another EU Member State.

(3) The following shall be regarded as different categories of wine or must within the meaning of (2):

1. red wine, white wine and the grape musts or wines suitable for yielding one of these categories of wine;
2. wines without a PDO/PGI as well as musts or wines suitable for yielding one of these categories of wine.

**Article 57.** (1) (Supplemented, SG No. 26/2014) The authorised oenological practices and restrictions provided for in Article 54 shall not be applicable to the processing of fruit wine and vinegar.

(2) The terms and procedures for processing, recognition, and marketing of fruit wine shall be laid down in the Implementing Rules for this Act.

(3) (New, SG No. 26/2014, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Vinegar production, labeling, supply and coordination of control shall comply with the terms and conditions laid down in an ordinance issued by the Minister of Agriculture.

## **Section V**

### **Enrichment, Acidification and Deacidification of Grapevine Products**

**Article 58.** (1) Where climatic conditions have made it necessary, the Executive Director of the VWEA or an official duly empowered by the Executive Director may, stating his/her grounds, issue an order allowing to supplement the natural alcoholic strength by volume of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine obtained from wine grape varieties classifiable according to Article 35.

(2) The increase in natural alcoholic strength shall not exceed 1,5 % vol.

(3) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) In years when climatic conditions have been exceptionally unfavourable, the Minister of Agriculture may request from the European Commission that the limit laid down in (2) be raised by 0,5 % vol.

**Article 59.** The increase in natural alcoholic strength by volume referred to in Article 58 (2), may only be carried out by means of:

1. in the case of fresh grapes, grape must in fermentation or new wine still in fermentation, by adding sucrose, concentrated grape must or rectified concentrated grape must;
2. in the case of grape must, by adding sucrose, concentrated grape must or rectified concentrated grape must, or by partial concentration, including reverse osmosis;
3. in the case of wine, by partial concentration through cooling.

**Article 60.** (1) The addition of sucrose provided for in Article 59 may only be performed by dry sugaring.

(2) The addition of concentrated grape must or rectified concentrated grape must, provided for in Article 59, shall not have the effect of increasing the initial volume of fresh crushed grapes, grape must, grape must in fermentation or new wine still in fermentation by more than 6,5 %.

**Article 61.** (1) The concentration of grape must or of wine subjected to the processes referred to in Article 59 shall not have the effect of reducing the initial volume of these products by more than 20 %.

(2) In no case shall the processes referred to in Article 59 and the concentration referred to in (1) have the effect of raising the total alcoholic strength by volume of the fresh grapes, grape must, grape must in fermentation, new wine still in fermentation, or wine to more than 13 % by volume in wine-growing zone C II and to more than 13,5 % by volume in wine-growing zone C III (a).

(3) The alcohol percentages by volume provided for in (2) shall not apply to wines with a PDO.

**Article 62.** (1) Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation, and wine may be subjected to acidification or deacidification.

(2) Acidification may be carried out repeatedly only up to a limit of:

1. 1.50 g/l expressed as tartaric acid, or 20 milliequivalents per litre in the case of fresh grapes, grape must, grape must in fermentation, and new wine still in fermentation;
2. 2.50 g/l expressed as tartaric acid, or 33 milliequivalents per litre in the case of wines.

(3) De-acidification of wines may be carried out repeatedly only up to a limit of 1 g/l expressed as tartaric acid or 13.3 milliequivalents per litre.

(4) Grape must intended for concentration may also be partially de-acidified.

(5) Processes of acidification and increase in natural alcoholic strength and acidification and de-acidification of one and the same product shall not be authorised.

(6) Acidification or de-acidification of wines shall take place only in the wine making facility and in the wine-growing zone where the fresh grapes used to produce the wine were harvested.

**Article 63.** (1) No later than 24 hours prior to carrying out any of the processes referred to in Article 59 and Article 62, producers shall notify the territorial unit of the VWEA using a model form approved in accordance with Article 2 (7) indicating the date and time when the operations are to commence.

(2) In the event of a failure to carry out an operation as advertised, the producers shall, within 24 hours, notify the territorial unit of the VWEA of the occurrence of change.

**Article 64.** Within three business days of carrying out any of the processes referred to in Article 59 and Article 62, the producer shall submit to the relevant territorial unit of the VWEA a declaration for the operation performed using a model form approved in accordance with Article 2 (7).

**Article 65.** (1) The processes referred to in Article 59, items 1 and 2 shall be carried out only once during the vinification of fresh grapes, grape must, grape must in fermentation or new wine still in fermentation no later than 31 December of the current calendar year.

(2) The concentration referred to in Article 59, item 3 shall take place all year round in the wine-growing zone where the fresh grapes used were harvested.

(3) The processes referred to in Article 62 (2), item 2 and in (3) shall take place year-round.

## **Section VI**

### **Experimental Use of New Oenological Practices**

**Article 66.** (1) Producers willing to experiment the application of new oenological practices, shall apply to the VWEA using a model form approved in accordance with Article 2 (7) accompanied by all required documents specified therein.

2) Such experimental practices shall be applied to quantities not exceeding 50,000 hectolitres per year for any one experiment and for a period not longer than three years.

(3) The application referred to in (1) shall be reviewed within 10 days of its submission by an expert panel designated by an order of the VWEA Executive Director and made up of representatives from higher education and research institutions involved in grapevine product research. Such order shall also lay down the rules of procedure as well as the annual work programme of the said expert panel.

(4) The order provided for in (3) shall be published on the Internet site of the VWEA.

(5) Within 7 business days following the review of the application and all documents submitted, the expert panel shall notify the applicant in writing of any omissions and/or deficiencies and shall set a time limit to have them fixed. Where an applicant has failed to remedy the deficiencies within the time limit prescribed, his/her application and submissions shall be dropped with no further action taken.

(6) Within three business days after the expiry of the time limit provided for in (5), the expert panel shall put forward a suggestion to the Executive Director of the VWEA to issue an order to allow the experiment to commence or to reject the application.

(7) On the grounds of the expert panel's suggestion the Executive Director of the VWEA shall issue an order for:

1. commencement of the experiment;
2. rejection.

(8) The order provided for in (7), item 2 shall be communicated and may be appealed under the provisions of the Code of Administrative Procedure.

(9) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Vine and Wine Executive Agency shall notify the Minister of Agriculture of the experiment commencement and of the conditions of its performance. The Minister shall notify in a timely

manner the European Commission and the other EU Member States in keeping with the procedure laid down in the Implementing Rules for this Act.

**Article 67.** (1) Wines resulting from an oenological experiment shall be subject to:

1. physico-chemical and microbiological analysis by the laboratories provided for in Article 180;
2. organoleptic assessment by the Central Tasting Committee.

(2) The terms and procedures for taking samples of the wines referred to in (1) and the procedure and criteria for assessing experimental results shall be laid down in the Implementing Rules for this Act.

**Article 68.** (1) The results of the experiment shall be reported by producers to the expert panel. Within 10 business days of such result reporting, the panel shall evaluate the experiment and shall put forward a suggestion to the Executive Director of the VWEA for completion, continuation or termination of the experiment.

(2) On the grounds of the suggestion referred to in (1), the Executive Director of the VWEA shall issue an order for completion, continuation or termination of the experiment.

(3) The order provided for in (2) shall be communicated and may be appealed under the provisions of the Code of Administrative Procedure.

(4) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Vine and Wine Executive Agency shall notify the Minister of Agriculture of the completion or termination of the experiment. The Minister shall, within three months, notify the European Commission in accordance with the procedure laid down in Article 66 (9).

## Section VII

# Terms and Procedures for Processing and Disposal of Grapevine Products

**Article 69.** Products covered in Annex No. 1 produced otherwise than by authorised oenological practices and in violation of the restrictions applicable to the production and conservation of such products, shall be subject to disposal.

**Article 70.** (1) The products referred to in Article 69 shall be processed in distilleries or establishments using them for industrial purposes.

(2) The products referred to in (1) shall be denatured by use of sodium chloride at 8 g/l.

(3) The Executive Director of the VWEA of the VWEA shall issue orders to authorise producers or traders to:

1. carry out denaturing of the products concerned;
2. keep the denatured products until transported.

**Article 71.** (1) The orders provided for in Article 70 (3) shall include:

1. grounds for denaturing;
  2. description of the products subject to denaturing;
  3. a time limit for carrying out the denaturing;
  4. the composition of the committee tasked with overseeing the denaturation.
- (2) Denaturing shall be carried out by authorised agents of the producer or trader with the committee provided for in (1), item 4 in attendance.
- (3) Denaturation of products shall be attested by preparing a report containing:
1. grounds, date and place the report was drawn up;
  2. names and functions of the persons carrying out the denaturing;
  3. names and functions of the committee members attending the denaturing;
  4. type, amount and description of the products denatured;
  5. place, date, and time when denaturing was carried out.

(4) The report shall be drawn up in duplicate - one copy to be kept by the VWEA and one copy by the producer or trader. It shall be signed by the persons referred to in (3), items 2 and 3.

**Article 72.** (1) To authorise transport of products for the purpose of processing, the Executive Director of the VWEA shall issue an order containing:

1. grounds for processing;
2. description of the products subject to transporting for the purpose of processing;
3. time-frame and mode of transportation;
4. name of the distillery or establishment referred to in Article 70 (1), where the products are to be processed.

(2) The territorial unit of the VWEA shall attest the transport of products for the purpose of processing by preparing a report containing:

1. grounds, date and place the report is drawn up;
2. names and functions of the persons transporting the products;
3. names and functions of the employees of the territorial unit of the VWEA witnessing the transportation;
4. names and functions of the agents of the distillery or establishment taking in the products to be processed;
5. type, amount and description of the products transported;
6. place, mode, date, and time when transportation was carried out.

(3) The report shall be drawn up in triplicate - one copy for the VWEA, one for the producer or trader, and one for the distillery or establishment taking the products in. It shall be signed by the persons referred to in (2), items 2, 3, and 4.

**Article 73.** The costs of denaturing, transportation, and processing of products referred to in Article 69 shall be borne by the producer or trader concerned.

**Article 74.** Where all processing options have been exhausted, as well as where the products referred to in Article 69 are not safe, they shall be destroyed in compliance with the terms and procedures to be laid down in the Implementing Rules for this Act.

## **Chapter Seven**

# **LABELLING AND PRESENTATION OF GRAPEVINE PRODUCTS**

## **Section I**

### **General Provisions**

**Article 75.** (1) The rules for labelling and presentation of the products covered in Annex No. 1 are intended to protect the legitimate interests of producers and consumers and promote the smooth operation of the wine market and the production of quality products.

(2) Labelling and presentation rules shall apply also to wines bottled but not marketed or exported yet.

(3) Labelling and presentation rules shall apply to product labelling, to making entries in the registers referred to in Article 47 and in electronic administrative documents as provided for in the Excise Duties and Tax Warehouses Act.

(4) Labelling and presentation rules shall apply also to signs and inscriptions attached to containers for storing products covered in Annex No. 1, including closures, labelling and packaging.

(5) Compulsory and optional labelling particulars shall be presented in the Bulgarian language alone, or in Bulgarian and in one or more of the official languages of the European Union on the

labels of grapevine products produced by wine producer registered in compliance with the provisions of Article 27 and intended for the Bulgarian wine market.

(6) Where grapevine products imported from third countries and/or produced within the European Union are marketed, the compulsory labelling particulars shall be inscribed in Bulgarian on a label meeting the requirements laid down in Article 9 of the Consumer Protection Act.

(7) A PDO or PGI, or a traditional term recognised by the European Commission, shall appear on the label in the language or languages of the respective EU Member State.

(8) The following shall not be subject to labelling:

1. grapes while transported from vineyards to a facility for vinification or processing;
2. wines and rakyas for family consumption.

**Article 76.** (1) The particulars used in the labelling and presentation of the products covered in Annex No. 1 shall not mislead consumers with regard to:

1. the characteristics of the products, their nature, composition, and properties, including the actual alcoholic strength by volume, colour, origin or provenance, quality, the vine variety, vintage year, and actual nominal volume of the container;
2. the natural or legal persons involved in the production and/or the initial commercial distribution of the products.

(2) The requirements laid down in (1) shall also apply where the labelling particulars are in translation and the true origin of the spirit drinks and products is indicated, or where the particulars are accompanied by expressions such as "kind", "type", "method", "imitation", "brand", "style", or the like.

**Article 77.** (1) Only labelling particulars authorised hereby shall be used in labelling and presentation of the products covered in Annex No. 1.

(2) Spirit drinks and products covered in Annex No. 1 whose labels or presentation do not conform to statutory requirements shall not be marketed in the Community market of the European Union or exported to third countries.

(3) Where the products listed in Annex No. 1 are to be exported to third countries, additional particulars may also appear on their labels, when they are required by the legislation of the third country concerned. These particulars may appear in languages other than the official European Union languages.

**Article 78.** The particulars used in labelling and presentation of the products covered in Annex No. 1 shall be compulsory and optional.

**Article 79.** The compulsory particulars and the sales denomination shall appear in the same field of vision on the container, in such a way as to be simultaneously readable without having to turn the container.

**Article 80.** The compulsory particulars shall be presented in indelible characters and shall be clearly distinguishable from surrounding text and graphics.

**Article 81.** The following particulars shall not relate to labelling and presentation, marks and signs:

1. particulars provided for in legislation related to tax and duties;
2. particulars indicating the container manufacturer and volume;
3. particulars used for control of filling or bottling;
4. particulars used for product identification by means of a digital code and/or machine-processable symbol.

**Article 82.** The closing devices for grapevine products shall not be enclosed in lead-based capsules or foil.

## Section II

# Compulsory Particulars

**Article 83.** (1) Labelling and presentation of grapevine products marketed in the Community market of the European Union or intended for export to third countries shall contain the following compulsory particulars:

1. the category of the grapevine product according to Annex No. 1;
2. the indication and the name of the "protected designation of origin" or "protected geographical indication" in the case of wines with a PDO or PGI;
3. the actual alcoholic strength by volume;
4. indication of provenance;
5. the business name of the bottler or the business name of the producer or vendor in the case of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine;
6. the importer in the case of imported wines;
7. the sugar content in the case of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine;
8. the nominal quantity of the product and the estimated sign (the "e" mark) in the case of pre-packed products of equal quantities;
9. production lot number
10. sulphite content.

(2) The particulars referred to in (1), items 6, 9, and 10 may appear outside the visual field in which the other particulars covered in (1) above appear.

(3) In addition to the wine products covered in Annex No. 1, the use of the word "wine" shall be permissible also to market products obtained by the fermentation of fruit other than grapes, if it is accompanied by the name of a fruit in the form of a composite name.

**Article 84.** The reference to the category of the wine product may be omitted for wines whose labels include a PDO or PGI.

**Article 85.** The reference to the terms PDO or PGI may be omitted where a traditional term is displayed on the label.

**Article 86.** (1) The actual alcoholic strength by volume shall be indicated in percentage units or half units.

(2) The figure indicating the actual alcoholic strength shall be followed by "% vol." and may be preceded by "actual alcoholic strength", "actual alcohol" or "alc."

(3) The actual alcoholic strength shown on the label may not differ by more than 0,5 % vol. from that given by analysis.

(4) The alcoholic strength of products with protected designations of origin or geographical indications stored in bottles for more than three years, sparkling wines, quality sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines, liqueur wines and wines of overripe grapes, without prejudice to the tolerances set for the reference analysis method used, may not differ by more than 0,8 % vol. from that given by analysis.

(5) The actual alcoholic strength shall appear on the label in characters at least 5 mm high if the nominal container volume is over 100 cl, at least 3 mm high if it is equal to or less than 100 cl but more than 20 cl and 2 mm high if it is 20 cl or less.

**Article 87.** The indication of provenance shall be designated on the label in the manner prescribed by the Implementing Rules for this Act.

**Article 88.** (1) The name and address of the bottler shall be supplemented by the words "bottler" or "bottled by (...)".

- (2) In the case of wines with a PDO or PGI the particulars provided for in (1) shall be supplemented by the name of the producer's holding; or the premises of a producer group.
- (3) The conditions for using the indications of PDO and PGI wines referred to in Article 76 (2), shall be laid down in the Implementing Rules for this Act.
- (4) In the case of contract bottling, the indication of the bottler shall be supplemented by the words "bottled for (...)" or "bottled for (...) by (...)".
- (5) Where bottling takes place in another place than that of the bottler, the labelling particulars shall be accompanied by a reference to the exact place where the operation took place and, if it is carried out in another European Union Member State, the name of that Member State.
- (6) In the case of containers other than bottles, the words "packager" and "packaged by (...)" shall replace the words "bottler" and "bottled by (...)", respectively, except when the language used does not indicate by itself such a difference.

**Article 89.** The name or business name, respectively, and address of the producer or vendor shall be supplemented by the words "producer" or "produced by" and "vendor" or "sold by", or equivalent.

**Article 90.** The name or business name and address of the importer, shall be preceded by the words "importer" or "imported by (...)".

**Article 91.** The indications referred to in articles 89 and 90 may be grouped together, if they concern the same natural or legal person.

**Article 92.** Where the name or business name, or the address of the bottler, producer, importer or vendor consists of or contains a protected designation of origin or geographical indication, it shall appear on the label in characters which are no more than half the size of those used either for the protected designation of origin or geographical indications or for the designation of the category of the grapevine product concerned.

**Article 93.** (1) The terms brut nature, extra brut, brut, extra dry, dry, medium dry, and sweet, indicating the types of wine referred to in Article 34 (2), shall appear on the label of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine as defined in Annex No. 2, Part I.

(2) If the sugar content of the products, expressed in terms of fructose and glucose (including any sucrose), justifies the use of two of the terms listed in (1) above, only one of those two terms shall be chosen.

**Article 94.** The sugar content may not differ by more than three grams per litre from what appears on the product label.

**Article 95.** The terms "aerated sparkling wine" and "aerated semi-sparkling wine" shall be supplemented in characters of the same type and size by the words "obtained by adding carbon dioxide" or "obtained by adding carbon anhydride", except when the language used indicates by itself that carbon dioxide has been added.

**Article 96.** (1) The nominal quantity shall be expressed in hectolitres, litres, centilitres or millilitres, followed by the symbol for the unit of measurement used and the estimated sign (the "e" mark) for prepacked products of equal quantities in compliance with metrological control requirements.

(2) Indication of the nominal quantities for prepacked products shall conform to the provisions laid down in the Nominal Quantities for Prepacked Products Regulation (promulgated, SG No. 19/2003, amended, SG No. 27/2003 and SG No. 33/2003, SG No. 114/2003, SG No. 1/2005, SG No. 40/2006, SG No. 55/2008 and SG No. 43/2009).



**Article 97.** Particulars of the lot number shall be indicated by the letter "L" accompanied by digits and/or letters containing the product serial number as set by the producer and encoding the date, month, and year when the product was bottled.

**Article 98.** To indicate sulphite content, the following terms may be used: "sulphites", "sulfites", "sulphur dioxide" or "sulfur dioxide" preceded by the term "contains". The pictogram included in Annex No. 3 may also be used.

## **Section III**

### **Optional Particulars**

**Article 99.** Labelling and presentation of grapevine products marketed in the Community market of the European Union or intended for export to third countries may contain the following optional particulars:

1. vintage year;
2. name or names of the wine grape variety or varieties;
3. indication of the sugar content;
4. indication of traditional terms in the case of wines with a PDO or PGI;
5. the European Union symbols indicating PDO or PGI;
6. terms referring to certain production methods;
7. name of a smaller or larger geographical unit than the area underlying the designation of origin or geographical indication in the case of wines with a PDO or PGI;
8. trade name;
9. recommendations on how to consume the wine;
10. information about the persons involved in the commercial distribution of the drink;
11. name or business name, respectively, registered place of business (domicile), and address of the distributor and/or retailer;
12. information about the history of the wine or of the production establishment;
13. signature of the master winemaker, photos of the master winemaker or of the winemaking team;
14. medals and awards.

**Article 100.** (1) The vintage year may appear on the labels of products as provided for in Article 99 (1), provided that at least 85 % of the grapes used to make the products have been harvested in the year in question.

(2) The percentage limit provided for in (1) does not include any quantity of products used in sweetening, "expedition liqueur" or "tirage liqueur" as well as products used for the preparation of liqueur wines.

(3) For products traditionally obtained from grapes harvested in January or February, the vintage year to appear on the label of wines shall be that of the previous calendar year.

**Article 101.** For varietal wines without a PDO or PGI the vintage year may appear on the label provided the requirements laid down in Article 100 and in the Implementing Rules for this Act are fulfilled.

**Article 102.** (1) The names of the wine grape varieties or their synonyms may appear on the labels of wine products provided that they are mentioned in the classification of wine grape varieties.

(2) For wines originating in third countries, the conditions of use of the names of the wine grape varieties or their synonyms shall conform with:

1. the rules applicable to wine producers in the third country concerned,
2. the names of the wine grape varieties or their synonyms covered in at least one of the following lists emanating from the following representative professional organisations:
  - a) the International Organisation of Vine and Wine (OIV);
  - b) the Union for the Protection of Plant Varieties (UPOV);

c) the International Board for Plant Genetic Resources (IBPGR).

**Article 103.** (1) For products with a PDO or PGI, or with a geographical indication of a third country, the name of only one wine grape variety or its synonym may be mentioned provided that at least 85 % of the products have been made from that variety in keeping with the requirements of Article 99.

(2) For products with a PDO or PGI, or with a geographical indication of a third country, the names of two or more wine grape varieties or their synonyms may be indicated provided that 100 % of the products concerned have been made from these varieties in keeping with the requirements of Article 102.

(3) In the case referred to in (2), the wine grape varieties must appear in descending order of the proportion used and in characters of the same size.

**Article 104.** (1) For varietal wines without a PDO or PGI the names of the wine grape varieties or their synonyms may be indicated provided that the requirements set out in Article 103 and in the Implementing Rules for this Act are fulfilled.

(2) Mixtures of wines without a protected designation of origin or geographical indication from different European Union Member States shall not give rise to labelling of the wine grape variety or varieties unless one of the Member States concerned agrees otherwise and ensures the feasibility of the relevant certification, approval and control procedures.

**Article 105.** In the case of sparkling wines and quality sparkling wines, the wine grape variety names used to supplement the description of the product, namely, "pinot blanc", "pinot noir", "pinot meunier" or "pinot gris" and the equivalent names in the other European Union languages, may be replaced by the synonym "pinot".

**Article 106.** Where the wine grape variety name consists of or contains a protected designation of origin or geographical indication, such name may only appear on the label of a product with a protected designation of origin or geographical indication, or geographical indication of a third country if they were authorised under Community rules in force as at 1 January 2007.

**Article 107.** The wine grape variety names and their synonyms, that partially contain a PDO or PGI and directly refer to the geographical element of the PDO or PGI in question, may only appear on the label of a product with PDO or PGI, or geographical indication of a third country if they were authorised under Article 106.

**Article 108.** The sugar content expressed as fructose and glucose, shall appear on the label of the products covered in Annex No. 2, Part I.

**Article 109.** Where the sugar content of the products justifies the use of two of the terms specified in Annex No. 2, Part II, only one of those two terms shall be chosen.

**Article 110.** The sugar content may not differ by more than 1 gram per litre from what appears on the product label.

**Article 111.** The conditions for using the indications of traditional terms on the labels of wines with a PDO and PGI shall be set out in the Implementing Rules for this Act.

**Article 112.** (1) The conditions for the use of the European Union symbols on labels of wines shall be laid down in the Implementing Rules for this Act.

(2) The indications "PROTECTED DESIGNATION OF ORIGIN" and "PROTECTED GEOGRAPHICAL INDICATION" within the symbols referred to in (1) may be replaced by the equivalent terms in another official language of the European Union.

**Article 113.** The conditions for using indications referring to certain production methods on the labels of wines marketed in the Community shall be laid down in the Implementing Rules for this Act.

**Article 114.** The conditions for indicating the name of a geographical unit and geographical area references on the labels of wines with protected designation of origin or geographical indication, or with a geographical indication of a third country, as well as the conditions for the use of the name of a smaller geographical unit than the area underlying the designation of origin or geographical indication, shall be laid down in the Implementing Rules for this Act.

**Article 115.** Recommendations on how to consume the wine shall apply to the food items recommended to be served with the wine, the proper way to store and serve the wine, cocktail and drink recipes, etc.

## **Chapter Eight**

# **TRANSPORT OF GRAPEVINE PRODUCTS**

## **Section I**

### **Accompanying Documents**

**Article 116.** (1) Producers, importers, and traders shall draw up an accompanying document to accompany the transport within the territory of this country or of another EU Member State of:

1. wine grapes or grape must where the total road distance exceeds 40 km;
2. concentrated grape must, rectified concentrated grape must, wine, and bulk wines in containers of a nominal volume of more than 60 litres.

(2) The content of the accompanying documents referred to in (1) shall be the same regardless of whether they are generated and supplied in an electronic medium or on paper.

(3) Accompanying documents provided for in (1) shall be authenticated by the territorial unit of the VWEA for consignments of:

1. the products referred to in (1), item 1;
2. the products referred to in (1), item 2 produced in the establishment of a small wine producer in the meaning of Article 4, item 9 of the Excise Duties and Tax Warehouses Act;

2. wine grapes, grape must, concentrated grape must, rectified concentrated grape must within the territory of this country and within the territory of another EU Member State - after import clearance and after the product has already been released for consumption.

(4) The accompanying document referred to (1) shall be drawn up by the consignor or importer and may be used only for a single consignment.

(5) No accompanying document as per (1) shall be required to accompany consignments of wine products in the cases provided for in Article 25 of Commission Regulation (EC) No. 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No. 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept (OJ, L 128/15, 27 May 2009), hereinafter referred to as Commission Regulation (EC) No. 436/2009.

(6) The models for the accompanying documents as well as the terms and procedures for transporting the wine products referred to in (1) shall be laid down in the Implementing Rules for this Act.

**Article 117.** (1) Where wine is transported under suspension of excise duty arrangement (SEDA) within the territory of this country, or to/from the territory of another EU Member State, carriage takes place under cover of an electronic administrative document (e-AD) as per the Excise Duties and Tax Warehouses Act and no accompanying document under Article 116 (1) shall be drawn up.

- (2) For carriage of wine released for consumption, an accompanying document is drawn up under:
1. Article 116 (3), item 3 - in the case of carriage within the territory of the country;
  2. Article 76a of the Excise Duties and Tax Warehouses Act - in the case of carriage to the territory of another European Union Member State.
- (3) In the case of carriage of wine released for consumption in the territory of another European Union Member State to the territory of this country, an accompanying document shall be drawn up pursuant to Article 76c of the Excise Duties and Tax Warehouses Act.

## **Section II**

### **Special Security in the Wine Sector**

- Article 118.** (1) In the case of import of products referred to in Article 54 (5), upon presentation of a customs declaration for release for free circulation, importers shall lodge a special security - an unconditional and irrevocable bank guarantee issued in favour of the Customs Agency in the amount of 30 % of the declared entry price of the consignment in question.
- (2) The special security provided for in (1) shall not be payable in the case of imports of wine bottled and labelled in a manner clearly indicating that the product originated in a third country.
- (3) On presentation of the customs declaration referred to in (1), an importer shall indicate the location where the imported products will be stored, warehoused, treated, processed, bottled, or labelled and shall also declare in writing that the imported products will not be processed into the products referred to in (1), nor added to such products within the territory of the European Union.
- (4) Within 24 hours of releasing products for free circulation, the Customs Agency shall forward to the VWEA a copy of the declaration under (3) above.
- (5) Within 12 months from presenting the customs declaration referred to in (1), the importer shall present to the Customs Agency a written statement from the VWEA that the restrictions provided for in Article 54 (5) have been complied with, or, where the products have been vinified, the wine has been appropriately labelled to indicate its origin.
- (6) The security under (1) shall be released upon presentation of the statement referred to in (5).
- (7) On presentation of a reasoned request by an importer and a favourable opinion in writing from the VWEA, the customs authorities may, but once, extend the time limit set out in (5) by 6 months.
- (8) Where an importer has failed to present the statement from the VWEA provided for in (5) within the time limits set out in (5) or (7), the bank guarantee shall be forfeited and the products shall be processed or destroyed as per Articles 71 to 74.
- (9) The terms and procedures for issuance of written statements by the VWEA under (5) and (7) shall be laid down in the Implementing Rules for this Act.

## **Chapter Nine**

### **SPIRIT DRINKS**

#### **Section I**

#### **Categories of Spirit Drinks**

**Article 119.** Spirit drinks shall be classified into categories.

**Article 120.** (1) "Spirit drink" means an alcoholic beverage intended for human consumption, possessing particular organoleptic qualities, having a minimum alcoholic strength of 15 % vol., and having been produced:

1. either directly or:
  - a) by the distillation, with or without added flavourings, of naturally fermented products, and/or

b) by the maceration or similar processing of plant materials in ethyl alcohol of agricultural origin and/or distillates of agricultural origin, and/or spirit drinks within the meaning of this Act, and/or  
c) by the addition of flavourings, sugars or other authorised sweetening products and/or other agricultural products and/or foodstuffs to ethyl alcohol of agricultural origin and/or to distillates of agricultural origin and/or to spirit drinks, within the meaning of this Act;

2. or by the mixture of a spirit drink with one or more:

a) other spirit drinks, and/or

b) ethyl alcohol of agricultural origin or distillates of agricultural origin, and/or

c) other alcoholic beverages, and/or

d) drinks.

(2) Ethyl alcohol of agricultural origin means a liquid possessing the following properties:

1. organoleptic characteristics: no detectable taste other than that of the raw material;

2.) minimum alcoholic strength by volume: 96,0 %;

3. maximum level of residues:

a) total acidity, expressed in grams of acetic acid per hectolitre of 100 % vol. alcohol: 1,5;

b) esters expressed in grams of ethyl acetate per hectolitre of 100 % vol. alcohol: 1,3;

c) aldehydes expressed in grams of acetaldehyde per hectolitre of 100 % vol. alcohol: 0,5;

d) higher alcohols expressed in grams of methyl2 propanol1 per hectolitre of 100 % vol. alcohol: 0,5;

e) methanol expressed in grams per hectolitre of 100 % vol. alcohol: 30;

f) dry extract expressed in grams per hectolitre of 100 % vol. alcohol: 1,5;

g) volatile bases containing nitrogen expressed in grams of nitrogen per hectolitre of 100 % vol. alcohol: 0,1;

h) furfural: not detectable.

(3) Distillate of agricultural origin means an alcoholic liquid, which is obtained by distillation, after alcoholic fermentation, exclusively from the raw materials specified in Article 128, which does not have the properties of ethyl alcohol or of a spirit drink but still retains the aroma and taste of the raw material(s) used.

**Article 121.** (1) The technical definitions and requirements concerning the categories of spirit drinks, ethyl alcohol of agricultural origin, distillate of agricultural origin, as well as the key concepts and terms in the preparation of the products (types of raw materials and technological processes and practices) are laid down in Regulation (EC) No. 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No. 1576/89 (OJ, 39/16, 13 February 2008), hereinafter referred to as Regulation (EC) No. 110/2008.

(2) Spirits drinks shall not contain ethyl alcohol of non-agricultural origin (synthetic alcohol/spirits).

(3) The categories of spirit drinks are: rum, whisky or whiskey, grain spirit, wine spirit, brandy or Weinbrand, grape marc spirit or grape marc, fruit marc spirit, raisin spirit or raisin brandy, fruit spirit, cider spirit and perry spirit, honey spirit, Hefebrand or lees spirit, Bierbrand or eau de vie de bière, Topinambur or Jerusalem artichoke spirit, vodka, spirit (preceded by the name of the fruit) obtained by maceration and distillation, Geist (with the name of the fruit or the raw material used), gentian, juniper-flavoured spirit drinks, gin, distilled gin, London gin, caraway-flavoured spirit drinks, akvavit or aquavit, aniseed-flavoured spirit drinks, pastis, pastis de Marseille, anis, distilled anis, bitter-tasting spirit drinks or bitter, flavoured vodka, liqueur, Crème de (followed by the name of a fruit or the raw material used), crème de cassis, guignolet, punch au rhum, sloe gin, Sambuca, maraschino, marrasquino or maraskino, nocino, egg liqueur or advocaat or avocat or advokat, liqueur with egg, mistral, вдкевд gluci or spritglugg, Berenburg or Beerenburg, honey or mead nectar.

(4) The ethyl alcohol used in the production of spirit drinks and all of their components used to dilute or dissolve colorants and flavourings, or any other authorised additives used in the preparation of spirit drinks shall be of agricultural origin and intended for nutritional purposes.

**Article 122.** (1) Only safe spirit drinks which comply with the requirements of this Act shall be released for consumption.

(2) The denominations of the spirit drinks listed in Article 121 (3) may be used in their description and commercial presentation only if they fully comply with the definition and requirements applicable to the category to which they belong.

(3) (Amended, SG No. 14/2015) Spirit drinks which do not meet the requirements for inclusion in categories may be marketed and may bear in their description, presentation and labelling the sales denomination "spirit drink" provided that their composition has been pre-approved by the Minister of Health or by a Deputy Minister duly empowered by the Minister, and the technology for their preparation has been approved by the Minister of Economy or by a Deputy Minister duly empowered by the Minister. The requirement for composition approval by the Minister of Health or by a Deputy Minister empowered by the Minister, shall apply also to vulnerary plant liqueurs in accordance with Article 130 (4), item 2.

(4) Alcoholic beverages bearing the sales denomination "spirit drink" marketed for human consumption may not be described by associating words or expressions such as "sort", "kind", "type", "method", "imitation", "style", "brand", "flavoured", "aromatised", or the like.

(5) Geographical designations may be added to the sales denominations of spirit drinks provided that the production stage during which they acquired their specific and definitive characteristics and qualities took place in the geographical area indicated.

**Article 123.** (1) Traditional Bulgarian spirit drinks and products are drinks and products prepared in the Republic of Bulgaria using special production methods and technology in places or regions which conferred on the spirit drinks their specific character and essential definitive qualities. Traditional Bulgarian spirit drinks are wine, grape, grape marc, and fruit rakya; fruit marc rakya; anise-flavoured spirit drink "Mastika"; sweet mint drink "Mentha"; wine, grain, and fruit distillate.

(2) Wine rakya (vinena rakya) is a wine spirit drink with a minimum alcoholic strength by volume of 37,5 %:

1. produced exclusively by the distillation at less than 86 % vol. of wine or wine fortified for distillation, or by the redistillation of a wine distillate at less than 86 % vol.;
2. containing a quantity of volatile substances equal to or exceeding 125 grams per hectolitre of 100 % vol. alcohol;
3. having a maximum methanol content of 200 grams per hectolitre of 100 % vol. alcohol;
4. having discernible specific organoleptic characteristics.

(3) Where wine rakya (vinena rakya) has been matured, it may continue to be placed on the market as "wine rakya" ("vinena rakya") provided it has been matured for at least one year in oak receptacles or for at least six months in oak casks with a capacity of less than 1 000 litres.

(3) Grape rakya (grozdova rakya) is a wine spirit drink with a minimum alcoholic strength by volume of 40 %:

1. produced by the single or double distillation at less than 65 % vol. of wine made from grapes whereas the wine obtained from 100 kilograms of grapes may not exceed 75 litres; and
2. its composition and organoleptic characteristics comply with the requirements for the production of wine rakya (vinena rakya).

(5) Where grape rakya (grozdova rakya) has been matured, it may continue to be placed on the market as "grape rakya" ("grozdova rakya") provided it has been matured for at least one year in oak receptacles or for at least six months in oak casks with a capacity of less than 1 000 litres.

(2) Grape marc rakya (rakya ot grozdovi djibri) is a distilled spirit drink made from grape marc (pomace) with a minimum alcoholic strength by volume of 37,5 % which meets the following conditions:

1. it is produced exclusively from grape marc fermented and distilled either directly by water vapour or after water has been added;

2. a quantity of lees may be added to the grape marc that does not exceed 25 kg of lees per 100 kg of grape marc used;
3. the quantity of alcohol derived from the lees shall not exceed 35 % of the total quantity of alcohol in the finished product;
4. the distillation shall be carried out in the presence of the marc itself at less than 86 % vol.;
5. redistillation at the same alcoholic strength of 86 % vol. is authorised;
6. it contains a quantity of volatile substances equal to or exceeding 140 grams per hectolitre of 100 % vol. alcohol and has a maximum methanol content of 1 000 grams per hectolitre of 100 % vol. alcohol.

(7) Fruit rakya (plodova rakya) is a fruit spirit drink with a minimum alcoholic strength by volume of 37,5 %:

1. produced exclusively by the distillation at less than 86 % vol. of fermented fleshy fruit or must of fleshy fruit or berries, with or without stones;
2. having a quantity of volatile substances equal to or exceeding 200 grams per hectolitre of 100 % vol. alcohol,
3. having maximum methanol content of 1 000 grams per hectolitre of 100 % vol. alcohol;
4. in the case of stone-fruit spirits, having a hydrocyanic acid content not exceeding 7 grams per hectolitre of 100 % vol. alcohol.;
5. it has discernible specific organoleptic characteristics.

(8) Fruit rakya (plodova rakya) may bear the sales denomination of "rakya" preceded by the name of the fruit or berry, such as: prune rakya or "slivova rakya" (from *Prunus domestica* L.), apricot rakya or "kaysieva rakya" (from *Armeniaca vulgaris* L.), peach, apple, pear, fig, mirabelle, citrus rakya or other fruit rakya when produced exclusively from that fruit.

(9) The name Williams may be used only to sell pear rakya (krushova rakya) produced solely from pears of the "Williams" variety.

(10) Whenever two or more fruits or berries are fermented and distilled together, the resulting spirit drink shall also be "fruit rakya" (plodova rakya) within the meaning of (7).

(11) Fruit marc rakya is a spirit drink made from fruit marc (pomace) with a minimum alcoholic strength by volume of 37,5 % which meets the following conditions:

1. it is obtained by fermentation and distillation at less than 86 % vol. of fruit marc except grape marc;
2. having maximum methanol content of 1 500 grams per hectolitre of 100 % vol. alcohol;
3. it has discernible specific organoleptic characteristics.

(12) Anise-flavoured spirit drink "Mastika" is a spirit drink with discernible specific organoleptic characteristics, with a minimum alcoholic strength by volume of 47 %, which is obtained by flavouring ethyl alcohol of agricultural origin with the addition of anethole, extracted by rectification of essential oils from star anise (*Illicium verum*), anise (*Pimpinella anisum*), fennel (*Foeniculum vulgare*) or other plant, containing the same aroma component with concentration of at least 2,5 grams per litre, sugar at least 40 grams per litre, with or without addition of mastic and/or aroma distillate.

(13) Sweet mint drink "Mentha" (mentovka) is a spirit drink - a sweet mint liqueur with discernible specific organoleptic characteristics, with a minimum alcoholic strength by volume of 25 %, which is obtained by flavouring ethyl alcohol of agricultural origin with the addition of spearmint oil with concentration of at least 0,2 grams per litre, and having a minimum sugar content in the finished product of 130 grams per litre.

(14) Wine distillate is an alcoholic liquid which has the properties specified in Annex No. 4, and which is obtained by the single and/or double distillation at less than 86 % vol. of:

1. wine;
2. wine, fortified wine or any combination thereof; or
3. winemaking materials.

(15) Grain distillate is an alcoholic liquid which has the properties specified in Annex No. 4, and which is obtained by the single and/or double distillation at less than 95 % vol. of a fermented mash of whole grain cereals or products thereof, saccharified by the diastase of the malt contained therein, with natural enzymes, fermented by the action of yeast.

(16) Fruit distillate is an alcoholic liquid which has the properties specified in Annex No. 4, and which is obtained by the single and/or double distillation at less than 86 % vol. of one or more fermented fleshy fruit or must of fleshy fruit or berries.

(17) The key physical and chemical characteristics of the traditional Bulgarian spirit drinks referred to in (2), (4), (6), (7), (11), (14), (15) and (16) are specified in Annex No. 4.

## Section II

# Production of Ethyl Alcohol of Agricultural Origin, Distillates, and Spirit Drinks. Technological Rules and Practices Regarding Their Marketing

**Article 124.** Producers and traders of ethyl alcohol of agricultural origin, distillates, and spirit drinks shall be required to:

1. ensure the safety of products;
2. Implement best practices at all production stages and in the distribution and marketing of products.

**Article 125.** The entities referred to in Article 124 may put in place and maintain the Hazard Analysis and Critical Control Point (HACCP) system or, where implementation of such system in its entirety is impracticable, procedures conforming to its principles.

**Article 126.** Only safe spirit drinks conforming to the requirements of this Act and to the technical specifications of their producers shall be placed on the market.

**Article 127.** Any receptacles, containers, tanks, and equipment authorised for use in the production, storage, carriage, and marketing of ethyl alcohol of agricultural origin, distillates, and spirit drinks shall only be made of or internally coated with materials authorised and intended to come into contact with foodstuffs.

**Article 128.** The raw materials which may be used for the production of ethyl alcohol of agricultural origin and distillates of agricultural origin are:

1. cereal products;
2. products of the milling industry;
3. malt; starches. gluten. Inulin;
4. beet sugar and cane sugar, solid sugar in crystal form;
5. other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel;
6. molasses, whether or not decolourised;
7. flavoured or coloured sugars, syrups and molasses, with the exception of fruit juice containing added sugar in any proportion;
8. edible vegetables and certain roots and tubers;
9. edible fruit and peel of citrus fruit.

**Article 129.** In addition to the practices specified in points 3 to 10 of Annex I to Regulation (EC) No. 110/2008, other technological practices shall also be authorised in the production of ethyl alcohol of agricultural origin, distillates, and spirit drinks in accordance with Annex No. 12 hereto.

**Article 130.** (1) Food colorants, flavourings or any other authorised additives may be used in the preparation of the spirit drinks in keeping with the conditions laid down in an ordinance issued by the Minister of Health regarding the requirements for the use of food additives.



(2) Only natural flavouring substances and flavouring preparations shall be used in the preparation of spirit drinks except as otherwise specifically provided in Regulation (EC) No. 110/2008 or in this Act.

(3) Flavourings may be used in keeping with the conditions laid down in an ordinance issued by the Minister of Health regarding the requirements for the use of food flavourings.

(4) Flavouring substances and preparations shall not be used in the preparation of the following liqueurs:

1. fruit liqueurs: blackcurrant, cherry, raspberry, mulberry, bilberry, citrus fruit, cloudberry, arctic bramble, cranberry, lingonberry, sea buckthorn, pineapple;

2. plant liqueurs: rose, mint, gentian, aniseed, genepi, vulnerary.

**Article 131.** (1) The sale of bulk (unbottled) spirit drinks shall be prohibited.

(2) The provision under (1) shall not apply to sales between registered spirit drink producers.

(3) Packaging (bottling) and sale of spirit drinks in plastic containers shall be prohibited.

(4) The provision under (3) above shall not apply to sales of spirit drinks in containers (bottles) holding up to 0,5 litres.

(5) It shall be prohibited to place or make available on the market wine rakyas, grape rakyas, marc rakyas, and brandy produced in the Republic of Bulgaria which do not have a certificate of authenticity.

(6) Each batch of ethyl alcohol of agricultural origin, distillate of agricultural origin and spirit drinks shall be invariably accompanied by a test report issued by an accredited laboratory.

### **Section III**

## **Registration of Producers of Ethyl Alcohol, Distillates, and Spirit Drinks. Technical Specifications**

**Article 132.** (1) Production of ethyl alcohol of agricultural origin, distillates, and spirit drinks with a view to sale shall be carried out by merchants duly registered under the Commerce Act, or the Cooperatives Act, or under the provisions of their domestic law, who have been entered in the register of producers of ethyl alcohol of agricultural origin, distillates and spirit drinks.

(2) (Amended, SG No. 14/2015) A register of producers of ethyl alcohol of agricultural origin, distillates and spirit drinks shall be kept at the Ministry of Economy.

(3) (Amended, SG No. 14/2015) The register provided for in (2) shall be kept in accordance with the model set out in Annex No. 5. The register shall be publicly available. It shall be kept in electronic format and published on the website of the Ministry of Economy.

(4) (Amended, SG No. 14/2015) Upon initial entry in the register of producers of ethyl alcohol of agricultural origin, distillates and spirit drinks, the Minister of Economy, or a Deputy Minister duly authorised by the Minister, shall issue a certificate of registration.

(5) The certificate referred to in (4) shall contain: registration date and number, the applicant's name or business name, domicile and registered office address, Common Code for Identification (CCI) under the Commercial Register Act, location and description of the production installations, a list of all drinks and products manufactured, names and civil registry number(s) (EGN) of the person or persons acting as agent(s) of the producer; names and EGN (or personal ID number, or a foreign national's PIN) of the persons in charge of the production process and of making entries in the registers provided for in Article 146.

(6) Only one registered person or entity shall carry out production at each production facility.

**Article 133.** (1) Rakyas intended for family consumption shall be distilled from own grapes and fruit, grown by natural persons, at specialised small distilleries within the meaning of Article 4, item 8 of the Excise Duties and Tax Warehouses Act, which are specifically intended for

rakya production (rakya distilleries) and have been registered under the provisions of Article 57 of the Excise Duties and Tax Warehouses Act.

(2) Specialised small distilleries may be owned or leased exclusively by persons who are legally and economically independent of any other distillery and who do not carry out their business activity under the terms of a licence.

**Article 134.** (Amended, SG No. 14/2015) Producers of ethyl alcohol of agricultural origin, distillates and spirit drinks intended for sale shall be required to register with the Ministry of Economy. To that end, they shall be required to file the following documents:

1. application for registration indicating the Common Code for Identification (CCI) under the Commercial Register Act, or particulars of business registration under the applicant's domestic law accompanied by a document evidencing such registration and specifying the person acting as an agent for the trader;
2. technical summary information on indoor and outdoor production or storage facilities, indicating their total floorage and location, as well as detailed description of their technical equipment, including all containers/receptacles/tanks and their capacity;
3. the original or a notarized copy of a document certifying the commissioning of the facility, issued under the provisions of the Spatial Development Act;
4. technical specification file for production of ethyl alcohol of agricultural origin, distillates or spirit drinks, submitted in duplicate;
5. a production declaration by the producer in conformity with the requirements hereof and using the model form set out in Annex No. 6 hereto;
6. a list of the names and EGN (personal ID number, or a foreign national's PIN) of the persons in charge of the production process and of making entries in the registers provided for in Article 146.
7. (amended, SG No. 14/2015, supplemented, SG No. 17/2018, effective 23.02.2018) documentary proof of payment of the registration fee in the amount set out in the scale of fixed fees collected at the Ministry of Economy under the Stamp Duty Act, where the payment has not been made by electronic means.

**Article 135.** (1) (Amended, SG No. 14/2015) Within 3 business days from receipt of the application provided for in Article 134, officials with the Ministry of Economy, duly authorised by the Minister, shall carry out a review of all accompanying documents.

(2) Where any documents submitted are found to be incomplete and/or inaccurate, the officials referred to in (1) shall, within three business days following the completion of their review, notify the applicant in writing. The latter shall, within 14 business days from receipt of notice, remedy all omissions and/or imprecisions.

**Article 136.** (1) (Amended, SG No. 14/2015) Within 10 business days following the completion of the review referred to in Article 135 (1), or from the date of fixing the omissions and/or imprecisions referred to in Article 135 (2), officials with the Ministry of Economy shall carry out an on-the-spot check of the production facilities and installations.

(2) (Amended, SG No. 14/2015) Within 10 business days from the completion of the on-site inspection under (1), the officials referred to in (1) shall be required to draw up a report of findings and to advance a suggestion to the Minister of Economy or to a Deputy Minister duly authorised by the Minister, to issue a certificate of registration in the register of producers of ethyl alcohol of agricultural origin, distillates and spirit drinks, or to issue a reasoned rejection order, respectively.

(3) The certificate of registration shall be communicated to the producer or to an agent of the producer duly authorised by virtue of a notarised power of attorney.

(4) (Amended, SG No. 14/2015) In the event of theft, loss or destruction of a registration certificate, the producer shall apply to the Minister of Economy to have a duplicate certificate issued.

**Article 137.** (1) (Amended, SG No. 14/2015) The Minister of Economy, or a Deputy Minister duly authorised by the Minister, may refuse registration in the register of producers of

ethyl alcohol of agricultural origin, distillates and spirit drinks by a reasoned order for one or more of the following reasons:

1. omissions and/or imprecisions in the documents submitted which have not been fixed within the time limit set out in Article 135 (2);
  2. where the application is filed earlier than 12 months from the effective date of the order for removal from the register as provided for in Article 140 (1), item 4(b) or in (5), or before providing all essential conditions in the cases referred to in Article 140 (1), item 4(a) unless the removal order has been annulled by a court of justice with the reason of their being unlawful;
  3. where the inspection has ascertained that the applicant does not have the technical capabilities required to produce the drinks and/or products specified in his/her application.
- (2) The order provided for in (1) shall be communicated and may be appealed under the provisions of the Code of Administrative Procedure.

**Article 138.** No rights arising or derived from the registration shall be transferred or leased except in the case of company conversion under the Commerce Act.

**Article 139.** (1) (Amended, SG No. 14/2015, SG No. 17/2018, effective 23.02.2018) Within 14 days of any change in the particulars referred to in art. 134, a producer shall be required to submit to the Minister of Economy an application to have the change registered. The documents evidencing such change and documentary proof of payment of a state treasury fee for application review as set out in the scale of fees collected by the Ministry of Economy, Energy, and Tourism under the Stamp Duty Act, where the payment has not been made by electronic means, shall be enclosed with the application.

- (2) In case of a change in the particulars, the producer's updated particulars shall be recorded in the registration certificate. All dates of amendments to the certificate effective as of its issuance date shall also be recorded.
- (3) The recordation of the changed particulars or the refusal to record the changes shall comply with the terms and procedures laid down in Articles 134 to 137, and an on-site inspection at the production facilities shall be carried out only in case of changes to the technical summary information on indoor and outdoor production or storage facilities referred to in Article 134 (2).

**Article 140.** (1) (Amended, SG No. 14/2015) The Minister of Economy, or a Deputy Minister authorised by him/her, shall issue an order for removal from the register provided for in Article 132 (2):

1. at a producer's request;
  2. in the event of deletion of a merchant from the Commercial Register;
  3. upon the death of the merchant if a natural person;
  4. upon ascertainment, by virtue of an effective written statement drawn up by a control body, that:
    - a) the producer is unable to provide the technological, sanitary and hygienic conditions required for production of ethyl alcohol of agricultural origin, distillates and spirit drinks;
    - b) the producer has discontinued production for a period of 12 months;
  5. in the event of placing on the market spirit drinks and products not meeting the requirements of this Act and the technical specifications of their producers, or of spirit drinks bearing a geographical indication in violation of the provisions of Article 155, where the offender has incurred two or more administrative penalties imposed by virtue of administrative penalty orders already in force.
- (2) (Amended, SG No. 14/2015) Within 14 days from the occurrence of any of the circumstances referred to in (1), officials with the Ministry of Economy shall draw up a report and advance a suggestion to the Minister of Economy or to a Deputy Minister duly authorised by the Minister, to issue an order for removal from the register of producers of ethyl alcohol of agricultural origin, distillates and spirit drinks.
- (3) (Amended, SG No. 14/2015) Within 14 days of receipt of the suggestion referred to in (2), the Minister of Economy or a Deputy Minister duly authorised by the Minister, shall issue an order for removal from the register.

(4) The removal order provided for in (3) shall contain a provisional enforcement instruction if circumstances so require with a view to protecting the lives and health of citizens and where a delay in the execution of the order may result in material injury or damage which would be difficult to repair.

(5) The order provided for in (3) shall be communicated and may be appealed under the provisions of the Code of Administrative Procedure.

**Article 141.** A producer removed from the register as per the provisions of Article 140 (1), item 4(b) or (5), may re-apply to be entered in the register of producers of ethyl alcohol of agricultural origin, distillates and spirit drinks not earlier than 6 months from the effective date of the removal order, and in the cases referred to in Article 140 (1), item 4(a), after all essential conditions have been provided.

**Article 142.** (1) Compliance with technological requirements for the production of ethyl alcohol of agricultural origin, distillates and spirit drinks shall be ascertained by certification of the technical specification file for the production of the product concerned.

(2) (Amended, SG No. 14/2015) Certification of the technical specification file shall be carried out by officials duly authorised by the Minister of Economy who shall verify and harmonise the specification file's content and have it signed, dated, and numbered.

(3) (Amended, SG No. 14/2015) To obtain the certification referred to in (1), producers shall file with the Ministry of Economy a technical specification for the production of ethyl alcohol of agricultural origin, a distillate, or a spirit drink, put together in duplicate in accordance with a model approved by the Minister.

(4) Where the technical specification file as submitted is found to be incomplete and/or inaccurate, the officials referred to in (2) shall, within 14 days, notify the applicant and shall provide instructions for fixing the imprecisions within a time limit not longer than a month from receipt of notification.

(5) If the omissions and/or imprecisions are not remedied within the period set out in (4), the technical specification file shall be disregarded.

(6) The officials shall certify two original copies of the technical specification file referred to in (1) within 14 days from its submission date and/or the date when the omissions and/or imprecisions were remedied as provided for in (4).

(7) Amendments to technical specification files shall be made under the provisions of paragraphs 1 to 6.

## **Section IIIa**

**(New, SG No. 9/2017, effective 26.01.2017)**

# **Register of Persons Conducting Business Using Distilling Equipment for Production of Ethyl Alcohol, Distillates, and Spirit Drinks**

**Article 142a.** (New, SG No. 9/2017, effective 26.01.2017) (1) A register shall be created of the persons, who conduct imports, introduction into the territory of this country, production, sale, supply or offering of distilling equipment for production of ethyl alcohol, distillates, and spirit drinks.

(2) The register under (1) shall be public and kept by the Ministry of Economy.

(3) The order and manner for keeping the register under (1) shall be determined by Ordinance of the Minister of Economy.

(4) The persons entered into the register under (1) may sell or supply distilling equipment for production of ethyl alcohol, distillates, and spirit drinks to persons, registered under the Commerce Act, the Cooperatives Act or under the legislation of another European Union Member State or of

another state – party to the Agreement on the European Economic Area, as well as to legal entities, established based on a normative act.

(5) The persons entered into the register under Article 132(2) may trade in distilling equipment for production of ethyl alcohol, distillates, and spirit drinks, upon notifying the Ministry of Economy thereof.

(6) The procedure for notification under (5) shall be determined by the ordinance under (3).

(7) (New, SG No. 98/2018, effective 1.01.2019) The persons who or which have acquired distilling equipment for production of ethyl alcohol, distillates and spirit drinks shall also be entered in the register specified in Paragraph (1):

1. after the conduct of a public sale;

2. when they have acquired the equipment from a person who or which has conducted business using the distilling equipment as an authorised warehousekeeper or a registered person under Article 57(1) of the Excise Duties and Tax Warehouses Act.

**Article 142b.** (New, SG No. 9/2017, effective 26.01.2017) (1) (Amended, SG No. 98/2018, effective 1.01.2019) The persons shall submit application to the Ministry of Economy for entry on the register:

1. prior to starting to conduct the activities specified in Article 142a(1);

2. within 14 days of acquiring the distilling equipment in the cases of the conduct of a public sale;

3. within 14 days of acquiring the distilling equipment from a person who or which has conducted business using such equipment as an authorised warehousekeeper or a registered person under Article 57(1) of the Excise Duties and Tax Warehouses Act.

(2) Within 14 days of submission of the application under (1) the Minister of Economy or an official authorised by him shall issue a certificate of registration to the persons and of their entry on the register under Article 142a(1).

**Article 142c.** (New, SG No. 9/2017, effective 26.01.2017) (1) The persons under Article 142a(1) shall:

1. keep accounts, enabling the identification of the person that received the distilling equipment for production of ethyl alcohol, distillates, and spirit drinks

2. by the 14th of the month following the month, in which they have disposed of their distilling equipment, provide information to the Ministry of Economy regarding the persons that received the distilling equipment, including the following identification data as a minimum – full name, Uniform Identification Code in the Commercial Register or BULSTAT code.

(2) The Ministry of Economy shall provide upon request or by own initiative to the Customs Agency the information under (1), item 2, as well as information regarding the cases established of activities using distilling equipment performed by persons, who are not entered on the register under Article 142a.

## **Section IV Declarations**

**Article 143.** (Amended, SG No. 14/2015) Registered producers of ethyl alcohol of agricultural origin, distillates and spirit drinks shall be required to file with the Ministry of Economy, no later than January 31th of each year, a declaration for the quantities and types of ethyl alcohol of agricultural origin, distillates and spirit drinks produced, stocked, and marketed during the preceding year, using a model form in accordance with Annex No. 7 hereto.

**Article 144.** Declarations as per Annex No. 7 hereto shall be filed also, within the time limit provided for in Article 143, by consignees of imported ethyl alcohol of agricultural origin, distillates and spirit drinks.

**Article 145.** (1) (Amended, SG No. 14/2015) Producers of ethyl alcohol of agricultural origin shall submit to the Ministry of Economy summary information on:

1. the quantities of alcohol produced, stored, and marketed - quarterly by the 15th day of the next month;
  2. forecasted quantities of alcohol - twice a year for the current year.
- (2) Data in the statements referred to in (1) shall be given in hectolitres of pure alcohol (at 100 % vol.).

## **Section V**

### **Registers**

**Article 146.** (Effective date 1 January 2013, SG No. 45/2012) (1) Registered producers of ethyl alcohol, distillates and spirit drinks shall keep registers in conformity with the models set out in Annex No. 8. Entered in such registers shall be all data making it possible to track and control product authenticity, origin, and category, as well as all production operations carried out.

(2) The registers shall be maintained electronically by means of uniform software or in paper format.

(3) (Amended, SG No. 14/2015) All registers to be kept by registered producers of ethyl alcohol, distillates and spirit drinks shall be validated by the Ministry of Economy prior to making any entries in them. In the case of registers kept electronically, the Ministry shall be required to authorise their electronic format.

(4) Registers shall be kept separately for each production facility or detached subdivision thereof.

(5) Only persons named on/in the certificate of registration provided for in Article 132 (4) shall be authorised to make register entries.

(6) Register entries shall be made leaving no blank fields and pages, in chronological continuity with no lines skipped, and providing accurate description of the technological process. All operations shall be recorded using words and in accordance with the column headings (labels). Entries in paper registers shall be made in such a way as to be indelible.

(7) All entries of raw materials and other inputs for processing, all completed technological practices and production operations, all processed raw materials and inputs, all withdrawals of bottled and marketed finished products shall be entered in the registers on the day of their occurrence.

(8) Where a product has undergone changes not due to any production operation and in the case of fermentation of grape must, fruit mash, fruit pastes, and grain hydrolysates, the quantity and nature of the product resulting from such transformation shall be recorded in Register No. 1.

(9) In the case of spirit drinks with a geographical indication, the area where the raw material used to obtain them originated in shall be recorded in Register No. 1.

(10) (Amended, SG No. 14/2015) All registers shall be closed on 31 December of each year following a comprehensive stocktaking and shall be presented for verification at the Ministry of Economy by 15 March of the following year.

(11) All registers shall be kept within the territory of the production facility to which they refer and must be available to inspection bodies at all times.

(12) All registers shall be kept by the registered persons for a period of five years.

(13) (Amended, SG No. 14/2015) The manner of keeping the registers under (1) shall be laid down in a guideline to be issued by the Minister of Economy.

**Article 147.** Entries of grapes, fruit, cereals, other raw materials and inputs used for fermentation and technological purposes, and products obtained from fermentation shall be recorded in Register No. 1.

**Article 148.** Production operations shall be recorded in Register No. 2.

**Article 149.** Products for distillation and/or rectification as well as distillates and/or ethyl alcohol of agricultural origin obtained shall be recorded in Register No. 3.

**Article 150.** Products stocked to be marketed shall be recorded in Register No. 4 with their exact sales denomination.

**Article 151.** (1) Only products stocked to be marketed shall be recorded in Register No. 4.  
(2) Finished drinks shall be recorded with their exact sales denomination used to place them on the market.

## **Section VI**

### **Processing of Ethyl Alcohol of Agricultural Origin, Distillates, and Spirit Drinks Not Meeting Statutory Requirements**

**Article 152.** (Amended, SG No. 14/2015) The tolerance limits for loss and ullage in storage and transport of ethyl alcohol of agricultural origin, distillates and spirit drinks shall be set out in an ordinance to be issued by the Minister of Finance and the Minister of Economy.

**Article 153.** The tolerance limits for loss and ullage in process operations of ethyl alcohol of agricultural origin, distillates, and spirit drinks are set out in Annex No. 9.

**Article 154.** Processing and treatment of ethyl alcohol of agricultural origin, distillates, and spirit drinks, not meeting statutory requirements, shall be carried out with a view to their subsequent distribution as usable finished products or their utilisation otherwise as appropriate.

## **Section VII**

### **Production of Spirit Drinks with a Geographical Indication**

**Article 155.** (1) Production of spirit drinks with a geographical indication shall take place:

1. in keeping with the rules of production as laid down in Regulation (EC) No. 110/2008 and in this Act;
  2. within a geographical region where they acquire their specific and/or definitive characteristics and qualities;
  3. (amended, SG No. 14/2015) upon approval by means of an order of the Minister of Economy issued in accordance with Annex No. 10.
- (2) (Amended, SG No. 14/2015) To obtain approval for spirit drinks with a geographical indication, a producer or producers of spirit drinks shall apply to the Minister of Economy.
- (3) The application provided for in (2) shall contain the applicant's or applicants' particulars (trader's business name, domicile and registered office address, CCI) accompanied by:
1. a topographic map of the geographical area at a scale of 1:25 000, delineating the boundaries of the municipalities within whose territory raw material used to produce a spirit drink with a geographical indication is obtained. Indicated on the map shall be locality names, and the location and boundaries of areas under vines or fruit crops;
  2. a soil profile map/sketch of the geographical area at a scale of 1:25 000 showing soil types;
  3. summary information on the areas under vines or fruit crops in production;
  4. information on the fruit varieties and the varietal structure of the planted areas referred to in (3);
  5. summary information on the characteristics and qualities of grapes or fruit, i.e. sugar content, total acidity, content of particles, etc.;
  6. description of authentic and unvarying local methods of producing the spirit drink with a geographical indication, i.e. harvesting, sorting and selection of raw materials, mode of transport, processing and fermentation methods, type and volume of fermentation vessels, distillation method, storage method, treatment methods, etc.;

7. summary information and documentary proof of the link between the spirit drink, its particular quality, reputation or other specific characteristics and its geographical origin;
8. certificate of analysis, issued by an accredited laboratory, evidencing that the key physical and chemical characteristics of the product concerned are in compliance with regulatory requirements;
9. a test report on the organoleptic analysis and assessment performed by the regional tasting committee;
10. a copy of the certificate of authenticity provided for in Article 10 (1), item 2;
11. a declaration of assurance for the correctness of the particulars given under paragraphs (3) to (7);
12. (amended, SG No. 14/2015, SG No. 17/2018, effective 23.02.2018) documentary proof of payment of a state treasury fee for document review as set out in the scale of fixed fees collected at the Ministry of Economy under the Stamp Duty Act, where the payment has not been made by electronic means.

**Article 156.** (1) (Amended, SG No. 14/2015) The application and documents provided for in Article 155 shall be reviewed within 30 days from their submission by a permanent committee designated by an order of the Minister of Economy. Representatives of various professional organisations may attend the meetings of the committee in an advisory capacity.

(2) A quorum shall exist at session sittings if more than two thirds of the members of the committee are present.

(3) The committee's decisions shall be adopted by a two-thirds majority of those members present and voting.

(4) (Amended, SG No. 14/2015) The committee shall adopt its rules of procedure which shall be approved by an order of the Minister of Economy.

**Article 157.** Where the application and documents submitted under Article 156 (1) are found to be incomplete and/or inaccurate, the committee shall, within 7 days, notify the applicant in writing and shall set a time limit to have the deficiencies fixed. Where an applicant fails to remedy the deficiencies within the time limit prescribed, his/her application and documents as submitted shall be dropped with no further action taken.

**Article 158.** (1) (Amended, SG No. 14/2015) Following the application and document review under the provision of Article 156 (1), or after omissions and/or imprecisions are remedied as per Article 157, the Minister of Economy shall have the information on the application submitted under Article 155 published in two national daily newspapers thereby setting a deadline for lodgement of objections and suggestions.

(2) All objections and suggestions received by the deadline set out in (1) shall be reviewed by the committee referred to in Article 156 (1) under terms and procedures to be laid down in its rules of procedure.

**Article 159.** At the committee's discretion, a fact finding on-site inspection may be carried out to verify the particulars covered in Article 155.

**Article 160.** (Amended, SG No. 14/2015) Within two months from the deadline provided for in Article 158 (1) the committee shall review all submissions, objections and suggestions and shall draw up a report thereby suggesting to the Minister of Economy to either:

1. approve a spirit drink with a geographical indication; or
2. order a rejection in case of reasoned objections in accordance with Article 158, or in case of a failure to fulfil the requirement set forth in Article 155 (1), item 2.

**Article 161.** (1) (Amended, SG No. 14/2015, supplemented, SG No. 77/2018, effective 1.01.2019) Within 14 days from receipt of the suggestion referred to in Article 160, the Minister of Economy or an official from the Ministry empowered thereby shall either approve a spirit drink with a geographical indication or refuse approval by means of a reasoned order.



(2) Registration approval shall be given by an order in keeping with the model set out in Annex No. 10. The order shall be promulgated in the official State Gazette and may be appealed under the provisions of the Code of Administrative Procedure.

(3) Amendments to the order referred to in (2) shall be made under the provisions of articles 155 to 160.

(4) The rejection order provided for in (1) shall be communicated and may be appealed under the provisions of the Code of Administrative Procedure.

**Article 162.** (Amended, SG No. 14/2015, supplemented, SG No. 17/2018, effective 23.02.2018) A producer or producers of a spirit drink with a geographical indication shall apply to the Minister of Economy to have the spirit drink with a geographical indication added to the register of producers of ethyl alcohol of agricultural origin, distillates and spirit drinks and to their certificate of registration. Attached to such application shall be documentary proof of payment of a state treasury fee for geographical indication addition to the certificate as set out in the scale of fixed fees collected at the Ministry of Economy under the Stamp Duty Act, where the payment has not been made by electronic means.

**Article 163.** (Amended, SG No. 14/2015) All applications for approved spirit drinks with a geographical indication and all attachments thereto shall be kept at the Ministry of Economy.

## **Section VIII**

### **Description, Presentation, Labelling, and Marketing of Ethyl Alcohol of Agricultural Origin, Distillates, and Spirit Drinks**

**Article 164.** (1) The objectives of the rules on description, presentation, labelling, and marketing of ethyl alcohol of agricultural origin, distillates, and spirit drinks are to protect consumers and the commercial interests of traders, to promote the smooth operation of the market, and to encourage the production of quality products.

(2) The rules on description, presentation, labelling, and marketing of ethyl alcohol of agricultural origin, distillates, and spirit drinks shall apply also to making entries in the registers provided for in Article 146, as well as to signs, symbols, inscriptions, and words used on receptacles and containers for storing drinks and products referred to in Article 120 including the closures, on the labelling and on the packaging.

(3) Product particulars used in the description, presentation and labelling of drinks and products referred to in Article 120 shall be given in one or more official languages of the European Union in such a way that the final consumer can easily understand each of those items of information, unless the consumer is provided with the information by other means.

(4) The terms specifically defined in Regulation (EC) No. 110/2008 shall not be translated in the Bulgarian language on the label nor in the presentation of the spirit drinks and products referred to in Article 120.

(5) In the case of spirit drinks and products referred to in Article 120 originating in third countries, use of an official language of the third country in which the drink or product was produced shall be authorised in their description, presentation, labelling, and marketing, if the particulars are also given in an official language of the European Union in such a way that the final consumer can easily understand each item.

(6) In the case of drinks and products referred to in Article 120 produced in a European Union Member State and intended for export, the particulars used in their description, presentation, labelling and marketing may be repeated in a language other than an official language of the European Union.

**Article 165.** (1) The particulars (indications) used in the description, presentation, labelling, and marketing of the spirit drinks and products referred to in Article 120 shall not mislead consumers with regard to:

1. the characteristics of the drink or product, their nature, composition, and properties, including the actual alcoholic strength by volume, colour, origin or provenance, quality, vine variety or fruit name, or raw material, vintage year, and actual nominal volume of the container;
2. the traders/vendors involved in the production and/or commercial distribution of the drinks and products.

(2) The particulars used in the description, indication, and commercial presentation shall not mislead consumers even if:

1. the particulars are used in translation and the true origin of the product is indicated; or
2. the particulars are accompanied by expressions such as "sort", "kind", "type", "method", "imitation", "brand", "style", or any other similar term.

(3) Beverages bearing the sales denomination "spirit drink" marketed for human consumption may not be described by associating words or expressions such as "sort", "kind", "type", "method", "imitation", "style", "brand", "flavoured", "aromatised", or the like.

**Article 166.** (1) Any drinks and products referred to in Article 120 which are not indicated in compliance with statutory and regulatory requirements, and the requirements laid down in Regulation (EC) No. 110/2008 shall not be placed on the market.

(2) Where drinks and products referred to in Article 120 are to be exported, particulars, which conflict with labelling rules as set out in Community legislation, may appear on the label provided it is admissible in the importer's country.

**Article 167.** The particulars used in labelling and presentation shall be compulsory and optional.

**Article 168.** The compulsory and optional particulars may be presented clustered on one or more labels, attached, affixed, glued to the container or inscribed directly onto it, and shall be presented in easily visible, clearly legible and indelible characters.

**Article 169.** The following particulars shall not relate to labelling and presentation, marks and signs:

1. particulars provided for in legislation related to tax and duties;
2. particulars indicating the container manufacturer and volume;
3. particulars used for control of filling or bottling;
4. particulars used for product identification by means of a digital code and/or machine-processable symbol.

**Article 170.** (1) Labelling of a spirit drink produced in the Republic of Bulgaria and intended for the Bulgarian market shall contain the following compulsory particulars inscribed in Bulgarian:

1. sales denomination of the drink;
2. nominal volume of the container;
3. the estimated sign ("e" mark) - the quantity of the drink matches exactly what appears on the label;
4. the actual alcoholic strength of the drink;
5. production lot number and/or date of bottling preceded by the mark "L";
6. the drink's technical specification file number;
7. name or business name and domicile (registered place of business) of the producer;
8. name or business name and domicile (registered place of business) of the bottler in the case of drinks bottled or packaged in containers of 60 litres or less;
9. the producer's registration certificate number;

10. the raw material used to produce the ethyl alcohol of agricultural origin and the ethyl alcohol content, expressed in percentages by volume, if used to produce the spirit drink. Where two or more agricultural alcohols were used, each agricultural alcohol used shall be mentioned in descending order of quantity used.

(2) Labelling and presentation of a spirit drink produced outside the Republic of Bulgaria but not intended for the Bulgarian market shall contain the compulsory labelling particulars inscribed in Bulgarian on a label meeting the requirements laid down in Article 9 of the Consumer Protection Act.

**Article 171.** (1) The sales denomination of a spirit drink shall be determined in accordance with the categories set out in Article 121 (3) and Article 123.

(2) The sales denominations of the spirit drinks may be used in their description and labelling only if they fully comply with the requirements of this Act.

**Article 172.** (1) Labelling and presentation of a spirit drink may contain the following optional particulars:

1. the name of the geographic area where the drink was produced;
  2. the name(s) of the fruit or fruits, or berry, or berries, or the name of the raw material used to produce the drink;
  3. trade name;
  4. recommendations on how to consume the drink;
  5. medals and awards;
  6. maturation and ageing method;
  7. production method;
  8. number of distillations;
  9. information about the history of the drink and of the production establishment;
  10. information about the persons involved in the commercial distribution of the drink.
- (2) A geographical indication may be added to the sales denomination of a spirit drink provided that the production stage from obtaining the raw material to acquiring the specific and definitive characteristics and qualities of the spirit drink concerned took place in the geographical area indicated and in conformity with the provisions of articles 155 to 163 hereof. The sales denomination of a spirit drink may be supplemented by a geographical indication for the drinks covered in Annex No. 11 and/or by the European Union symbol for spirit drinks with a geographical indication.
- (3) Labelling and presentation of a spirit drink may contain the name of the fruit or the raw material used to produce the drink provided it was obtained from the fruit or raw material indicated.
- (4) Whenever two or more fruits or berries are distilled together, the name of each fruit or berry shall appear on the label in decreasing order of quantity used to produce the spirit drink.

**Article 173.** Labelling of rakya or brandy may contain additional specific traditional terms:

1. "отлежала" (aged) for rakya matured/aged in oak casks for a period of no less than six months;
2. "стара" or "старо" (mature, old) for rakya or brandy aged/matured in oak casks for a period of no less than three years;
3. "специална" or "специално" (special) for rakya or brandy produced using traditional practices or from special varieties of grapes or fruits;
4. "резерва" (reserve) for rakya or brandy produced from distillates matured in oak casks where the average age of the coupage is no less than 5 years.
5. "специална резерва" (special reserve) for rakya or brandy produced from distillates matured in oak casks where the average age of the coupage is no less than 10 years.

**Article 174.** Grape, wine, and marc rakya, and brandy produced in the Republic of Bulgaria shall be marketed accompanied by a certificate as provided for in Article 10.

**Article 175.** To obtain the certificate referred to in Article 174, registered producers of ethyl alcohol of agricultural origin, distillates, and spirit drinks shall apply to the relevant Regional Vine and Wine Chamber.

**Article 176.** A certificate of authenticity shall be issued by the Regional Vine and Wine Chamber within whose territorial range of authority production took place.

**Article 177.** Each lot of spirit drinks shall be marketed accompanied by a test report issued by an accredited test laboratory.

## **Section IX**

### **Rules on Imports and Marketing of Ethyl Alcohol of Agricultural Origin, Distillates, and Spirit Drinks from Third Countries**

**Article 178.** (1) Ethyl alcohol of agricultural origin, distillates, and spirit drinks imported from third countries with a view to place on the market, must meet the requirements for production and commercial distribution in the country of origin, which shall be evidenced by an original copy of an attestation issued by an official body in the country of origin. Imported products intended for direct human consumption must be accompanied also by a test report issued by an accredited body in the country of origin.

(2) (Amended, SG No. 14/2015) The Minister of Economy, or a Deputy Minister duly authorised by the Minister, shall issue an order identifying the official bodies referred to in (1). The list of official bodies shall be publicised on the Internet and an official announcement thereof shall be published in the official State Gazette.

(3) The list provided for in (2) may be amended upon official notification from the respective third country's embassy (or trade office, or commercial section [1], or commercial service, respectively).

## **Section X**

### **Storage and Movement of Ethyl Alcohol of Agricultural Origin, Distillates, and Spirit Drinks**

**Article 179.** Storage (warehousing) and movement of ethyl alcohol of agricultural origin, distillates, and spirit drinks shall comply with the requirements and provisions laid down in the Excise Duties and Tax Warehouses Act.

## **Chapter Ten**

### **TESTING LABORATORIES AND METHODS**

#### **Section I**

#### **Testing Laboratories**

**Article 180.** (1) Physical, chemical and microbiological analysis of products referred to in Article 1 shall be carried out by testing laboratories accredited in accordance with the standard BDS EN ISO/IEC17025.

(2) Official control laboratories carrying out physical, chemical and microbiological analysis for verification of compliance shall be designated by:

1. (amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) the Minister of Agriculture for analytical testing of products covered in Annex No. 1;

2. (amended, SG No. 14/2015) the Minister of Economy for analytical testing of products referred to in Article 121 (3);
- (3) Official control analysis in the wine sector shall be carried out by the laboratories of the VWEA.
- (4) To carry out physical, chemical and microbiological analysis of products, the laboratories referred to (2) and (3) shall charge fees set out in:
1. the fixed fee scale provided for in Article 2 (5) for the laboratories designated under (2), item 1 and (3);
  2. (amended, SG No. 14/2015) the scale of fixed fees collected at the Ministry of Economy under the Stamp Duty Act for the laboratories designated under (2), item 2.
- (5) (Amended, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture and the Minister of Economy shall designate national reference laboratories whose powers shall be laid down in the Implementing Rules for this Act.

## **Section I**

### **Testing Methods**

- Article 181.** (1) The methods of analysis used to determine the composition of the products covered in Article 1 and the rules whereby it may be established whether these products have undergone processes contrary to authorised oenological practices shall be those recommended and published by the International Organisation of Vine and Wine (OIV) as well as testing methods and oenological practices published in the Official Journal of the European Union.
- (2) In the event that there are no methods and rules recommended by the OIV, corresponding methods and rules adopted by the European Commission shall apply. Pending the adoption of such, methods and rules provided for in the current legislation shall be used.
- (3) The terms and procedures for the sampling of the products covered in Article 1 shall be laid down in the Implementing Rules for this Act.
- (4) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Organoleptic assessment of wines, grape rakyas and brandy shall be carried out by the tasting committees provided for in Article 7 and by the Central Tasting Committee reporting to the Minister of Agriculture.
- (5) The set-up and the activities of the tasting committees referred to in (4) shall be laid down in the Implementing Rules for this Act.

## **Chapter Eleven**

### **CONTROL**

## **Section I**

### **Control over the Production and Marketing of Wine Sector Products**

- Article 182.** (1) (Amended, SG No. 51/2020, effective 20.06.2020) The Vine and Wine Executive Agency shall perform controls to verify compliance with the requirements laid down by law as regards production potential, wine grapes, production, processing and marketing of products made from grapes and wine, as well as vinegar and the products referred to in Article 83(3).
- (2) (Amended, SG No. 51/2020, effective 20.06.2020) The Vine and Wine Executive Agency shall perform the controls referred to in paragraph 1 in accordance with this Act, the Agrifood Chain Management Act and:
1. Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed

law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No. 999/2001, (EC) No. 396/2005, (EC) No. 1069/2009, (EC) No. 1107/2009, (EU) No. 1151/2012, (EU) No. 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No. 1/2005 and (EC) No. 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (OJ, L 95/1, 7 April 2017), hereinafter Regulation (EU) 2017/625.

2. Regulation (EU) No. 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No. 922/72, (EEC) No. 234/79, (EC) No. 1037/2001 and (EC) No. 1234/2007 (OJ L 347/671, 20 December 2013).

3. Commission Implementing Regulation (EU) 2019/33 of 17 October 2018 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No. 9/2 of the European Parliament and of the Council as regards an appropriate system of checks (OJ, L 9/2, 11 January 2019).

4. Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No. 555/2008, (EC) No. 606/2009 and (EC) No. 607/2009 and repealing Commission Regulation (EC) No. 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ, L 58/1, 28 February 2018).

5. Regulation (EU) No. 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No. 1601/91 (OJ, L 84/14, 20 March 2014).

6. Commission Regulation (EC) No. 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No. 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector (OJ, L 170/1, 30 June 2008).

7. Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council as regards the relevant checks, and repealing Commission Implementing Regulation (EU) 2015/561 (OJ, L 58/60, 28 February 2018).

8. Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks (OJ, L 9/46 of 11 January 2019).

9. Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files (OJ, L 149/1 of 7 June 2019).

10. Commission Implementing Regulation (EU) 2019/935 of 16 April 2019 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength (OJ, L 149/53 of 7 June 2019).

(3) Control over the production and marketing of wine products shall be carried out by specific officials duly empowered by the Executive Director of the VWEA. In exercising their control powers the specific officials shall have free access to:

1. vineyards;
2. wine-making and storage installations, warehouses, installations for processing wine-sector products and commercial premises including retail outlets in the meaning of § 1, item 41 of the additional provisions of the Value Added Tax Act;
3. vehicles used to transport wine-sector products;
4. registers provided for in Article 47, accounting data and other documents of use in control procedures, and require or make certified copies thereof.

(4) In carrying out the control operations referred to in (3), the specific officials with the VWEA may request cooperation from other government bodies.

(5) The specific officials with the VWEA shall, in the course of checks as provided for in (3), be identified by a service card.

(6) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall issue an order to approve a model of the service card referred to in (5).

**Article 183.** In carrying out their duties and control operations, the officials referred to in art 182 (3):

1. carry out document and on-the-spot checks;
2. take samples of wine-sector products for physical, chemical and microbiological analysis and organoleptic assessment;
3. issue mandatory instructions and specify the time-limit for implementation;
4. in case of non-compliance with the mandatory instructions within the time limit referred to in (1), put forth a suggestion to the Executive Director of the VWEA to issue an order to suspend operations at a wine-making installation or a part thereof, or to suspend certain activities at such facility;
5. observe confidentiality and avoid disclosure of information obtained in their inspection activity;
6. notify the relevant specialised control bodies where a breach or infraction of another legislative act has been ascertained.

**Article 184.** (1) Violations of this Act and/or its implementing regulations as regards the production potential, wine grapes, production, processing and marketing of products made from grapes and wine, as well as products covered in Article 83 (3), shall be established by competent evidence and statements of offence issued by the officials referred to in Article 182 (3).

(2) Administrative penalty orders for the violations referred to in (1) shall be issued by the Executive Director of the VWEA or by officials duly authorised by the Director.

(3) The procedures used to establish violations and to issue, appeal, and implement administrative penalty orders shall be those laid down in the Administrative Violations and Sanctions Act.

**Article 185.** (1) In performing its control functions, the VWEA shall interact with other government bodies within their competence and jurisdiction.

- (2) Where joint administrative and/or on-the-spot checks are required, the Executive Director of the VWEA shall advise the bodies referred to in (1) in writing of the type of collaboration required.
- (3) The notice provided for in (2) shall specify the site(s) to be checked, the type and duration of the check.
- (4) The Executive Director of the VWEA may appeal for preliminary information from the relevant government body referred to in (1) in relation to the check or inspection. Such information shall be provided within 7 business days.
- (5) Where control operations are carried out by another control body, the VWEA shall be required to provide information within its area of competence and expertise within 7 days from receipt of request.
- (6) Where, in the course of a check as provided for in (5), the respective control body has ascertained a violation of this Act, it shall, within 10 business days, notify the VWEA with a view to taking appropriate action within its competence.

**Article 186.** (1) For control purposes, the VWEA shall ensure that 30 samples of fresh grapes be taken for isotopic analysis, treated and processed into wine in accordance with a guideline approved by the Executive Director of the VWEA.

(2) The samples provided for in (1) shall be analysed by designated laboratories having adequate facilities and analytical equipment, which must meet the general criteria for the operation of testing laboratories set out in ISO/IEC 17025, and in particular must take part in a system of proficiency tests covering methods of isotopic analysis.

(3) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall ensure that the laboratories provided for in (2) are established and shall forward written evidence of compliance with the above criteria to the Joint Research Centre (JRC) of the European Commission for the purpose of quality control and validation of the data provided.

(4) The Vine and Wine Executive Agency shall carry out isotopic analysis of the components of ethanol and water in wine products according to the reference methods of analysis provided for in Article 181 in European Union laboratories in return for a service fees.

## Section II

### Control over the Production and Marketing of Ethyl Alcohol of Agricultural Origin, Distillates, and Spirit Drinks

**Article 187.** (Amended, SG No. 14/2015, SG No. 51/2020, effective 20.06.2020) The Minister of Economy shall exercise control over the production of and trade in ethyl alcohol from agricultural origin, distillates and spirit drinks in accordance with the requirements laid down in Regulation (EU) 2017/625, the Agrifood Chain Management Act, this Act and the implementing regulations thereto.

**Article 188.** (1) (Amended, SG No. 14/2015) Controls over production of ethyl alcohol of agricultural origin, distillates, and spirit drinks shall be carried out by specific officials duly empowered by the Minister of Economy.

(2) In carrying out the controls, the officials shall:

1. carry out on-the-spot checks of production facilities and/or installations so as to ensure:
  - a) availability of the technical capabilities required to produce the drinks and/or products specified in the application;
  - b) good working order, functionality and non-fault condition of the existing technological equipment for production of ethyl alcohol of agricultural origin, distillates, and spirit drinks as well as its conformity with the particulars recorded in the register provided for in Article 132 (2);
2. carry out checks so as to ensure compliance with the process requirements in the production of ethyl alcohol, distillates, and spirit drinks;



3. carry out document and on-the-spot checks of the regularity and correctness of entries in the registers provided for in Article 146, and whether the registry entries correspond with accompanying documents and stocks.
4. take samples of ethyl alcohol of agricultural origin, distillates, and spirit drinks for physical, chemical and microbiological analysis;
5. issue mandatory instructions and specify the time-limit for implementation;
6. render final opinions pertaining to objections to violation findings;
7. observe confidentiality and prevent disclosure of information obtained in their inspection activity;
8. notify the relevant specialised control bodies where a breach or infraction of another legislative act has been ascertained.

(3) In exercising their control powers the officials referred to in (2) shall have free access to:

1. production and storage facilities for ethyl alcohol of agricultural origin, distillates, and spirit drinks;
2. registers provided for in Article 146, accounting data and other documents of use in control procedures, and require or make certified copies thereof.

(4) Where a control activity appears particularly complex and requires specialised expertise, the officials referred to in (1) may call upon experts in the relevant field of expertise.

**Article 189.** (1) (Amended, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) In performing its monitoring and control functions, the Ministry of Economy shall interact with the Ministry of Interior, the Ministry of Agriculture, the Customs Agency, the Ministry of Health, the Commission for Consumer Protection, as well as with other government bodies within their competence and jurisdiction.

(2) (Amended, SG No. 14/2015) Collaboration between the Customs Agency and the Ministry of Economy in implementing the provisions of this Act and of the Excise Duties and Tax Warehouses Act shall be regulated by a collaboration agreement signed by the two administrations' chief executives.

**Article 190.** (1) (Amended, SG No. 14/2015) Prior to the commencement of a check the Ministry of Economy shall advise the bodies referred to in Article 189 in writing of the type of collaboration required.

(2) (Amended, SG No. 14/2015) The Ministry of Economy may appeal for information from the relevant body referred to in Article 189 (1) in relation to the check or inspection at hand, as well as for designated officials to partake in it.

(3) (Amended, SG No. 14/2015) The relevant body referred to in Article 189 (1) shall be required to provide the Ministry of Economy with the information requested and shall designate officials to participate in the inspection.

(4) (Amended, SG No. 14/2015) Where control activities need to be carried out as a matter of urgency, the chief executives of the relevant administrations shall provide any assistance requested by the Ministry of Economy as soon as possible.

**Article 191.** (1) (Amended, SG No. 14/2015) Where another control body intends to carry out, within its area of competence and jurisdiction, checks of producers and/or traders of ethyl alcohol of agricultural origin, distillates, and spirit drinks, it may appeal, if necessary, for collaboration from the Ministry of Economy. Such collaboration may be in the form of providing information and/or designating officials from the Ministry of Economy to participate in carrying out the control activities.

(2) (Amended, SG No. 14/2015) The control bodies referred to in (1) shall be required to inform the Ministry of Economy of their findings within 7 days of any inspection's completion.

**Article 192.** (1) Violations of this Act and/or its implementing regulations as regards the production and marketing of ethyl alcohol of agricultural origin, distillates, and spirit drinks shall be established by competent evidence and statements of offence issued by the officials referred to in Article 188 (1).

(2) (Amended, SG No. 14/2015) Administrative penalty orders for the violations referred to in (1) shall be issued by the Minister of Economy or by officials duly authorised by the Director.

(3) The procedures used to establish violations and to issue, appeal, and implement administrative penalty orders shall be those laid down in the Administrative Violations and Sanctions Act.

**Article 193.** (1) (Amended, SG No. 14/2015) Control over compliance with statutory and regulatory requirements as regards retail of bottled spirit drinks shall be carried out by the Commission for Consumer Protection reporting to the Minister of Economy. The purpose of monitoring and controls is to protect consumers against the risks of acquiring products which do not comply with existing statutory and regulatory requirements.

(2) For control purposes as stipulated in (1), officials with the Commission for Consumer Protection shall carry out document and lot number checks to establish the origin of products, as well as on-the-spot checks in retail outlets for retail of bottled spirit drinks in compliance with the provisions of the Consumer Protection Act.

(3) In performing their control functions, the officials with the Commission for Consumer Protection shall:

1. have free access to retail establishments subject to control;
2. demand information and documents and obtain paper copies thereof;
3. take samples and specimens for laboratory analysis;
4. may call upon experts in the relevant field of expertise where a control activity appears particularly complex and requires specialised expertise;
5. draw up statements of administrative offences.

**Article 194.** (1) Where it has been established or there is a reason to believe that a certain product or a lot (batch) of products placed on the market are not in conformity with statutory requirements, the Chairperson of the Commission for Consumer Protection shall be required, commensurate with the conditions for marketing the product(s), to

1. direct that sales of the product be suspended for a period of time as needed to perform examination and assessment of the product's conformity with statutory and regulatory requirements;
2. make arrangements, without delay and in an efficient manner, for withdrawal of the product from the market, and alert consumers to the product's non-compliance with statutory requirements.
3. make arrangements or coordinate, or organise, where necessary, in collaboration with retailers and distributors, a product recall and its destruction in a manner prescribed in an ordinance issued by the Council of Ministers.
4. notify the relevant bodies of the product's non-compliance for the purposes of collaboration and exchange of information on control activity results, and with a view to taking appropriate action within their competence and jurisdiction.

(2) Within three days following the completion of the conformity assessment provided for in (1), item 1, in case the product has been found to be compliant with the regulatory requirements, the Chairperson of the Commission for Consumer Protection shall withdraw the restrictive measure and cancel the suspension of product sales.

**Article 195.** In exercising his or her powers under this Act, the Chairperson of the Commission for Consumer Protection shall issue individual administrative acts and administrative penalty orders, or shall authorise competent officials to issue such acts.

**Article 196.** The administrative enforcement measures provided for in Article 194 may be appealed under the provisions of the Code of Administrative Procedure.

**Article 197.** (1) (Amended, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) In performing its control functions, the Commission for Consumer Protection shall interact with the Ministry of Economy, the Ministry of Interior, the Ministry of Agriculture, the Ministry of Transportation and Information Technologies, the Ministry of Health, the National Revenue Agency, and the Customs Agency.

(2) The collaboration referred to in (1) shall involve both the central and regional structures of the government bodies referred to in (1).

(3) Apart from the government bodies referred to in (1), the Commission for Consumer Protection may appeal also for collaboration from all other central and territorial government bodies as well as from the local government bodies.

**Article 198.** (1) Prior to the commencement of a check, the Commission for Consumer Protection shall advise the bodies referred to in Article 197 in writing of the type of collaboration required. The Commission for Consumer Protection may appeal for information from the relevant body in relation to the check at hand, as well as for designated officials to participate in it.

(2) The body appealed to shall be required to supply the Commission for Consumer Protection with the information requested and shall designate officials to participate in the check at hand.

(3) Where control activities need to be carried out as a matter of urgency, the chief executives of the relevant administrations shall provide any assistance requested by the Commission for Consumer Protection as soon as possible.

**Article 199.** (1) Where another control body intends to carry out checks of retailers of bottled spirit drinks, it may appeal, if necessary, for collaboration from the Commission for Consumer Protection. Such collaboration may be in the form of providing information and/or participation of designating officials from the Commission for Consumer Protection in carrying out control activities.

(2) The control bodies referred to in (1) shall be required to inform the Commission for Consumer Protection of their findings within 7 days of any inspection's completion.

**Article 200.** All procedures for transportation and disposal of excise goods abandoned to the State, seized or confiscated under the Excise Duties and Tax Warehouses Act, as well as confiscated ethyl alcohol of agricultural origin, distillates, and spirit drinks, shall be carried out by the competent body which seized them under the control of the customs authorities in keeping with Ordinance No. 7 of 2010 on the disposal of excise goods abandoned to the State, seized or confiscated (SG No. 72/2010) and in accordance with the Excise Duties and Tax Warehouses Act.

## **Chapter Twelve**

### **ADMINISTRATIVE AND PENAL PROVISIONS**

**Article 201.** If a person produces, advertises, sells or offers for sale, or holds with a view to produce or sell on premises for the production, treatment, processing, storage, or packing, or in vehicles, raw materials and inputs for the production of wine and/or wine-sector products whose production process did not comply with the requirements of Article 54 (1), such person shall be guilty of an offence and liable to a fine of BGN 10,000 to 30,000 in the case of natural persons and to a penalty of BGN 30,000 to 100,000 in the case of legal persons and sole proprietors, respectively.

**Article 202.** If a person transports, sells or releases for consumption wine and/or wine-sector products, or imported wine-sector products in violation of the transportation, labelling, and presentation provisions laid down in Article 75 to 77, Article 79, 80, 82, 83, 86 to 90, Article 92 to 98, Article 101 to 104, Article 110, and Article 116 (1), (3), and (4), such person shall be guilty of an offence and liable to a fine of BGN 1,000 to 5,000 in the case of natural persons and to a penalty of BGN 5,000 to 10,000 in the case of legal persons and sole proprietors, respectively.

**Article 203.** If a person uses, in the description and presentation of wine and/or wine-sector products, an assumed name or business name; and/or assumed/fictitious domicile and/or registered office address of a producer, bottler, wine cellar or other business unit, such person shall be guilty of an offence and liable to a fine of BGN 3,000 to 10,000 in the case of natural persons

and to a penalty of BGN 10,000 to 30,000 in the case of legal persons and sole proprietors, respectively.

**Article 204.** If a person violates the provisions of Article 47 (1), Article 48 and 50, such person shall be liable to a fine of BGN 3,000 to 10,000 in the case of natural persons and to a penalty of BGN 10,000 to 30,000 in the case of legal persons and sole proprietors, respectively.

**Article 205.** (Supplemented, SG No. 26/2014) If a person offers for sale or releases for consumption wines and/or wine-sector products and/or vinegar purchased from traders not registered under the provisions of this Act, such person shall be liable to a fine of BGN 3,000 to 10,000 in the case of natural persons and to a penalty of BGN 10,000 to 30,000 in the case of legal persons and sole proprietors, respectively.

**Article 206.** (Supplemented, SG No. 26/2014) If a person violates the provisions of Article 10 (2), Article 15 (6), Article 16 (1), (2), (8), and (14), Article 18 (7), Article 19 (1) and (2), Article 20 (9), Article 26 (6), Article 30 (2), Article 33 (1), Article 36, Article 39 (3), Article 41 to 43, Article 45 (1), Article 54 (4), (5), and (7), Article 55, Article 56 (1) and (2), Article 57 (2) and (3), Article 59 and 60, Article 61 (1) and (2), Article 62 (2), (3), (5), and (6), Article 63 and 64, Article 65 (1) and (2), Article 69 and 70, Article 71 (2), Article 75 (2), (4) to (6), Article 77 (1), and Article 181 (3), such person shall be liable to a fine of BGN 500 to 1,000 in the case of natural persons and to a penalty of BGN 2,000 to 10,000 in the case of legal persons and sole proprietors, respectively.

**Article 207.** (1) (Supplemented, SG No. 26/2014) Where an administrative penalty is imposed for a violation of Article 33 (1), Article 36, Article 39 (3), Article 41, Article 56 (1) and (2), Article 57 (2) and (3), Article 59 and 60, Article 61 (1) and (2), Article 62 (2), (3), (5), and (6), Article 65 (1) and (2), Article 69 and 70, Article 75 (2), (4) to (6), and Article 77 (1), the VWEA shall, if needed, impose an administrative enforcement measure and seal the facility or facilities and/or the wine-making vessel or vessels where the violation is ascertained.

(2) The administrative enforcement measure provided for in (1) above shall be cancelled by the same body which imposed it at the request of the sanctioned person and only after he/she has provided satisfactory evidence that the fine or penalty has been paid up in full and that all irregularities have been fixed.

**Article 208.** If a person produces, advertises markets or sells ethyl alcohol and distillates used in the preparation of spirit drinks, whose production process did not comply with the requirements of Regulation (EC) No. 110/2008 and of Article 121 and 128, such person shall be guilty of an offence and liable to a fine or penalty of BGN 3,000 to 30,000.

**Article 209.** If a person produces, advertises markets or sells spirit drinks with sales denominations classified under categories 1 to 46 laid down in Annex II to Regulation (EC) No. 110/2008, where such drinks do not conform to the requirements of the said categories and of Article 122, such person shall be liable to a fine or penalty of BGN 3,000 to 30,000.

**Article 210.** If a person produces, advertises markets or sells products and drinks covered in Article 123, which do not conform to the requirements of this Act, such person shall be liable to a fine or penalty of BGN 3,000 to 30,000.

**Article 211.** If a person produces, advertises markets or sells spirit drinks and products non-compliant with the requirements of Regulation (EC) No. 110/2008 and with the technical specification files as provided for in Article 142, such person shall be liable to a fine or penalty of BGN 3,000 to 30,000.

**Article 212.** If a person markets or sells spirit drinks in violation of Article 131, such person shall be guilty of an offence and liable to a fine or penalty of BGN 3,000 to 30,000.

**Article 213.** (1) (Previous text of Article 213, SG No. 9/2017, effective 26.01.2017) If a person produces ethyl alcohol of agricultural origin, distillates and spirit drinks without a valid registration in the register provided for in Article 132 (2), or carries out such production activities in violation of Article 132 (6), such person shall be liable to a fine or penalty of BGN 3,000 to 30,000. (2) (New, SG No. 9/2017, effective 26.01.2017) Any person that fails to fulfil the obligations to register in the register under Article 142a, shall be liable to a fine or penalty of BGN 500 to 5,000. (3) (New, SG No. 9/2017, effective 26.01.2017) Any person that fails to fulfil an obligation under Article 142c shall be liable to a fine or a financial penalty of BGN 200 to 1,000.

**Article 214.** If a person fails to submit, within the time limit laid down in Article 139 (1), notice of change in the particulars as entered in the certificate provided for in Article 132 (4), such person shall be liable to a fine or penalty of BGN 1,000 to 10,000.

**Article 215.** If a person produces ethyl alcohol of agricultural origin, distillates and spirit drinks without a certified technical specification file as provided for in Article 142, such person shall be liable to a fine or penalty of BGN 1,000 to 10,000.

**Article 216.** If a person fails to meet his/her obligation to timely file a declaration or summary information as provided for in Articles 143, 144, or 145, such person shall be liable to a fine or penalty of BGN 1,000 to 10,000.

**Article 217.** (Amended, SG No. 14/2015) If a person fails to keep registers as per Article 146 (1), or makes entries in registers not duly authenticated or authorised by the Ministry of Economy as per Article 146 (3), or enters incorrect data, or fails to present the registers for verification within the time limit set out in Article 146 (10), such person shall be liable to a fine or penalty of BGN 1,000 to 30,000.

**Article 218.** If a person produces spirit drinks with a geographical indication in violation of the provisions of Regulation (EC) No. 110/2008 and of Article 155 (1), such person shall be guilty of an offence and liable to a fine or penalty of BGN 3,000 to 100,000.

**Article 219.** If a person produces, advertises, markets or sells spirit drinks in violation of the provisions regarding the description, presentation, labelling, and marketing of spirit drinks laid down in Regulation (EC) No. 110/2008 and in Articles 164 to 166, 170, 172, and 173, such person shall be liable to a fine or penalty of BGN 3,000 to 50,000.

**Article 220.** If a person uses, in the description and presentation of spirit drinks, an assumed name or business name; and/or assumed/fictitious domicile and/or registered office address of a producer, bottler, wine cellar or other business unit, such person shall be liable to a fine or penalty of BGN 10,000 to 30,000.

**Article 221.** If a person falsifies or forges particulars of spirit drinks and products covered in Article 120 on labels, commercial documents, and on packaging, such person shall be liable to a fine or penalty of BGN 10,000 to 30,000.

**Article 222.** If a person uses a trade mark, signs or other indications on the labelling, containers, and/or packaging of spirit drinks, which imply that the products originated locally or is an imported product and which misleadingly indicate unauthentic origin, such person shall be liable to a fine or penalty of BGN 3,000 to 100,000.

**Article 223.** If a person places on the market, for sale or consumption, ethyl alcohol of agricultural origin, distillates and spirit drinks, purchased from producers not on the register provided for in Article 132 (2), such person shall be liable to a fine or penalty of BGN 10,000 to 30,000.

**Article 223a.** (New, SG No. 26/2014) If a person produces, markets, sells, inputs or offers for consumption vinegar in violation of this Act, such person shall be liable to a fine of BGN

1,000 to 5,000 in the case of natural persons and to a penalty of BGN 5,000 to 10,000 in the case of legal persons and sole proprietors, respectively.

**Article 224.** (1) Fines and penalties for any offence covered in Articles 201 to 223, which is a repeat offence, shall be doubled.

(2) An offence shall be deemed a repeat offence if committed within one year following the entry into force of the administrative penalty order whereby a person was penalised for same type of offence.

**Article 225.** All offending goods as well as any materials, tools, and equipment used to commit offences covered in Articles 201 to 223 shall be confiscated.

## **ADDITIONAL PROVISION**

### **§ 1.** Within the meaning of this Act:

1. "Alcoholic strength" means the number of volumes of pure alcohol contained in the products concerned expressed in percentages by volume.
2. "Flavourings" means products not intended to be consumed as such, which are added to food in order to impart odour and/or taste or to modify odour and/or taste.
3. "Flavouring preparation" means a product, other than a flavouring substance, obtained from:
  - a) food by appropriate physical, enzymatic or microbiological processes either in the raw state of the material or after processing, and/or
  - b) material of vegetable, animal or microbiological origin, other than food, by appropriate physical, enzymatic or microbiological processes.
4. "Flavouring substance" means a defined chemical substance with flavouring properties.
5. "Safe" are those wines, grape and wine products, and spirit drinks, which do not contain, or contain just within statutory norms, physical and/or chemical and/or biological, and/or radiological contaminants or supplements and which therefore, under normal and proper consumption, cannot cause toxic, carcinogenic, mutagenic, or allergic damage, injury, or any other harm to human health.
6. "Bottler" means a natural or legal person or a group of such persons carrying out putting the products in question up for commercial purposes in containers, or having bottling carried out on their behalf.
7. "Wine year" means the period from 1 August of the current year to 31 July of the following year.
8. "Wine" shall be the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.
9. "Wine of overripe grapes" means the product which: is produced without enrichment and has a natural alcoholic strength of more than 15 % vol., has a total alcoholic strength of not less than 15 % vol. and an actual alcoholic strength of not less than 12 % vol.
10. "Wine from raisined grapes" means the product which is produced without enrichment, from grapes left in the sun or shade for partial dehydration; has a total alcoholic strength of at least 16 % vol. and an actual alcoholic strength of at least 9 % vol.; has a natural alcoholic strength of at least 16 % vol. (or 272 grams sugar/litre).
11. "Wine making" ("Vinification") means the processing of fresh grapes, whether or not crushed, of grape must, of partially fermented grape must, of grape juice or of new wine still in fermentation into wine by means of total or partial alcoholic fermentation.
12. (Amended, SG No. 26/2014) "Vinegar" means the product obtained by acetous fermentation or alcohol and acetous fermentation of wine, fruit (any part of them and/or juice), fruit wine, and ethyl alcohol of agricultural origin. Depending on the raw material, vinegar is:
  - (a) "wine vinegar", obtained exclusively by acetous fermentation of wine and having a total acidity of not less than 60 grams per litre expressed as acetic acid;
  - (b) "fruit vinegar", produced by acetous fermentation of fruit wine or alcohol and acetous fermentation of fruit and having a total acidity of not less than 45 grams per litre expressed as acetic acid;

- (c) "alcohol vinegar" produced by acetous fermentation of ethyl alcohol of agricultural origin and having a total acidity of not less than 60 grams per litre expressed as acetic acid;
- (d) "balsamic vinegar", produced by wine vinegar with addition of concentrated grape must and/or rectified concentrated grape must with total acidity of not less than 60 grams per litre expressed as acetic acid.
13. "Wine lees" means the residue accumulating in vessels containing grape must or wine after fermentation, during storage or after authorised treatment, as well as the residue obtained from filtering or centrifuging the product.
14. "Wine vineyards" means a parcel of land having fixed boundaries and planted with permanent crops of wine grape varieties, whether or not in production.
15. "Vines of wine-grape varieties" are vines whose grapes are intended for processing into wine or juice. Grapes of wine-grape varieties have fruity taste, and in some - muscadine flavour which lingers into the wine bouquet.
16. "Wine grapes" means the fruit of wine-grape vines.
17. "Wine cellar" means a production structure where wine making is carried out.
18. "By-products" means grape marc (pomace) and grape lees.
19. "Grape marc" means the residue (solid remains) from the pressing of fresh grapes, whether or not fermented.
20. "Grape must" means the liquid product obtained naturally or by physical processes from fresh grapes having an actual alcoholic strength of not more than 1 % vol.
21. "Grape juice" means the unfermented liquid product having actual alcoholic strength of not more than 1 % vol. which is obtained by appropriate treatment rendering it fit for consumption as it is. Grape juice is obtained from:
- a) from fresh grapes or from grape must;
- b) by reconstitution from concentrated grape must or concentrated grape juice.
22. "Actual alcoholic strength by volume" means the number of volumes of pure alcohol contained at a temperature of 20° C.
23. "Denaturing" is a procedure whereby sodium chloride or lithium chloride is added to winemaking by-products thereby rendering them unfit for consumption.
24. "Distillery" is a facility where distillation of products containing alcohol is carried out with a view to obtaining distillates.
25. "Good agrotechnical condition of vines" is the state of a vineyard with at least 60 % of live vines belonging to the *Vitis vinifera* species in apparently good phytosanitary condition subjected to proper and regular cultivation such as hoeing both in the vine row and in the interval between vine rows, pruning operations, and where a grape trellis is available and in good condition.
26. "Best practices" means the system of key sanitary and technological rules applicable to the production and marketing of wine grapes, wine, spirit drinks and other grape or wine products, with a view to reducing the risk of product contamination due to production or to human activity to a tolerable minimum.
27. "Experiment" means an operation or operations carried out in the context of a well-defined research project with a single experimental protocol.
28. "Oenologist" means a graduate engineer holding a bachelor's or master's degree in wine technology or having an equivalent education.
29. "Oenological practices" are specific processes in the production of grape must, grape must in fermentation, partially fermented grape must, fresh grape must with fermentation arrested by the addition of alcohol, concentrated grape must, rectified grape must, wines, new wines still in fermentation, wine suitable for yielding table wine, sparkling wines and special wines
30. "Natural alcoholic strength by volume" means the total alcoholic strength by volume of a product before any enrichment.
31. "Natural flavouring substance" means a flavouring substance obtained by appropriate physical, enzymatic or microbiological processes from material of vegetable, animal or microbiological

origin in the raw state. Natural flavouring substances correspond to substances that are naturally present and have been identified in nature

32. "Labelling" means any words, particulars, trademarks, brand name, pictorial matter or symbol placed on any packaging, document, notice, label, ring or collar accompanying or referring to a given product.

33. "Planting" means the definitive establishment of vine plants or parts of vine plants, whether or not grafted, with a view to producing grapes or to establishing a graft nursery.

34. "Wine lees in good condition and of acceptable quality" are lees without any deviation in colour and/or flavour, which are safe.

35. "Withdrawal of by-products under supervision" is an activity whereby by-products of wine-making are denatured to make their use in winemaking impossible and withdrawn from the vinification site or delivered to another site for distillation.

36. "Consignor" is the person holding legally wine-sector products, alcohol, distillates, and spirit drinks and carrying out transportation of wine products, or having transportation carried out on their behalf.

37. "Abandoned wine-growing area" means an area of land under vines which is no longer subjected to regular cultivation with a view to obtaining a marketable product.

38. "Semi-sparkling wine" means the product which is obtained from wine provided that such wine has a total alcoholic strength of not less than 9 % vol., has an actual alcoholic strength of not less than 7 % vol., has an excess pressure, due to endogenous carbon dioxide in solution of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20° C in closed containers; and is put up in containers of 60 litres or less.

39. "Aerated semi-sparkling wine" means the product which is obtained from wine and has an actual alcoholic strength of not less than 7 % vol. and a total alcoholic strength of not less than 9 % vol., has an excess pressure of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20° C in closed containers due to carbon dioxide in solution which has been wholly or partially added and is put up in containers of 60 litres or less.

40. "Quality aromatic sparkling wines" means quality sparkling wines having actual alcoholic strength not less than 6 % vol. and total alcoholic strength not less than 10 % vol., obtained only by making use, when constituting the cuvée, of grape must or grape must in fermentation, which are derived from specific aromatic wine grape varieties. Quality aromatic sparkling wines, traditionally produced, use wines when constituting the cuvée. The excess pressure, due to carbon dioxide in solution, is not less than 3 bar when kept at a temperature of 20° C in closed containers.

41. "Quality sparkling wine" means the product obtained by first or second alcoholic fermentation from fresh grapes, grape must, or wine, which, when the container is opened, releases carbon dioxide derived exclusively from fermentation and which has an excess pressure, due to carbon dioxide in solution, of not less than 3,5 bar when kept at a temperature of 20° C in closed containers. The total alcoholic strength of the cuvées intended for their preparation shall not be less than 9 % vol.

42. "Concentrated grape must" means the product obtained by partial dehydration of grape must carried out by any authorised method other than by direct heat in such a way that the figure indicated by a refractometer at a temperature of 20° C is not less than 50,9 %. Concentrated grape must shall be obtained exclusively from classifiable wine grape varieties and shall have an actual alcoholic strength of not more than 1 % vol.

43. Rectified concentrated grape must shall be the liquid uncaramelised product which is obtained by partial dehydration of grape must carried out by any authorised method other than direct heat in such a way that the figure indicated by a refractometer at a temperature of 20° C is not less than 61,7 %. The raw material for this product shall have undergone authorised treatment for de-acidification and elimination of constituents other than sugar. The raw material shall be obtained exclusively from classifiable wine grape varieties and shall have an actual alcoholic strength of not more than 1 % vol.



44. "Concentrated grape juice" means grape juice obtained by partial dehydration of grape juice carried out by any authorised method other than by direct heat in such a way that the figure indicated by a refractometer at a temperature of 20°C is not less than 50,9 %. The actual alcoholic strength of the concentrated grape juice is not more than 1 % vol.
45. "Coupage" means the mixing of wines or musts of different origins, different vine varieties, different harvest years or different categories of wine or of must. The following shall be regarded as different categories of wine or must:
- (a) red wine, white wine and the musts or wines suitable for yielding one of these categories of wine;
  - (b) wines without a protected designation of origin or geographical indication, wines with a protected designation of origin (PDO) and wines with a protected geographical indication (PGI) as well as musts or wines suitable for yielding one of these categories of wine.
3. The following shall not be regarded as "coupage":
- (a) enrichment by the addition of concentrated grape must or rectified concentrated grape must;
  - (b) sweetening.
47. "Liqueur wine" is the product which has an actual alcoholic strength of not less than 15 % vol. and not more than 22 % vol.; which has a total alcoholic strength of not less than 17,5 % vol., which is obtained from grape must in fermentation, wine, or a combination of the above products, which has an initial natural alcoholic strength of not less than 12 % vol.; to which has been added individually or in combination neutral alcohol of vine origin, including alcohol produced from the distillation of dried grapes, having an actual alcoholic strength of not less than 96 % vol., wine or dried grape distillate, having an actual alcoholic strength of not less than 52 % vol. and not more than 86 % vol. To adjust the sugar content, the following products may also be added where appropriate: partially fermented grape must obtained from raisined grapes, concentrated grape must obtained by the action of direct heat, complying, with the exception of this operation, with the definition of concentrated grape must, concentrated grape must, or a combination of the above products.
48. "Vine" is a fruiting plant yielding grapes eaten raw (table grape varieties) or processed into wine (wine grape varieties).
49. "Wine products" are wine grapes intended for the production of wine, grape must, products obtained from grapes and wine, and the products covered in Annex No. 1.
50. "Wine-growing zone C II" comprises areas under vines within the northern "Danubian Plain" wine-growing region (Dunavska ravnina), the eastern "Black Sea" wine-growing region (Chernomorski), and the "Rose Valley" Sub-Balkan wine-growing region.
51. "Wine-growing zone C III (a)" comprises areas under vines within the southern "Thracian Plain" wine-growing region (Trakiyska nizina) and the south-western "Struma Valley" wine-growing region (Dolinata na Struma).
52. "Vineyard plot" means a parcel of arable land having fixed boundaries and planted with vineyards, whether or not in production.
53. "Vineyard parcel" means arable land as defined in Article 2 (1) a of Commission Regulation (EC) No. 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulations (EC) No. 1782/2003 and (EC) No. 73/2009, as well as for the implementation of cross-compliance provided for in Regulation (EC) No. 479/2008, which is planted with vines.
54. "Wine-growing region" means an aggregate of territories featuring similar and particular natural conditions, plants of distinctive varietal composition and cultivation techniques, and well-established wine-growing traditions.
55. "Vineyard holding" means a single unit, both technically and economically, which has a single management, located within the territory of a single wine-growing region, which consists of vine-growing estates and where the producer of wine grapes owns the vine-growing estates or uses the said estates on another legal ground

56. "Vineyard" means a parcel of arable land having fixed boundaries and planted with permanent crops of vines intended for grape growing or for other experimental purposes, scientific research or selection work.
57. "Local wine grape vines" are vine plants originating originally from the indigenous wild vine by natural selection, which are grown solely in the Republic of Bulgaria.
58. "New wine still in fermentation" means the product in which the alcoholic fermentation is not yet complete and which is not yet separated from its lees.
59. "National Reserve of Wine Grape Planting Rights" means the aggregate of planting rights created, replenished, and managed with a view to improve and regulate the winegrowing potential.
60. "Total alcoholic strength by volume" means the sum of the actual and potential alcoholic strengths.
61. "Designation of distillation facilities" shall be the physical separation of wine-making facilities from those used for distillation, for purposes of control.
62. "Sparkling wine" means the product, which is obtained by first or second alcoholic fermentation from fresh grapes, grape must, or wine, which, when the container is opened, releases carbon dioxide derived exclusively from fermentation, and which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20° C in closed containers. The total alcoholic strength of the cuvées intended for their preparation shall not be less than 8,5 % vol.
63. "Aerated sparkling wine" means the product which is obtained from wine without a protected designation of origin or a protected geographical indication; which releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas. The excess pressure, due to carbon dioxide in solution, is not less than 3 bar when kept at a temperature of 20° C in closed containers.
64. "Fruit wine" means wine obtained from the total or partial alcoholic fermentation of fruits other than grapes.
65. "Potential alcoholic strength by volume" means the number of volumes of pure alcohol capable of being produced by total fermentation of the sugars contained in the product.
66. "Release for consumption" means selling a product manufactured and marketed with a view to meeting certain needs and/or necessities of the general public according to their tastes and preferences.
67. "Presentation" means any information conveyed to consumers by virtue of the packaging of the product concerned including the form and type of bottles.
68. "Replanting" of is an activity involving grubbing-up an existing vineyard and planting the same area with new vine plants of the same or different varietal composition.
69. "Grafting or graftage" means the technique whereby the varietal composition of an existing vineyard is changed by inserted (grafting) tissues from one plant (scion) into those of another (rootstock).
70. "Vineyard relocation" is an activity whereby an existing vineyard is grubbed-up and another area of the same size is planted with or without a change in the varietal composition.
71. "Fresh grapes" means the fruit of the vine used in making wine, ripe or even slightly raisined, which may be crushed or pressed by normal wine-cellar means and which may spontaneously produce alcoholic fermentation.
72. "Fortified wines" means products:
- (a) having an actual alcoholic strength of not less than 18 % vol. and not more than 24 % vol.;
  - (b) obtained exclusively by the addition to wine containing no residual sugar of an unrectified product derived from the distillation of wine and having a maximum actual alcoholic strength of 86 % vol.;
  - (c) having a maximum volatile acidity of 1,5 grams per litre, expressed as acetic acid.

73. "Family consumption" shall denote wine and rakya produced for non-commercial purposes, obtained from own grapes and/or fruits, limited in quantity, and intended for single-household consumption.
74. "Certificate of authenticity" is a document certifying the compliance of a particular quantity of grape rakya or wine brandy with the production requirements and the requisite typical organoleptic characteristics.
75. "Certificate of origin" shall be a document certifying the origin of a particular quantity of grapes or quality wine produced in a specified region.
76. "Synthetic alcohol/spirits" shall be a liquid alcoholic product obtained by methods other than fermentation, distillation or rectification of raw materials of agricultural origin, whose water content does not originate from the raw materials used and whose physico-chemical indicators do not comply with those specified in Annex I to Regulation (EC) No. 110/2008.
77. "Hazard Analysis and Critical Control Point (HACCP) system" is a system of procedures for the exercise of autonomous control and assurance of the safety of products for human health, in compliance with the provisions of the Codex Alimentarius.
78. "Fresh grape must with fermentation arrested by the addition of alcohol" is a liquid product with an actual alcoholic strength of not less than 12 % vol. and not more than 15 % vol., obtained by addition to unfermented grape must, which has a natural alcoholic strength of not less than 8,5 % vol. and exclusively derived from grapes of classifiable or recommended wine grape varieties:
- a) either of neutral alcohol of vinous origin, including alcohol obtained from the distillation of dried grapes, having an actual alcoholic strength of not less than 80 % vol.;
  - b) or of an unrectified product derived from the distillation of wine and having an actual alcoholic strength of not less than 52 % vol. and not more than 80 % vol.
79. "Third country" is any country which is not a member of/in the European Union.
80. "Sales denomination" is the name under which a spirit drink is marketed and sold.
81. "Unique registration number (URN) in the Integrated Administration and Control System (IACS)" is a number assigned upon registration under Article 33 (3) of the Agricultural Producers Support Act.
82. "Cuvee" means the grape must, the wine, the mixture of grape musts and/or wines with different characteristics, intended for the preparation of a specific type of the sparkling wines.
83. "Force majeure" means the occurrence of a superior or irresistible power, or exceptional circumstances such as the producer's demise or long-term professional incapacity, or a severe natural disaster substantially affecting a vineyard holding.
84. "Partially fermented grape must" shall be the liquid product obtained from the fermentation of grape must which has an actual alcoholic strength of more than 1 % vol. but less than three fifths of its total alcoholic strength by volume.
85. "Partially fermented grape must extracted from overripe grapes" shall be the liquid product obtained from overripe grapes, the total sugar content of which before fermentation is at least 272 grams per litre; which has undergone partial fermentation; and the natural and actual alcoholic strength of which shall not be less than 8 % vol.

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 2. The Wine and Spirits Act (promulgated, SG No. 86/1999, amended, No. 56/2002, Nos. 16, 108, and 113/2004, No. 99 and 105/2005, No. 18, 30, 34, 51, and 80/2006, No. 53/2007, No. 36/2008, No. 82/2009 and No. 99/2011) is hereby repealed.

§ 3. (1) The Council of Minister shall adopt the Implementing Rules for this Act within three months from its date of effect.

(2) (Amended, SG No. 14/2015) The Minister of Finance and the Minister of Economy shall issue the ordinance provided for in Article 152 within 6 months from this Act's date of effect.

§ 4. Regulations issued on the basis of the Wine and Spirits Act repealed hereby, shall continue to apply as far as they do not contradict this Act.

§ 5. The National Vine and Wine Chamber shall, within 1 month from this Act's date of effect, submit to the Vine and Wine Executive Agency the Register of Wine Growers and Winemakers provided for in Article 40 (1) of the Wine and Spirits Act repealed hereby in both electronic and paper format.

§ 6. (1) Wine growers and winemakers on the register provided for in Article 40 (1) of the Wine and Spirits Act repealed hereby shall, within 6 months from this Act's date of effect, re-register in accordance with the requirements hereof.

(2) The persons referred to in (1) above shall file a registration application as provided for in Article 27 (6) within 6 months from this Act's date of effect.

(3) Pending re-registration, the persons referred to in (1) above may carry out the activities covered hereby with their certificates of registration issued under the Wine and Spirits Act repealed hereby.

(4) After the expiration of the time limit set out in (1) above, the activities covered hereby may be carried out solely by wine growers and winemakers entered in the register provided for in Article 27, and all certificates of registration issued under the repealed Wine and Spirits Act shall be nulled and voided.

§ 7. (1) Following the entry of this Act into force, rights from areas under wine grape vines from the register of vineyard holdings with ex-officio registration under Article 23a (10) of the Wine and Spirits Act repealed hereby shall be transformed into wine grape vines planting rights.

(2) The VWEA shall, within 1 month from this Act's date of effect, transfer the ex-officio registration rights to the National Reserve of wine grape planting rights.

§ 8. (1) The "Bulgarian Wine" Fund with the National Vine and Wine Chamber is hereby closed. The National Vine and Wine Chamber shall, within 6 months from this Act's date of effect, refund the winemakers' voluntary annual contributions in the amount as set by the general assembly of the NVWC.

§ 9. The rights of all persons on the register of producers of alcohol, distillates, and spirit drinks under the Wine and Spirits Act repealed hereby shall subsist.

§ 10. This Act shall enter into force three months from its publication in the Official State Gazette except for Article 146, which shall enter into force on 1 January 2013.

This Act was passed by the 41st National Assembly on 31st May 2012 and bears the official seal of the National Assembly.

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FINAL PROVISIONS of the Amendment  
and Supplement Act to the Wine and Spirits Act  
(SG No. 26/2014)

§ 12. The Minister of Agriculture and Food shall issue the ordinance provided for in Article 57 (3) within 3 months of the entry into force of this Act.

.....

TRANSITIONAL AND FINAL PROVISIONS  
to the Act to Amend the Act on the Prohibition of Chemical Weapons  
and on Control of Toxic Chemicals and the Precursors Thereof  
(SG No. 14/2015)

§ 13. In the Wine and Spirit Drinks Act (promulgated, SG No. 45 of 2012; amended, No. 15 of 2013 and No. 26 of 2014) everywhere in the text the words "the Ministry of Economy, Energy and Tourism" and "Minister of Economy, Energy and Tourism", shall be replaced by "the Ministry of Economy" and "Minister of Economy", respectively.

.....

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend the Act on the Excise Duties and Tax Warehouses Act  
(SG No. 9/2017, effective 26.01.2017)

.....

§ 8. Persons, which up to the date of entry into force of this Act were engaging in the activities under Article 142a(1) of the Wine and Spirit Drinks Act, shall register within three months of the entry into force of this Act.

.....

#### FINAL PROVISIONS

to the Act to Amend the Bulgarian Food Safety Agency Act  
(SG No. 58/2017, effective 18.07.2017)

.....

§ 10. In the Wine and Spirit Drinks Act (promulgated, SG No. 45 of 2012; amended, No. 15 of 2013 and No. 26 of 2014, No. 14 and 61 of 2015 and No. 9 of 2017) everywhere in the text the words "The Ministry of Agriculture and Food", "The Minister of Agriculture and Food" shall be replaced by "The Ministry of Agriculture, Food and Forestry", "The Minister of Agriculture, Food and Forestry", respectively.

.....

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act amending the Seed Stock and Planting Stock Act  
(SG No. 17/2018, effective 23.02.2018)

.....

§ 37. (1) Within two months of the entry of this Act into force the relevant administrative authorities, within their competencies, shall approve with orders standard forms of the documents under this Act and shall publish such standard forms on the web-sites of the respective administrations.

(2) By 31 December 2019 the relevant administrative authorities shall bring the public registers kept by the relevant administrations in line with the Electronic Government Act and the secondary statutory instruments for its implementation.

.....

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement  
the Agricultural Producers Support Act  
(SG No. 102/2022, effective 1.01.2023)

.....

§ 44. In the Wine and Spirit Drinks Act (promulgated, SG No. 45 of 2012; amended, No. 15 of 2013 and No. 26 of 2014, No. 14 and 61 of 2015, No. 9 and 58 of 2017, No. 17, 77 and 98 of 2018 and No. 51 of 2020) everywhere in the text the words "The Ministry of Agriculture, Food and Forestry", "The Minister of Agriculture, Food and Forestry" and "Minister of Agriculture, Food and Forestry" shall be replaced by "The Ministry of Agriculture", "The Minister of Agriculture" and "Minister of Agriculture, Food and Forestry", respectively.

.....

**Annex No. 1**

to Article 34, paragraph 1

**CATEGORIES OF GRAPEVINE PRODUCTS**

1. Wine
2. New wine still in fermentation
3. Liqueur wines
4. Sparkling wines
5. Quality sparkling wines
6. Quality aromatic sparkling wines
7. Aerated sparkling wine
8. Semi-sparkling wine
9. Aerated semi-sparkling wine
10. Grape must
11. Partially fermented grape must
12. Partially fermented grape must extracted from raisined grapes
13. Concentrated grape must
14. Rectified concentrated grape must
15. Wine from raisined grapes
16. Wine of overripe grapes
17. Aromatised wine
18. Aromatized wine-based drink
19. Aromatized wine-product cocktail
20. Wine vinegar

**Annex No. 2**

to Article 34, paragraph 2

**INDICATION OF SUGAR CONTENT**

Part I. List of terms to be used to indicate the sugar content of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine

Terms	Conditions of use
1	2
brut nature	If its sugar content is less than 3 grams per litre; this term may be used only for products to which no sugar has been added after the secondary fermentation.
extra brut	If its sugar content is between 0 and 6 grams per litre.
brut	If its sugar content is less than 12 grams per litre
extra dry	If its sugar content is between 12 and 17 grams per litre
dry	If its sugar content is between 17 and 32 grams per litre.
medium dry	If its sugar content is between 32 and 50 grams per litre

sweet	If its sugar content is greater than 50 grams per litre
-------	---

Part II. List of terms to be used to indicate the sugar content of products other than those listed in Part A

Terms	Conditions of use
1	2
dry	If its sugar content does not exceed: — 4 grams per litre, or — 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content.
medium dry	If its sugar content exceeds the maximum set at above but not exceeds: — 12 grams per litre, or — 18 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 10 grams below the residual sugar content.
medium sweet	If its sugar content is higher than the maximum set at above but not more than 45 grams per litre
sweet	If its sugar content is at least 45 grams per litre.

Annex No. 3

to Article 98

PICTOGRAM REFERRED TO IN ARTICLE 98



Annex No. 4

to Article 123, paragraph 17

**KEY PHYSICAL AND CHEMICAL CHARACTERISTICS OF  
TRADITIONAL BULGARIAN SPIRIT DRINKS AND PRODUCTS**

<b>Component (Maximum level of residues in)</b>	Wine <i>rakya</i>	Grap e <i>rakya</i>	Grap e marc <i>rakya</i>	Fruit <i>rakya</i>	Fruit marc <i>rakya</i>	Wine distillat e	Grain distillat e	Fruit distillat e	Spirit drinks, obtained from ethyl alcohol of agricultural origin
Methanol (g/hL AA)	< 200	< 200	< 1000	< 1000	< 1500	< 200	< 100	< 1000	< 30 (< 10 for Vodka)
Volatile substances in (g/hL AA), incl. total acidity, esters, higher alcohols, aldehydes	≥ 125	≥ 125	≥ 140	≥ 200	≥ 200	≥ 125	≥ 65	≥ 200	Meet statutory norms for ethyl alcohol of agricultural origin *
Furfural in (g/hL AA)	< 3	< 3	< 3	< 3	< 3	< 3	< 6	< 3	not detectable
Cyanides in (g/hL AA)	< 0,025	< 0,025	< 0,025	< 7	< 7	< 0,025	< 0,025	< 7	not detectable

\* Spirit drinks with added flavourings may deviate from the statutory requirements for volatile substances: total acidity, esters, higher alcohols, and aldehydes.

g/hL AA - grams per hectolitre of 100 % vol. alcohol

AA - absolute alcohol, or anhydrous ethanol, or dehydrated alcohol,  
or 100 % vol. alcohol

< - no more than; up to

> = - equal to or greater than

**Annex No. 5**

to Article 132, paragraph 3



**REGISTER OF PRODUCERS OF ETHYL ALCOHOL OF  
AGRICULTURAL ORIGIN,  
DISTILLATES AND SPIRIT DRINKS**

Entry No.	Name or Business Name of the Registered Producer of Ethyl Alcohol of Agricultural Origin, Distillates and Spirit Drinks	CCI	Domicile, Registered Office Address, and Location of the Production Facility	Registration Certificate Number and Issuance Date
1	2	3	4	5

\* CCI - Common Code for Identification

**Annex No. 6**

to Article 134, item 5

**DECLARATION**

by

.....

.....

*(names and EGN\* of representative, name/business name of producer)*

I hereby declare that I will carry out production of ethyl alcohol of agricultural origin, distillates and spirit drinks in conformity with the requirements of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 and of the Wine and Spirit Drinks Act.

I hereby declare that I am aware of my legal responsibility under Article 313 of the Criminal Code.

Date: .....

Declarant:

.....

City/town/village .....

\* EGN - Civil Registry Number, or Personal ID number

**DECLARATION FOR THE QUANTITIES AND TYPES OF ETHYL  
ALCOHOL OF AGRICULTURAL ORIGIN, DISTILLATES AND  
SPIRIT DRINKS PRODUCED, PURCHASED/IMPORTED,  
STOCKED, AND MARKETED**

Name/Business Name:

.....

Domicile & Registered Office Address:

.....

CCI / BULSTAT No.

.....

Particulars of business registration under applicant's domestic law

.....

.....

Number & date of certificate of registration in the register of producers of  
alcohol, distillates, and spirit drinks

.....

.....

Category of Products	Average Alcohol Strength	Quantities Produced	Quantities Purchased or Imported	Quantities Marketed	Quantities Stored or Warehoused
		(in litres)	(in litres)	(in litres)	(in litres)
1	2	3	4	5	6
1. Ethyl alcohol of agricultural origin:					
1.1. Grain					
1.2. Molasses					
1.3. Wine					
2. Distillate of agricultural origin:					
2.1. Wine:					
2.1.1. unaged					
2.1.2. aged					
2.2. Marc					
2.3. Fruit					

2.4. Grain:					
2.4.1. unaged					
2.4.2. aged					
3. Wine spirit drink					
3.1. Wine <i>rakya</i>					
3.2. Grape <i>rakya</i>					
4. Grape marc <i>rakya</i>					
5. Fruit spirit drink (fruit <i>rakya</i> )					
6. Brandy					
7. Whisky (whiskey)					
8. Liqueurs					
9. Vodka					
10. Gin					
11. Anise-flavoured spirit drink ' <i>Mastika</i> '					
12. Other spirit drinks					
<b>TOTAL</b>					

I hereby declare that I am aware of my legal responsibility under Article 313 of the Criminal Code.

Date: .....

City/town/village.....

Declarant:

.....

**Annex No. 8**

to Article 146, paragraph 1

**REGISTER No. 1**

Entries of Grapes, Fruits, Other Raw Materials, and Inputs for Fermentation and for Technological Purposes

Variety of Grape (Wine), Fruit, Raw Material\* .....

Fermentation Tank No. .... cubic meters .....

\* Strike out whichever does not apply.

Entry No.	Date	Raw Material		Quantity (in t. or in m <sup>3</sup> )	Average Sugar Content	Certificate No., Date & Place of Issue	Supplier, Document No. & Date	Product Intended (Category of Wine, Raw Material)	Quantity of Wine or Other Product Obtained from Fermentation (in m <sup>3</sup> )	Alcohol Strength (in % vol.)	Withdrawals	Remaining		Signature of Technologist in Charge	
		Name	Origin, Geographical Indication									Quantity (in m <sup>3</sup> )	Recorded in Register No. 3 or No. 4; Entry No. & Date		Quantity (in m <sup>3</sup> )
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

REGISTER No. 2  
of Production Operations Carried-Out

Entry No.	Date	Raw Material and Inputs or End Product Used				Raw Material(s) and Inputs Obtained from the Operation				Withdrawals	Remaining		Signature of Technologist in Charge	
		Name of Product Used	Origin, Geographical Indication	Quantity	Composition, Alcohol, Total Extracted	Operation	Name	Quantity	Composition, Alcohol, Total Extracted		Quantity	Recorded in Register No. 4; Entry No. & Date		Quantity
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

REGISTER No. 3  
of By-products Intended for Distillation

Entry No.	Date	By-product	Quantity (in m <sup>3</sup> )	Sugar Content (in % vol.)	Distillate Obtained (type)	Alcohol Strength (in % vol.)	Quantity (in m <sup>3</sup> )	Product Intended	Withdrawals		Remaining		Signature of Technologist in Charge
									Quantity (in m <sup>3</sup> )	Recorded in Register No. 2; Entry No. & Date	Quantity (in m <sup>3</sup> )	Recorded in Register No. 3; Entry No. & Date	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

**REGISTER No. 4**  
of Bottled Output, Products Stocked and Marketed

Entry No.	Date	Sales Denomination of Product/ Origin, Geographical Indication	Container Volume (in l.)	Quantity (No. of Bottles)	Products Stocked, No. and Date of First Entry (Daybook) Source Document	Certificate Issuer/ Certificate No. and Date of Issue	Products Marketed	Buyer, Name of Company or Person	Invoice – No. and Date of Issue	Quantity Remaining	Recorded in Register No. 4; Entry No. & Date	Signature of Technologist in Charge

**Annex No. 9**

to Article 153

Loss/Ullage during Operations with Ethyl Alcohol of Agricultural Origin,  
Distillates, and Spirit Drinks

Entry No	Type of Operation Carried Out	Ullage in %	
		Ethyl Alcohol of Agricultural Origin	Distillates and Spirit Drinks
1.	Filtration	-	0,40
2.	Transfer from one container to another	0,30	0,25
3.	Coupage	-	0,37
4.	Bottling	-	0,50

**Annex No. 10**

to Article 155, paragraph 1, item 3

**ORDER**

No. ....

Sofia, .....

Pursuant to art. .... of the *Wine and Spirit Drinks Act*, I hereby

**APPROVE:**

Spirit drink:

Geographical indication:

Producer(s):

Municipalities within whose territory raw material used to produce the spirit drink is obtained:

Area under vines or fruit crops in production:

Variety/varieties:

Characteristics of the grapes or fruit:

Description of authentic and unvarying local methods of producing the spirit drink:

To obtain approval for the spirit drink ..... with a geographical indication ..... the following documents have been submitted:

1. ....  
(number of the certificate of analysis issued by an accredited laboratory for the key physical and chemical characteristics of the product)
2. ....  
(number of RTC's test report on the organoleptic analysis and assessment)
3. ....  
(number of the certificate of authenticity issued by an officially recognised regional inter-branch organisation within whose territorial range production took place)

This Order may be appealed within 14 days under the provisions of the *Code of Administrative Procedure*.

Minister:

**Annex No. 11**

to Article 172, paragraph 2

**LIST OF SPIRIT DRINKS WITH A GEOGRAPHICAL INDICATION**

**I. Rakya:**

1. Wine and grape rakya: Novo Selo, Vratza, Suhindol, Pavlikeni, Lyaskovetz, Russe, Levski, Ludogorie, Targovishte, Pleven, Veliki Preslav, Shumen, Svishtov, Nikopol, Varna, Euxinograd, Dobrich (Dobrudjanska), Silistra, Tutrakan, Pomorie, Bourgas, Sungurlare, Yambol, Straldja, Sliven, Slavyantzi, Karlovo, Kazanlak, Pazardjik, Stamboliyski, Melnik, Damyanitza, Blagoevgrad, Lyubimetz, Haskovo, Assenovgrad, Sredetz, Parvenetz, Peshtera, Plovdiv and Karnobat.
2. Marc (pomace) rakya: Lovech, Suhindol, Lyaskovetz, Sungurlare, Slavyantzi, Plovdiv, Vinogradetz, Melnik, Damyanitza, Haskovo, Assenovgrad, Svishtov, Sredetz, Peshtera, Straldja and Silistra.
3. Fruit rakya:
  - 3.1. Prune rakya: Teteven, Troyan, Elena, Lovech, Omourtag, Gabrovo and Isperikh.
  - 3.2. Apple rakya: Teteven, Troyan, Kyustendil, Haskovo, Varna, Vidin, Pernik, Isperikh and Dolna Banya.
  - 3.3. Apricot rakya: Silistra, Veliki Preslav, Tervel, Russe, Isperikh, and Varna.
  - 3.4. Pear rakya: Kyustendil ("Williams"), Lovech and Isperikh.
  - 3.5. Peach rakya: Sliven.
  - 3.6. Cherry rakya: Isperikh, Kyustendil, Haskovo, Kuklen, Aytos and Karnobat.
  - 3.7. Raspberry rakya: Isperikh and Lovech.
- II. Brandy: Euxinograd, Pliska, Pomorie, Pliska-Aheloy, Veliki Preslav, Madara, Silistra, Varna, Karnobat, Lyaskovetz and Lovech.

**Annex No. 12**

to Article 129

**AUTHORISED PRODUCTION PRACTICES IN THE PRODUCTION OF  
ETHYL ALCOHOL OF  
AGRICULTURAL ORIGIN, DISTILLATES AND SPIRIT DRINKS**

1. Aeration or oxygenation using gaseous oxygen
2. Heat treatment
3. Centrifuging and filtration, with or without an inert filtering agent; use of an agent must not leave undesirable residues in the treated product
4. Use of carbon dioxide (carbon anhydride) and/or nitrogen, separately or a mixture thereof, to create an inert atmosphere and to protect against oxidation
5. Use of enzymes
6. Use of yeasts for fermentation
7. Addition of one or more of the following substances to encourage the growth of yeasts:
  - a) diammonium phosphate or ammonium sulphate, no more than 0,3 g/l;

- b) ammonium sulphite or ammonium bisulphite, no more than 0,2 g/l; such substances may be used together provided their total amount is no more than 0,3 g/l;
- c) thiamine hydrochloride, no more than 0,6 mg/l (expressed in thiamine) for each treatment;
- d) use of preparations of yeast cell walls, no more than 40 g/hl
- 8. Use of foam breakers authorised for use under Article 6 of the Foodstuffs Act
- 9. Use of sulphur dioxide, potassium bisulphite or potassium metabisulphite
- 10. Elimination of sulphur dioxide by physical processes
- 11. Elimination of sulphur dioxide by use of calcium carbonate, calcium hydroxide, sodium hydroxide
- 12. Treatment with charcoal for oenological use
- 13. Clarification by means of one or more of the following substances, suitable for oenological use:
  - a) edible gelatine;
  - b) casein and potassium caseinate;
  - c) bentonite;
  - d) silicon dioxide as a gel or colloidal solution;
  - e) tannin
- 14. Addition of tartaric acid and/or citric acid for acidification purposes
- 15. Use of one or more of the following substances to reduce volatile substances, no more than 2 g/l
  - a) potassium bicarbonate;
  - b) calcium carbonate;
  - c) sodium hydroxide;
  - d) sodium bicarbonate;
  - e) potassium permanganate
- 16. PH adjustment with sodium hydroxide
- 17. Use of ion exchange resins, authorised for use under Article 6 of the Foodstuffs Act, to reduce water hardness
- 18. Elimination of flavouring and appetising substances by means of extraction and/or distillation