

# **The Legality of the European Union's Potential Attempts to Limit the Use of the Term 'Nero d'Avola'**

Lisa Spagnolo  
Caroline Henckels  
Mark Davison  
Aditya Malik  
Debbie Clark  
Maxwell Curtis  
Adam Bennett

Faculty of Law, Monash University & Macquarie Law School, Macquarie University

Final Report  
15 April 2024

This research report was prepared on a pro bono basis at the request of Australian Grape  
and Wine Incorporated and pursuant to Australian Research Council Linkage Project

LP190100624

## Table of contents

<b>Executive Summary</b>	<b>4</b>
<b>What is a Geographical Indication?</b>	<b>4</b>
TRIPS Art 22.1 .....	4
TRIPS Arts 22.2 and 23 .....	4
<b>Can Australia refuse to recognise a GI for Nero d’Avola?</b>	<b>5</b>
<b>The grape variety Nero d’Avola</b>	<b>7</b>
The Historical Origins of Nero d’Avola .....	7
Wine Community Recognition as a Grape Variety .....	7
Further information on Nero d’Avola’s synonym Calabrese .....	9
<b>Status of the terms Nero d’Avola and Avola in Italy and the EU</b>	<b>12</b>
Italy	12
EU Law .....	13
EU GI law	13
Other European Union Regulations and Communications	15
<b>Legal prohibitions on the use of the term Nero d’Avola on wine labelling</b>	<b>15</b>
EU Law .....	15
Art 100(3) EU Regulation 1308/2013	16
Art 103(2) EU Regulation 1308/2013	16
Art 120(2)(b) Regulation (EU) 1308/2013 and Art 50 Commission Delegated Regulation (EU) 2019/33	18
WTO Law .....	18
Technical Barriers to Trade Agreement	18
TRIPS Art 20	22
Paris Convention for the Protection of Industrial Property Art 10bis	24
<b>Conclusion</b>	<b>26</b>
<b>Annexes</b>	<b>27</b>
Annex 1 Registered Trademarks .....	27
Annex 2: PGI of Avola .....	28

Annex 3 - DOC and IGT wines that include Nero d'Avola.....30

## Executive Summary

This report addresses the legal implications of a prospective claim by the EU that the existing GI protection for the term 'Avola' extends to the use of the term Nero d'Avola. In particular, it assesses the legality of potential attempts by the EU to prevent the use of the term Nero d'Avola on wine products produced in jurisdictions outside of Italy.

We conclude that:

- Nero d'Avola is a grape variety.
- Nero d'Avola is not a GI although the EU may claim otherwise.
- The EU may alternatively seek to prevent the use of the term Nero d'Avola on product labelling through law that protects against labelling with terminology that 'contains or consists' of a GI, 'evokes' a GI, or 'forms an integral part of' a GI.
- There is a strong argument that this approach would be inconsistent with the EU's obligations under arts 2.1 and 2.2 of the World Trade Organisation (WTO) Agreement on Technical Barriers to Trade (TBT).
- Furthermore, there is a strong argument that this approach would be inconsistent with the EU's obligations under arts 20 and 22(2)(b) of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)
- Consequently, any attempt by the EU to demand legal prohibitions on the use of the term Nero d'Avola on wine labels for wine made overseas but from the Nero d'Avola grape should be resisted.

## What is a Geographical Indication?

### TRIPS Art 22.1

Art 22.1 of TRIPS defines a GI in the following way:

1. The term must be an indication which identifies a good's origination within a Member's geographical territory, region or locality; and
2. The good must have a quality, reputation or other characteristic essentially attributable to its geographical origin.<sup>1</sup>

### TRIPS Arts 22.2 and 23

TRIPS provides protection for GI's at two different levels. There is a basic level of protection under Art 22 and an advanced level of protection in relation to wines and spirits under Art 23.<sup>2</sup>

---

<sup>1</sup> *Marrakesh Agreement Establishing the World Trade Organization*, opened for signature 15 April 1994, 1867 UNTS 3 (entered into force 1 January 1995) annex 1C (*Agreement on Trade Related Aspects of Intellectual Property Rights*) Art 22.1 ('TRIPS').

<sup>2</sup> TRIPS Art 22; TRIPS Art 23; Carlos M. Correa and Abdulqawi A. Yusuf, *Intellectual Property and International Trade: the TRIPS agreement* (Wolters Kluwer, 3rd ed, 2016) 202.

Under the basic level of protection found in Art 22.2(a), WTO members are obligated to provide the legal means for interested parties to prevent:

The presentation or designation of a good that misleads the public as to the geographical origin of the designated good.

The Paris Convention also regulates GIs, providing protection against false use of indications or appellations. Various provisions of the Paris Convention are incorporated into TRIPS, notably Art 10bis, which protects against unfair competition.

As mentioned above, additional protection for GI's for wines and spirits is provided under Art 23.1:

Each Member shall provide the legal means for interested parties to prevent use of a GI identifying wines for wines not originating in the place indicated by the GI in question or identifying spirits for spirits not originating in the place indicated by the GI in question, even where the true origin of the goods is indicated or the GI is used in translation or accompanied by expressions such as 'kind', 'type', 'style', 'imitation' or the like.

Under this provision, in contrast to Art 22.2, there is no need for parties to be misled before protection will be enlivened. This makes it easier for GI owners to prove infringement as it is sufficient to show that the third-party product using the protected GI does not originate in the relevant area. Further, under this increased level of protection, if a wine label stated that the Nero d'Avola was Avola 'style', 'kind', 'type' or 'like' that would constitute a use of a GI.

## Can Australia refuse to recognise a GI for Nero d'Avola?

If Nero d'Avola is a grape variety rather than a GI, any future attempts to prevent the use of the term on wine labelling will likely contravene certain provisions of TRIPS, the TBT Agreement, and the Paris Convention, as discussed below. However, it is the case that a grape variety can also be a GI, as suggested by Art 24.6 TRIPS.

Art 24.6 TRIPS provides:

Nothing in this Section shall require a Member to apply its provisions in respect of a GI of any other Member with respect to products of the vine for which the relevant indication is identical with the customary name of a grape variety existing in the territory of that Member as of the date of entry into force of the WTO Agreement.<sup>3</sup>

This provision permits, but does not require, that a WTO member refuse GI protection for wines where the GI is coterminous with the customary name for a grape variety.

However, there are some interpretive ambiguities. It is unclear which WTO member is referred to by the phrase 'that member' or, more pertinently, whether Nero d'Avola must have been customary names of grape variety in the EU, or for another WTO member such as Australia. Art 26.3 of the Brussels Draft, which substantially formed TRIPS,<sup>4</sup> suggests the latter interpretation is intended;<sup>5</sup> whereby 'that Member' would be referring to another WTO

---

<sup>3</sup> TRIPS Art 24.6.

<sup>4</sup> Adrian Otter, 'The TRIPS Negotiations: an Overview' in Jayashree Watal and Antony Taubman (eds), *The Making of the TRIPS Agreement: Personal Insights from the Uruguay Round Negotiations* (World Trade Organisation, 2015) 55, 66.

<sup>5</sup> *Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations*, GATT Doc MTN.TNC/W/35/Rev.1 (3 December 1990) (Uruguay Round – Trade Negotiations Committee – Revision); Art 26.3 of

member, not the country where the GI originates from.<sup>6</sup> Alternatively, if ‘that Member’ relates to the country where the GI originates, Australia would have to rely upon the evidence below relating to Italy’s use of the terms to describe grape varieties.

The former and in our view more tenable interpretation would require that the grape varieties existed in Australia as of 1 January 1996, the date the *Trade Marks Act 1995* (Cth), and TRIPS, came into force in Australia.<sup>7</sup> The wording of TRIPS does not define the meaning of ‘existing’ and there is no case law on this point. It is unclear whether TRIPS would require the grape varieties to have been produced in Australia on this date, or whether the wine variety could be imported. If it is required to have been produced at this point, Australia would no longer qualify to rely on the exception. However, the use of the word ‘existing’ rather than ‘produced’ may suggest consumer access to the variety is sufficient. Therefore, so long as Nero d’Avola could be purchased in Australia on this date, including as an imported wine, it would be likely to satisfy the meaning of ‘existing’ for the purposes of Art 24.6 TRIPS. This would require evidence as to the availability of Nero d’Avola wine on this date in Australia.

However, there is further ambiguity within this provision. Art 24.6 TRIPS could be understood as requiring that the customary name, rather than the grape variety, must have existed as of that date. If this customary name must have existed rather than the grape variety, evidence of the term’s historic use would be decisive. Therefore, any evidence of the term’s use prior to 1 January 1996 would be significant. However, the fact the word ‘existing’ immediately follows the term grape variety may suggest the former interpretation is more tenable.

We therefore are of the view that if Nero d’Avola is a grape variety, Australia is under no obligation under TRIPS to provide the minimum standard of protection demanded in Art 23, even under the hypothetical scenario that the EU protects Nero d’Avola as a GI.

It is important to note that the exclusion of the exceptions found within Art 24.6 has been one of the primary objectives of the EU’s bilateral FTA negotiations.<sup>8</sup> It may be that the EU in trade negotiations will press its trading partners not to rely upon Art 24.6 and to protect a GI for Nero d’Avola. This is more likely to be successful where the EU’s trading partner has no domestic producers who rely on using the protected term.

An example of this strategy is the bilateral FTA between the EU and Chile. It requires Chile ‘to take all necessary steps in accordance with this Agreement to ensure mutual protection’.<sup>9</sup> The concept of mutual protection suggests that these countries have to accept and recognise the determination by a foreign authority (in this instance the EU) as sufficient for domestic purposes.<sup>10</sup> Thus, the protection afforded under mutual protection clauses is automatic. Consequently, these countries would not have the discretion to examine whether the GI in issue meets the definition of a GI pursuant to Art 22.1 TRIPS, nor apply the exception in Art 24.6.

If Nero d’Avola is not a GI in the first place, these difficulties do not arise. On this point, the following historical information which contextualises the grape varieties and characterises the

---

restricted doc dated 23 November 1990 (*Brussels Draft*). See also Carlos Maria Correa, *Trade Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement* (Oxford University Press, 2<sup>nd</sup> Edition, 2020) 243.

<sup>6</sup> See Correa (n 5) 238.

<sup>7</sup> *Trade Marks Act 1995* (Cth) s 2.

<sup>8</sup> Carlos M. Correa and Abdulqawi A. Yusuf, *Intellectual Property and International Trade: the TRIPS agreement* (Wolters Kluwer, 3rd ed, 2016) 218-220.

<sup>9</sup> Agreement establishing an association between the European Community and its member states, on the one part, and the Republic of Chile, on the other part, discussed in Correa and Yusuf (n 8) 220.

<sup>10</sup> *Ibid.*

terms has significant international law implications. This evidence is critical to scrutinising future assertions of the EU as it details the contentious evidentiary basis the EU might rely upon in making claims that Nero d'Avola is subject to GI protection.

## The grape variety Nero d'Avola

### The Historical Origins of Nero d'Avola

Nero d'Avola translates to the 'black grape of Avola',<sup>11</sup> suggesting that the grape variety likely originated from the city of Avola in Italy. The official name of the grape is Calabrese and Nero d'Avola is its official synonym.<sup>12</sup> It also has many other synonyms such as Calabrese d'Avola, Calabrese black and Calabrese Pizzutello.

Prior to 1990, Nero d'Avola grapes were mostly grown in Sicily's southeast.<sup>13</sup> The grape was often blended with other wines.<sup>14</sup> The last 30 years saw a significant rise in Nero d'Avola's popularity, becoming Sicily's most commonly planted red grape<sup>15</sup> Sicily's wine reputation is significantly derived from Nero d'Avola, rather than its prior reputation for wine production which contributed to the rising popularity of Nero d'Avola.<sup>16</sup>

### Wine Community Recognition as a Grape Variety

The determination that Nero d'Avola is a grape variety is supported by reference to the following works:

#### **Clark and Rand, *Grapes & Wines* (2001)<sup>17</sup>**

Nero d'Avola a synonym of Calabrese Nero, is an '[i]ncreasingly fashionable Sicilian grape'.<sup>18</sup>

#### **Tom Stevenson, *The Sotheby's Wine Encyclopedia* (2005)<sup>19</sup>**

---

<sup>11</sup> Steven Jet Li, 'Why the Nero D'Avola grape variety cannot be a GI' (2020 Monash University Research Paper).

<sup>12</sup> Li (n 11), citing Ministero Delle Politiche Agricole Alimentari e Forestali, *Informazioni sulla varietà* (Web Page, 2020) <<http://catalogoviti.politicheagricole.it/result.php?codice=046>> ('*Informazioni sulla varietà* 'Calabrese' Italian Government'); Federal Research Centre for Cultivated Plants and Institute for Grapevine Breeding, *Passport data* (Web Page, 7 May 2020) <<http://www.vivc.de/index.php?r=passport%2Fview&id=1986>> ('Federal Research Centre for Cultivated Plants and Institute for Grapevine Breeding'); European Cooperative Programme for Plant Genetic Resources, *Multi Crop Passport Descriptor Data* (Web Page) <<http://www.eu-vitis.de/datasheet/accDataResult.php?data=ITA360-661>> ('European Cooperative Programme for Plant Genetic Resources').

<sup>13</sup> Li (n 11), citing Bill Nesto and Frances Di Savino, *The World of Sicilian Wine* (University of California Press, 2013) 95.

<sup>14</sup> Li (n 11), citing Jancis Robinson, Julia Harding and José Vouillamoz, *Wine Grapes: A Complete Guide to 1,368 Vine Varieties, including their Origins and Flavours* (Penguin Books Limited, 2012) 723.

<sup>15</sup> Li (n 11), citing Johnson and Robinson (n 15) 178.

<sup>16</sup> Li (n 11).

<sup>17</sup> Oz Clarke and Margaret Rand, *Grapes & Wines* (2001); See also Oz Clarke and Margaret Rand, *Grapes and Wines* (2007) 164, cited in Li (n 11).

<sup>18</sup> Li (n 11), quoting Clarke and Rand (2001) (n 17). See also Clarke and Rand (2007) (n 17) ch "Nero d'Avola".

<sup>19</sup> Tom Stevenson, *The Sotheby's Wine Encyclopedia* (DK Publishing Inc, 4th ed, 2005)

Nero d'Avola is listed as a synonym for the grape variety Calabrese.<sup>20</sup>

**Sands Publishing Solutions, *Wines of the World* (2009)<sup>21</sup>**

Nero d'Avola is Sicily's most widely planted red variety.<sup>22</sup> It does not mention Calabrese.<sup>23</sup>

**Robinson, Harding and Vouillamoz, *Wine Grapes* (2012)<sup>24</sup>**

Nero d'Avola is 'Sicilia's most widely planted red wine variety',<sup>25</sup> and 'one of its principal synonyms is Calabrese'.<sup>26</sup>

**Johnson and Robinson, *The World Atlas of Wine* (2013)<sup>27</sup>**

Nero d'Avola is responsible for Sicily's vinous reputation abroad.<sup>28</sup> The synonym Calabrese is not mentioned.

**Anderson, *Which Winegrape Varieties are Grown Where?* (2013)<sup>29</sup>**

Nero d'Avola is identified as one of the world's fastest expanding wine grape variety in terms of hectares planted.<sup>30</sup> It identifies Nero d'Avola as a red variety and acknowledges Calabrese as a synonym for Nero d'Avola.<sup>31</sup>

**Nesto and Savino, *The World of Sicilian Wine* (2013)<sup>32</sup>**

'Nero d'Avola is the second-most planted variety in Sicily...grown all over the island'.<sup>33</sup> It describes the etymological origins of the name Nero d'Avola and identifies Calabrese as a popular synonym among older Sicilians.<sup>34</sup>

**D'Agata, *Native Wine Grapes of Italy* (2014)<sup>35</sup>**

---

<sup>20</sup> Ibid 294.

<sup>21</sup> DK Publishing, *Wines of the World* (DK Publishing Inc, Rev. ed, 2009).

<sup>22</sup> Ibid 281.

<sup>23</sup> Li (n 11).

<sup>24</sup> Robinson, Harding and Vouillamoz (n 14) 723.

<sup>25</sup> Ibid.

<sup>26</sup> Li (n 11), citing Robinson, Harding and Vouillamoz (n 14) 723.

<sup>27</sup> Johnson and Robinson (n 15).

<sup>28</sup> Ibid 178, quoted in Li (n 11).

<sup>29</sup> Li (n 11), citing Kym Anderson, *Which Wine Grapes are Grown Where?* (University of Adelaide Press, 2013). The database upon which the book is based is available at <<https://www.adelaide.edu.au/wine-econ/databases/>>.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Nesto and Savino (n 13) 96.

<sup>33</sup> Ibid 95.

<sup>34</sup> Li (n 11).

<sup>35</sup> Ian D'Agata, *Italy's Native Wine Grape Terroirs* (University of California Press, 2019).



'Sicily's native red grape varieties are dominated by Nero d'Avola'.<sup>36</sup> 'Although the official name of the grape is Calabrese, Nero d'Avola is its more popular name'.<sup>37</sup>

**MacNeil, The Wine Bible (2015)<sup>38</sup>**

'Sicily makes wine from the grape variety Nero d'Avola' which is also known as Calabrese.<sup>39</sup>

**Jancis Robinson and Julia Harding: The Oxford Companion to Wine (2015)<sup>40</sup>**

'Nero d'Avola, the characteristic red grape variety of Southern Sicily, also known as Calabrese, suggesting origins in Calabria on the mainland'.<sup>41</sup> 'The 2010 Italian Vine census cited 16,595 ha/40,990 acres of "Calabrese", still the island's most planted red wine grape'.<sup>42</sup> 'Avola itself is in the southern part of the province of Siracusa and nearby Pachino, on the extreme south eastern tip of the island, is particularly reputed for the quality of its Nero d'Avola grapes'.<sup>43</sup>

**D'Agata, Native Wine Grape Terroirs (2019)<sup>44</sup>**

'Calabrese is the official name...for a grape variety that everyone, producers and experts alike, call instead Nero d'Avola'.<sup>45</sup>

**Cagnazzo et al (eds), Quaderno Uva Da Vino (2009)<sup>46</sup>**

Nero d'Avola is listed as a synonym for Calabrese.<sup>47</sup>

**Catalogo Generale *Dellevarietà e Dei Cloni Aduvadavino e da Tavola* (2011)<sup>48</sup>**

Calabrese is a '[g]rape variety grown almost exclusively in Sicily under the name Nero d'Avola'.<sup>49</sup>

**Daniela Bica, Vitigni di Sicilia (2007)<sup>50</sup>**

---

<sup>36</sup> D'Agata (n 35) 45, quoted in Li (n 11).

<sup>37</sup> Li (n 11), citing D'Agata (n 35) 95-99.

<sup>38</sup> Karen MacNeil, *The Wine Bible* (Workman Publishing, 2nd rev ed, 2015).

<sup>39</sup> Li (n 11), citing MacNeil (n 38) ch "Sicilia and Sardinia".

<sup>40</sup> Jancis Robinson and Julia Harding, *The Oxford Companion to Wine* (Oxford University Press, 4th ed, 2015) 39.

<sup>41</sup> Ibid 166.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> D'Agata (n 35)

<sup>45</sup> D'Agata (n 35) 221, quoted in Li (n 11).

<sup>46</sup> Cagnazzo et al (eds), *Quaderno Uva Da Vino* (Grafica Meridionale, 2009).

<sup>47</sup> Li (n 11), citing Cagnazzo et al (n 46).

<sup>48</sup> *Catalogo Generale Dellevarietà e Dei Cloni Aduvadavino e da Tavola* (VivaiCooperativi Rauscedo sca, 2011).

<sup>49</sup> Li (n 11), citing *Catalogo Generale* (n 48).

<sup>50</sup> Daniela Bica, *Vitigni di Sicilia* (Assessorato Agricoltura e Foreste, 2007).

It lists Nero d'Avola as a grape variety, with Calabrese as a synonym.<sup>51</sup> It states that although Calabrese is the official registered name, it is known in Sicily as Nero d'Avola.<sup>52</sup>

### Further information on Nero d'Avola's synonym Calabrese

Various sources, including the Italian Ministero delle Politiche Agricole, Alimentari e Forestali (Ministry of Agricultural, Food and Forestry Policies) state that the grape's official name is Calabrese and Nero d'Avola is its synonym.<sup>53</sup> In 1970, Calabrese was registered in Italy's register of grape varieties without mentioning Nero d'Avola.<sup>54</sup> Nevertheless, according to *Main wine vines grown in Italy - Volume III*, Nero d'Avola was acknowledged as a synonym as early as 1964.<sup>55</sup> In the subsequent registration of Calabrese grape clones, Nero d'Avola is acknowledged as a synonym.<sup>56</sup>

The European Cooperative Programme for Plant Genetic Resources (ECPGR) manages a comprehensive list of grapevine varieties.<sup>57</sup> Calabrese was registered as a wine grape for Italy in 2010 and Nero d'Avola was registered as a synonym.<sup>58</sup> The grape was also registered under the name Nero d'Avola in Malta in 2000 and Nero d'Avola in Bulgaria in 2009.<sup>59</sup>

The Organisation of International Vine and Wine (OIV)'s 2013 publication on grape varieties indicates that Nero d'Avola is understood to be the synonym of the grape variety Calabrese in France and Italy.<sup>60</sup>

According to the *Vitis International Variety Catalogue*, a database of various species and varieties/cultivars of grapevine administered by the Geilweilerhof Institute for Grape Breeding (Institut für Rebenzüchtung Geilweilerhof) in Siebeldingen, Germany,<sup>61</sup> Calabrese has its main

---

<sup>51</sup> Li (n 11), citing Bica (n 50) 63.

<sup>52</sup> Ibid.

<sup>53</sup> *Informazioni sulla varietà 'Calabrese'* Italian Government (n 12); Federal Research Centre for Cultivated Plants and Institute for Grapevine Breeding (n 12); European Cooperative Programme for Plant Genetic Resources (n 12).

<sup>54</sup> DM 25/05/1970, reported in GU No 149 of 17/06/1970, 3857.

<sup>55</sup> A. Mazzei and A. Zappalà, *Main Wine Vines Grown in Italy - Volume III* (Ministry of Agriculture and Forestry, 1964) [Calabrese].

<sup>56</sup> DM 12/01/2009, reported in GU No 93 of 22/04/2009, 69; DM 22/04/2011, reported in GU No 170 of 23/07/2011, 33; DM 15/05/2011, reported in GU No 127 of 04/06/2014, 14; DM 20/10/2014, reported in GU No 258 of 11/06/2014, 58.

<sup>57</sup> Thierry Lacombe et al, 'Grapevine European Catalogue: Towards a Comprehensive List' (2011) 50(2) *Vitis - Geilweilerhof*- 65 <[http://www.eu-vitis.de/docs/eucatgrape/Lacombe\\_catalogue-europeen\\_Vitis\\_2011.pdf](http://www.eu-vitis.de/docs/eucatgrape/Lacombe_catalogue-europeen_Vitis_2011.pdf)>.

<sup>58</sup> Ibid Annex 1A <[http://www1.montpellier.inra.fr/grapegen06/page\\_results/EU-catalogue.php](http://www1.montpellier.inra.fr/grapegen06/page_results/EU-catalogue.php)>.

<sup>59</sup> Ibid.

<sup>60</sup> International Organisation of Vine and Wine, *International List of Vine Varieties and their Synonyms* (2013) 20 <<http://www.oiv.int/public/medias/2273/oiv-liste-publication-2013-complete.pdf>> ('OIV 2013 List') 27.

<sup>61</sup> Maul et al., *Vitis International Variety Catalogue - Calabrese* (Web Page, 2020) <<https://www.vivc.de/index.php?r=passport%2Fview&id=1986>> ('*Vitis International Variety Catalogue - Calabrese*').

synonym as 'Nero d'Avola'.<sup>62</sup> According to the Vitis International Variety Catalogue, Calabrese is officially known as 'Nero d'Avola' in Bulgaria, Italy and Malta.<sup>63</sup>

Calabrese is a name component of many Italian grape varieties, which suggests its origin and/or cultivation in the Calabria region. The stand alone name Calabrese might therefore suggest that the grape originated from Calabrese but there is no evidence to support this.<sup>64</sup> The name 'Calabrese' indicates, in various regions, erroneously, different vines, which have nothing to do with the real 'Calabrese', which is of Sicilian origin.<sup>65</sup>

Calabrese as the name of the grape probably derived from the Sicilian dialect name *Calau Avulisi* meaning 'coming down from Avola'.<sup>66</sup> *Calau Avulisi* was modified to *Calaurisi*.<sup>67</sup> In the 17th century, *Calaurisi* became *Calavrisi* meaning 'grape from Avola',<sup>68</sup> as described by the Italian Naturalist Francesco Cupani.<sup>69</sup> Over time, *Calavrisi* changed into *Calabrisi*, and finally into Calabrese.<sup>70</sup> The *Cala-* and *Calau-* prefixes in these names are similar to *cala*, *calea* and *caleu*, which are Sicilian-dialect synonyms for *racina* meaning 'grape'.<sup>71</sup>

The 2013 OIV publication concerning grape varieties indicates that Nero d'Avola is understood to be the synonym of the grape variety Calabrese N in France and Italy itself.<sup>72</sup> However, on the OVI register in Bosnia and Herzegovina, Calabrese is a synonym for Sangioveze, among 12 other synonyms.<sup>73</sup> Calabrese is therefore known as a grape variety in Bosnia and Herzegovina, but a grape variety that is not from Calabria, Avola or Italy with no connection to Nero d'Avola.

There are Italian wines on the market labelled with the description '100% Calabrese (Nero d'Avola)'.<sup>74</sup> According to the Italian Calabrian based winery Ippolito, established in 1845,<sup>75</sup>

---

<sup>62</sup> Pierre Galet, *Dictionnaire encyclopédique des cépages* (Hachette, 2000) 154; A. Calo et al, *Vitigni d'Italia* (Edagricole-Edizioni Agricole della Calderini s.r.l., 2001) 230; F. Del Zan, O. Failla and A. Scienza, *La Vite e l'Uomo, dal Rompicapo delle Origini al Salvataggio delle Reliquie* (Editoriale Lloyd, San Dorligo della Valle, Trieste, 2004) 893; F. Carimi et al, 'Microsatellite analyses for evaluation of genetic diversity among Sicilian grapevine cultivars' (2010) 57(5) *Genetic Resources and Crop Evolution* 703, 710; Robinson, Harding and Vouillamoz (n 14) 723; Bica (n 50) 62; A. Calo et al, *Vitigni d'Italia - Le varietà tradizionali per la produzione di vini moderni* (Edagricole-Edizioni Agricole della Calderini s.r.l., 2006) 264; D'Agata (n 35) 216; G. Ansaldo et al, *Calabrese* (Italian Vitis Database, 2015).

<sup>63</sup> Maul et al., *Vitis International Variety Catalogue - Calabrese* (Web Page, 2020) <<https://www.vivc.de/index.php?r=passport%2Fview&id=1986>> ('*Vitis International Variety Catalogue - Calabrese*').

<sup>64</sup> Carimi et al (n 62) 968.

<sup>65</sup> Mazzei and Zappalà (n 55); *Informazioni sulla varietà 'Calabrese'* Italian Government (n 12).

<sup>66</sup> D'Agata (n 35) 216.

<sup>67</sup> Ibid.

<sup>68</sup> Nesto and Savino (n 13) 96.

<sup>69</sup> Carimi et al (n 62) 968, citing Francesco Cupani, *Hortus Catholicus seu illustrissimi, and excellentissimi principis Catholicae* (Neapoli, 1696).

<sup>70</sup> D'Agata (n 35) 216.

<sup>71</sup> D'Agata (n 35) 221.

<sup>72</sup> OIV 2013 List (n 60) 27.

<sup>73</sup> Ibid 148.

<sup>74</sup> Enoteca Sileno, *Italian Wines - Ippolito Calabrese (Nero D'Avola)* (Web Page, 2020) <<https://www.enoteca.com.au/shop/italian-wines/ippolito-calabrese-detail>> ('Enoteca Sileno, *Italian Wines - Ippolito Calabrese (Nero D'Avola)*').

<sup>75</sup> Enoteca Sileno, *Manufacturers - Ippolito 1845* (Web Page, 2020) <<https://www.enoteca.com.au/manufacturers/ippolito-1845>> ('Enoteca Sileno, *Manufacturers - Ippolito 1845*').

Calabrese is an ancient native grape variety of Southern Calabria, which Ippolito claims 'also happens to be Nero d'Avola with a different name'.<sup>76</sup>

Further according to the Vitis International Variety Catalogue, Calabrese is also known under the other following synonyms: Alba de Calabria,<sup>77</sup> Calabrese Cappuciu Nero,<sup>78</sup> Calabrese d'Avola,<sup>79</sup> Calabrese de Calabria,<sup>80</sup> Calabrese Di Noto,<sup>81</sup> Calabrese Di Vittoria,<sup>82</sup> Calabrese Dolce,<sup>83</sup> Calabrese Nero,<sup>84</sup> Calabrese Pittatello,<sup>85</sup> Calabrese Pizuto,<sup>86</sup> Calabrese Pizzutello,<sup>87</sup> Calabrese Pizzutello Con La Foglia Rotonda,<sup>88</sup> Calabrese Pizzuto,<sup>89</sup> Calabreser Weiss,<sup>90</sup> Calabria,<sup>91</sup> Calabriai Fekete,<sup>92</sup> Calabrisi d'Avola,<sup>93</sup> Calavrese d'Avola,<sup>94</sup> Fekete Calabriai,<sup>95</sup> Kalabriai Fekete,<sup>96</sup> Malpe,<sup>97</sup> Niureddu Calavrisi,<sup>98</sup> Raisin de Calabre Noir,<sup>99</sup> Strugeri de

---

<sup>76</sup> Enoteca Sileno, *Italian Wines – Ippolito Calabrese (Nero D'Avola)* (n 74).

<sup>77</sup> *Vitis International Variety Catalogue – Calabrese* (n 63).

<sup>78</sup> Galet, *Dictionnaire encyclopédique des cépages* (n 62) 154.

<sup>79</sup> Ibid 154; Calo et al, *Vitigni d'Italia* (n 62) 230; Del Zan, Failla and Scienza (n 62) 893; Calo et al, *Vitigni d'Italia - Le varietà tradizionali per la produzione di vini moderni* (n 62) 264; Pierre Galet, *Dictionnaire encyclopédique des cépages et de leurs synonymes* (Éditions Libre & Solidaire (M.E.C.), 2015) 258; Robinson, Harding and Vouillamoz (n 14) 723; Ansaldo et al (n 62).

<sup>80</sup> *Vitis International Variety Catalogue – Calabrese* (n 63).

<sup>81</sup> Ibid.

<sup>82</sup> Bica (n 50) 62; Robinson, Harding and Vouillamoz (n 14) 723; Ansaldo et al (n 62). Calabrese Di Vittoria is an Italian wine DOC of southern Sicily for red and white wines from the area around Vittoria, the town, in the province of Ragusa: Ministero Delle Politiche Agricole Alimentari e Forestali, *Informazioni sulla varietà* (Web Page, 2020) <<http://catalogoviti.politicheagricole.it/denominazioni.php?codice=1020>>.

<sup>83</sup> Galet, *Dictionnaire encyclopédique des cépages* (n 62) 154; Calo et al, *Vitigni d'Italia* (n 62) 230; Del Zan, Failla and Scienza (n 62) 893; Calo et al, *Vitigni d'Italia - Le varietà tradizionali per la produzione di vini moderni* (n 62) 264 Bica (n 50) 62; Galet, *Dictionnaire encyclopédique des cépages et de leurs synonymes* (n 79) 258; Robinson, Harding and Vouillamoz (n 14) 723; Ansaldo et al (n 62).

<sup>84</sup> Calo et al, *Vitigni d'Italia* (n 62) 230; Del Zan, Failla and Scienza (n 62) 893; Calo et al, *Vitigni d'Italia - Le varietà tradizionali per la produzione di vini moderni* (n 62) 264; Galet, *Dictionnaire encyclopédique des cépages et de leurs synonymes* (n 79) 258.

<sup>85</sup> *Vitis International Variety Catalogue – Calabrese* (n 63).

<sup>86</sup> Galet, *Dictionnaire encyclopédique des cépages* (n 62) 154.

<sup>87</sup> Ibid 154; Calo et al, *Vitigni d'Italia* (n 62) 230; Del Zan, Failla and Scienza (n 62) 893; Calo et al, *Vitigni d'Italia - Le varietà tradizionali per la produzione di vini moderni* (n 62) 264; Galet, *Dictionnaire encyclopédique des cépages et de leurs synonymes* (n 79) 258.

<sup>88</sup> Calo et al, *Vitigni d'Italia* (n 62) 230; B. Gensbol and J.M. Gundersern, *Vinavl i Danmark - en håndbog* (Gads Forlag, København, Dänemark, 1998) 893; Calo et al, *Vitigni d'Italia - Le varietà tradizionali per la produzione di vini moderni* (n 62) 264; Galet, *Dictionnaire encyclopédique des cépages et de leurs synonymes* (n 79) 258.

<sup>89</sup> Del Zan, Failla and Scienza (n 62) 893; Gensbol and Gundersern (n 88) 893; Calo et al, *Vitigni d'Italia - Le varietà tradizionali per la produzione di vini moderni* (n 62) 264.

<sup>90</sup> *Vitis International Variety Catalogue – Calabrese* (n 63).

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Galet, *Dictionnaire encyclopédique des cépages* (n 62) 154; Galet, *Dictionnaire encyclopédique des cépages et de leurs synonymes* (n 79) 258.

<sup>94</sup> Bica (n 50) 62.

<sup>95</sup> M. Nemeth, *Ampelografiai Album* (Mezőgazdasági Kiadó, Budapest, 1975) 284.

<sup>96</sup> *Vitis International Variety Catalogue – Calabrese* (n 63).

<sup>97</sup> Galet, *Dictionnaire encyclopédique des cépages* (n 62) 474.

<sup>98</sup> Bica (n 50) 62; Robinson, Harding and Vouillamoz (n 14) 723; Ansaldo et al (n 62). Niureddu is the name that Sicilians call the grape variety Nerello Mascalese. Nerello Mascalese is named after a commune to the northeast of Catania called Mascali: Nesto and Savino (n 13) 96; Carimi et al (n 62) 968, citing Cupani (n 69).

<sup>99</sup> *Vitis International Variety Catalogue – Calabrese* (n 63).

Calabria,<sup>100</sup> and Uva de Calabria.<sup>101</sup> In the province of Ragusa in Sicily, the grape variety is also called Calabrese pizzutello, Calabrese pizzutello con la foglia rotonda, and Calabrese pizzuto.<sup>102</sup>

## Status of the terms Nero d'Avola and Avola in Italy and the EU

This part will assess the Italian and EU approaches to the legal status of the terms 'Nero d'Avola', and 'Avola'.

### Italy

Italy's Ministry of Agricultural, Food and Forestry Policies maintains an official register of grape varieties. Italy has a three-tier system of wine classification that requires, among other things, that the grapes used to produce the wine come from certain Italian geographical regions. These classifications, ascending in order of stringency, are:

- *Denominazione di Origine Controllata e Garantita* ('DOCG');
- *Denominazione di Origine Controllata* ('DOC'); and
- *Indicazione Geografica Tipica* ('IGT').<sup>103</sup>

Italian wines produced outside the DOCG, DOC and IGT requirements are called *Vino da Tavola* ('VdT'). The VdT label is not allowed to state a vintage or the grapes used, only rosso (red), bianco (white), or rosato (rose).<sup>104</sup>

In Italy's official register of grape varieties, 'Calabrese' was registered on 25/05/1970 without mentioning Nero d'Avola.<sup>105</sup> However, as noted above, Nero d'Avola was acknowledged as a synonym as early as 1964 in the register maintained by Italy's Ministry of Agricultural, Food and Forestry Policies.<sup>106</sup> Nero d'Avola is continuously acknowledged as a synonym in the subsequent registration of Calabrese grape clones.<sup>107</sup>

---

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Mazzei and Zappalà (n 55); Informazioni sulla varietà 'Calabrese' Italian Government (n 12).

<sup>103</sup> Tar and Roses, *The Italian Wine Resource: Italian Appellation System* (Web Page, 2011) <[http://tarandroses.net/index.php?option=com\\_content&id=879&Itemid=37](http://tarandroses.net/index.php?option=com_content&id=879&Itemid=37)>.

<sup>104</sup> *Commission Regulation (EU) No 401/2010 of 7 May 2010 amending and correcting Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products* [2010] OJ L 117/13, 23-24, citing *Law No 164 of 10.2.1992 (Italy)* ('*Law No 164 (Italy)*').

<sup>105</sup> Li (n 11), citing DM 25/05/1970, reported in GU No 149 of 17/06/1970, 3857.

<sup>106</sup> Li (n 11), citing Mazzei and Zappalà (n 55).

<sup>107</sup> Li (n 11), citing DM 12/01/2009, reported in GU No 93 of 22/04/2009, 69; DM 22/04/2011 reported in GU No 170 of 23/07/2011, 33; DM 15/05/2011, reported in GU No 127 of 04/06/2014, 14; DM 20/10/2014, reported in GU No 258 of 11/06/2014, 58.

Nero d’Avola is not classified as a DOCG, DOC or IGT wine.<sup>108</sup> Rather, it is considered a grape variety present within 82 wines across the three tiers.<sup>109</sup>

## DOCG

Cerasuolo di Vittoria is the only DOCG wine that includes Nero d’Avola. It was initially approved as DOC by DPR on 29/05/1973, reported in GU No 221 on 28/08/1973.<sup>110</sup>

The DPR essentially states that the Cerasuolo di Vittoria wine must be obtained from grapes from vineyards composed of wines in the following proportion: Frappato not less than 40%; Calabrese up to a maximum of 60%.<sup>111</sup>

Cerasuolo di Vittoria was later approved as a DOCG by DM 13/09/2005, reported in GU No 224 on 26/09/2005.<sup>112</sup> The most recent DM for the Cerasuolo di Vittoria DOCG was in 2020 and it states that the main grape varieties used to make the DOCG wine are Frappato N-Frappato of Italy and Calabrese N - Nero d’Avola.<sup>113</sup>

The two tables in Annex 3 list the 81 DOC and IGT wines that include Nero d’Avola.<sup>114</sup>

## EU Law

### EU GI law

The EU has two classifications for wines with a GI set out below:

**Table 1**

Protected Designation of Origin (PDO)	Protected GI (PGI)
Name of region/place	An indication of region/place
Wine’s quality/characteristics are essentially due the origin’s natural and human factors	Wine possesses a quality/reputation/characteristic attributable to its origin
Wine is produced in the geographical origin	
100% of the grapes used to make the wine are from the origin	At least 85% of the grapes used to make the wine are from the origin
Grapes must be <i>Vitis vinifera</i>	Grapes must be <i>Vitis vinifera</i> or a cross between <i>Vitis vinifera</i> and other <i>Vitis</i> species

<sup>108</sup> Li (n 11), citing Ministero delle Politiche Agricole Alimentari e Forestali, *Disciplinari dei vini DOP e IGP italiani* (Web Page, 2020) <<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/4625>> (*Disciplinari dei vini DOP e IGP italiani* Italian Government’).

<sup>109</sup> Li (n 11); *Informazioni sulla varietà ‘Calabrese’* Italian Government (n 12); Federal Research Centre for Cultivated Plants and Institute for Grapevine Breeding (n 12); European Cooperative Programme for Plant Genetic Resources (n 12).

<sup>110</sup> DPR 29/05/1973, reported in GU No 221 of 28/08/1973.

<sup>111</sup> Ibid 5932.

<sup>112</sup> DM 13/09/2005, reported in GU No 224 of 26/09/2005.

<sup>113</sup> DM 17/02/2020, reported in GU No 49 of 27/02/2020, 23.

<sup>114</sup> Li (n 11) Table 1 & 2.

The EU's register of GIs,<sup>115</sup> previously eAmbrosia now Giview, does not have Nero d'Avola or registered as a PDO or PGI.<sup>116</sup> In any case, Nero d'Avola could not be classified as a PDO because it is not the name of a region.

The standard protection for PDOs and PGIs is identical and is detailed in *Regulation (EU) No 1308/2013*.<sup>117</sup> This level of protection is high as discussed in below. For Nero d'Avola, the level of protection enjoyed by PDOs and PGIs under EU law is relevant as all DOCG, DOC and IGT wines which must contain, or are permitted to contain, Nero d'Avola grapes are registered as either PDOs or PGIs.

Nero d'Avola is not registered as a PDO or PGI according to the EC's register of GIs.<sup>118</sup> However, Avola has been registered as a PGI since 15th December 2011.<sup>119</sup>

The EU has treated Nero d'Avola as a grape variety by expressly referring to it as such within the OJEU. The table below summarises how it has been referred to.<sup>120</sup> The cell colouring specifies if the reference is to Nero d'Avola (blue), both Nero d'Avola and Calabrese as synonyms (green) or has no reference to either (uncoloured).

**Table 2**

<u>OJEU Date</u>	<u>Reference as grape</u>	<u>Reference as monovarietal</u>
2020/C 18/08 <sup>121</sup>	Nero d'Avola N is mentioned as a synonym for Calabrese N once. <sup>122</sup>	<sup>123</sup>
	Other references use Nero d'Avola without mentioning Calabrese. <sup>124</sup>	
2019/C 416/10 <sup>125</sup>	Nero d'Avola N is mentioned as a synonym for Calabrese N twice. <sup>126</sup>	<sup>127</sup>

<sup>115</sup> Ibid Art 104.

<sup>116</sup> European Commission, *Giview – Search for Geographical Indications across the European Union and beyond* (Web Page, 07/12/2020) <<https://www.tmdn.org/giview/>> ('*Giview – Search for Geographical Indications across the European Union and beyond*'); European Commission, *eAmbrosia – the EU GIs register* (Web Page, 28/09/2020) <<https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>> ('*eAmbrosia*').

<sup>117</sup> *Regulation (EU) No 1308/2013 of the European Parliament and of the Council* [2020] OJ C 18/08, 723.

<sup>118</sup> *eAmbrosia* (n 116).

<sup>119</sup> Ibid.

<sup>120</sup> Li (n 11).

<sup>121</sup> Li (n 11), citing *Publication of an application for amendment of a specification for a name in the wine sector* referred to in Art 105 of *Regulation (EU) No 1308/2013* (n 117).

<sup>122</sup> Ibid 35.

<sup>123</sup> Ibid 3, 31, 34.

<sup>124</sup> Ibid 24-25, 28, 35.

<sup>125</sup> Li (n 11), citing *Publication of a communication of approval of a standard amendment to a product specification for a name in the wine sector* referred to in Art 17(2) and (3) of *Commission Delegated Regulation (EU) 2019/33* [2019] OJ C 416/10.

<sup>126</sup> Ibid 18, 23.

<sup>127</sup> Ibid 21, 22.

	Other references use Nero d’Avola without mentioning Calabrese. <sup>128</sup>	
2019/C 76/04 <sup>129</sup>	Nero d’Avola N is mentioned as a synonym for Calabrese N once. <sup>130</sup>	
	Other references use Nero d’Avola without mentioning Calabrese. <sup>131</sup>	

## Other European Union Regulations and Communications

An EU regulation modifying the EU-US agreement in 2012 on wine trade refers to Nero d’Avola as a vine variety in an appendix.<sup>132</sup> This regulation is currently in force.

Four other OJEU regulations acknowledge that Nero d’Avola is a vine variety in an annex.<sup>133</sup> One of these regulations is currently in force. The three other OJEU regulations that acknowledge Nero d’Avola as a vine variety in an annex are not currently in force.

## Legal prohibitions on the use of the term Nero d’Avola on wine labelling

### EU Law

This section will analyse the current standard of protection attributed to GIs in the EU and how this may be relevant to Australia and other jurisdictions. The EU position in the current FTA negotiations is that Australia should adopt the EU legislative wording in relation to GIs.<sup>134</sup> Should this occur, the interpretation of the scope of protection in Australia and other jurisdictions that agree to the EU’s demands is likely to be similar to the interpretation in the

<sup>128</sup> Ibid 19, 21, 24.

<sup>129</sup> Li (n 11), citing *Commission Implementing Decision of 22 February 2019 on the publication in the Official Journal of the European Union of an application for amendment of a specification for a name in the wine sector referred to in Art 105 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council* (‘Contea di Sclafani’ (PDO)) [2019] OJ C 76/04.

<sup>130</sup> Ibid 10.

<sup>131</sup> Ibid 4, 6, 10, 11.

<sup>132</sup> *Commission Implementing Decision of 2 May 2012 on the inclusion of vine varieties in Appendix IV of the Protocol on wine labelling as referred to in Art 8(2) of the EC-US Agreement on trade in wine* [2012] OJ L 134/23, 24-25.

<sup>133</sup> Li (n 11), citing *Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing 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, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation* [2019] OJ L 9/2 36; *Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products* [2009] OJ L 193/60, 132; *Commission Regulation (EU) No 401/2010 (n 104) 56*; *Commission Delegated Regulation (EU) supplementing 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, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation* [2018] OJ C 6622/1, Annex IV (‘*Commission Delegated Regulation (EU) supplementing Regulation (EU) No 1308/2013*’).

<sup>134</sup> European Commission, *EU Proposal for the EU-Australia FTA* (Web Page) X.31-X.38 <[https://trade.ec.europa.eu/doclib/docs/2018/july/tradoc\\_157190.pdf](https://trade.ec.europa.eu/doclib/docs/2018/july/tradoc_157190.pdf)>.



EU. The analysis below will also assist in determining whether Australian Nero d'Avola labelled wine can currently be sold in the EU.

#### Art 100(3) EU Regulation 1308/2013

Art 100(3) provides that '[w]here the name of a wine grape variety contains or consists of a protected designation of origin or a protected geographical indication, that name shall not be used for the purposes of labelling agricultural products'.<sup>135</sup> Art 100(3) also allows for delegated legislation to create exceptions from the general rule in order to take into account existing labelling practices, but no such legislation appears to have been adopted. As the grape Nero D'Avola contains the protected term Avola, the labelling of the wine with the variety name appears to be prohibited under this provision (although is apparently subject to Art 120 and the exemptions in the delegated regulations, discussed below).

#### Art 103(2) EU Regulation 1308/2013

This provision provides protection against various forms of conduct as they pertain to product labelling and other uses of GI terminology. This provision protects against:

- (a) any direct or indirect commercial use of that protected name:
  - (i) By comparable products not complying with the product specification of the protected name; or
  - (ii) In so far as such use exploits the reputation of a designation of origin or a GI;
- (b) any misuse, imitation or evocation even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine product concerned, as well as the packing of the product in a container liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the consumer as to the true origin of the product.<sup>136</sup>

Use of the compound term Nero d'Avola may be caught within the scope of protection for Avola under (a) and (b) of Art 103(2).

Relevant to Australia's negotiations with the EU, the EU has not been successful in negotiating for protection of GIs against evocation in its other FTAs, including with Canada, Singapore, Japan, Mexico and MERCOSUR.

#### *Misuse, imitation or evocation*

There is a strong argument that the phrase Nero d'Avola 'evokes' the protected GI Avola in violation of Art 103(2)(b). To evoke something has been interpreted by the CJEU as:

---

<sup>135</sup> 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 [2013] OJ L 347/671, Art 103(2) ('Regulation (EU) 1308/2013'), Art 100(3).

<sup>136</sup> Regulation (EU) No 1308/2013 (n 135).

[covering] a situation in which the term used to designate a product incorporates part of a protected designation, so that when the consumer is confronted by the name of the product the image triggered in his mind is that of the product whose designation is protected.<sup>137</sup>

Given that the current situation involves the incorporation of 'Avola' in a wider phrase the critical question is whether when consumers are confronted by a Nero d'Avola labelled wine, this brings to mind the GI-protected Avola.

The legal framework of this question can be split into two parts. Firstly, the consumer must be defined to assist in understanding how the hypothetical person would respond to the term Nero d'Avola. In EU case law, the consumer is 'the average consumer, who is reasonably well-informed and reasonably observant and circumspect'.<sup>138</sup> This consumer is the average European consumer, rather than the average consumer in the specific jurisdiction where the product has been produced and sold.<sup>139</sup> If this scheme is applied in other jurisdictions (such as the EU's trading partners pursuant to an FTA), it is likely that the average consumer would be based on the jurisdiction in which the relevant legislation applies, which might mean that evocation is less likely in relation to Nero d'Avola where there is less familiarity with the GI Avola.<sup>140</sup>

The second question is the likely reaction of the consumer when confronted by a product incorporating the phrase in question. One factor to consider is the phonetic and visual similarities between the names, which relevantly both contain 'Avola'.<sup>141</sup> This scenario is similar to a previous case where 'Cambozola' was found to evoke the protected term 'Gorgonzola'.<sup>142</sup> While this case involves a singular word rather than a combination of words, the ending of the two terms was phonetically and visually identical. The slight difference in the present scenario arises in that the spelling and pronunciation of the final syllable 'd'Avola' is marginally different to 'Avola'. However, this is a fairly weak distinction given the overarching similarities in the pronunciation and visual aspects of the two terms. A further consideration is that the translation of Nero d'Avola is 'black of Avola'.<sup>143</sup> This has the connotation of something originating in Avola, which would likely be influential in a consumer's perception of the term in the EU. In EU law, consumer surveys as to evocation are not determinative but rather have been taken into account with the rest of the evidence.<sup>144</sup> A relatively low percentage can suffice to demonstrate evocation.

There is therefore a high chance that Nero d'Avola would be considered an evocation of the GI Avola in the EU. Consequently, it is unlikely that Nero d'Avola produced outside the EU can be sold as such within the EU because of Art 103(2)(b).

---

<sup>137</sup> *Viiniverla Oy v Sosiaalia- ja terveystalouden lupa- ja valvontavirasto* (Court of Justice of the European Union, C-75/15, 21 January 2016) [21].

<sup>138</sup> *Ibid* [25].

<sup>139</sup> *Ibid* [47]-[48].

<sup>140</sup> The hypothetical consumer may not be aware that Avola is a place in Italy and is less likely to know the translation of Nero d'Avola. In that respect, the connotation of the translation would be irrelevant, and the focus would be on the phonetic and visual similarity of the two terms. Further information would be required to determine if a direct conceptual link of Nero d'Avola to Avola is established.

<sup>141</sup> *Consejo Regulador del Cava v European Union Intellectual Property Office* (General Court of the European Union, T-774/16, 12 July 2018) [43].

<sup>142</sup> *Consorzio per la Tutela del Formaggio Gorgonzola v Käserei Champignon Hofmeister GmbH & Co. KG and Eduard Bracharz GmbH* (C-87/97) [1999] ECR I-01301.

<sup>143</sup> Nesto and Savino (n 13) 96.

<sup>144</sup> *Ibid*; Peter Ling, *Another "Glen", another GI Violation— Hamburg Court considers "Glen Els" an Evocation of "Scotch Whisky"* (Web Page, November 2019) <<https://ipkitten.blogspot.com/2019/11/another-glen-another-gi-violation.html>>.

## Art 120(2)(b) Regulation (EU) 1308/2013 and Art 50 Commission Delegated Regulation (EU) 2019/33

While labelling a wine with the variety type is optional in EU law, Art 120(2)(b)(i) provides that EU member states may 'on the basis of non-discriminatory and objective criteria and with due regard to fair competition' draw up lists that deny permission to label a wine with a grape variety where that variety 'forms an integral part' of a GI, 'in particular if there is a risk of confusion for consumers as to the true origin of the wine.' Delegated Regulation 2019/33 consolidates these lists, providing a list of excluded varietal names together with a list of exemptions from those rules, which permit certain countries' producers to label wines with the relevant grape varieties or synonyms thereof, despite the general prohibition.<sup>145</sup> Nero d'Avola is listed in Annex IV to the delegated regulations.<sup>146</sup> Annex IV goes on to state that only Italy may use the variety name Nero d'Avola on a label. This appears to have the effect of prohibiting any non-Italian wine producer from using the variety claim Nero d'Avola on a wine label where that wine is being sold in the EU.

## WTO Law

This section assesses the possibility that the above restrictions against the use of the term Nero D'Avola on wine labelling breaches the EU's WTO obligations under the Technical Barriers to Trade ('TBT') Agreement and TRIPS.

This analysis is also relevant to any other country that may prohibit the use of the term by implementing EU-style regulations. While the prospect of a dispute filed by Australia against the EU seems unlikely, this information may be useful in negotiations both with the EU and with other countries that may adopt the EU level of GI protection. Although we focus on Nero d'Avola, the principles and arguments raised are largely applicable in the context of other grape varieties that raise the same issues.

### Technical Barriers to Trade Agreement

We find that 120(2)(b)(i) together with delegated regulations are discriminatory against foreign products, while all of the measures analysed above constitute measures that are more trade-restrictive than necessary to achieve their objectives.

Firstly, it needs to be established that arts 100(3), 103 and 120(2)(b) plus the delegated regulations are 'technical regulations'. This phrase is defined in annex 1.1 *TBT* as a:

document which lays down product characteristics or their related process and production methods, including the applicable administrative provisions, with which compliance is mandatory...it may also include...labelling requirements as they apply to a product.

Arts 100(3) and 120 together with the delegated regulations govern the types of information that may be used on product labelling and therefore clearly fall within the definition of a technical regulation. Although Art 103 can apply to circumstances outside the context of 'laying down product characteristics' such as advertisements, to the extent that it relates to labelling practices it is a technical regulation.

---

<sup>145</sup> *Delegated Regulation 2019/33* (n 133). Art 50(3) provides that 'The wine grape variety names and their synonyms consisting of or containing a protected designation of origin or geographical indication which may appear on the label of a product bearing a protected designation of origin or geographical indication or geographical indication of a third country are those listed in Part A of Annex IV to this Regulation.' Annex IV stipulates the varieties.

<sup>146</sup> *Ibid* Annex IV item 7.

### *Discrimination - Article 120(2)(b)(i)*

Art 2.1 TBT contains a prohibition on discriminatory regulations. It states:

Members shall ensure that in respect of technical regulations, products imported from the territory of any Member shall be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any countries.

Determining whether a law complies with this provision requires three analytical steps: whether foreign products are treated differently to domestic products, whether the products are 'like', and whether this differential treatment is justified by a legitimate regulatory distinction.

#### *Like products*

Determining whether foreign and domestic products are like one another requires consideration of whether the products would be in a competitive relationship in the absence of the challenged measures. This requires consideration of physical characteristics, end-uses, consumer tastes and habits, and tariff classification. There are significant similarities between Australian wine containing Nero d'Avola and Italian wines containing those grapes. They both create a pleasurable experience associated with the taste and aroma of the product and the effects that it causes and are both a robust red wine. Furthermore, wines produced in Australia and the EU that seek to use the varietal claim on the label must contain 85% of the grape within the wine,<sup>147</sup> meaning that the physical makeup of the wine is similar.

#### *Less favourable treatment*

To be inconsistent with this provision, the measure must treat the foreign product less favourably than the like domestic product. This determination requires an assessment of the effect that the measures have on the 'conditions of competition in the relevant market'.<sup>148</sup>

Art 120(2)(b)(i) together with the exception for Italian Nero d'Avola under the delegated regulations establish a regime of discrimination against foreign producers of Nero d'Avola. By losing the ability to label their wine with the relevant variety, foreign wines are likely to be considered inferior to the substitute domestic product. Consumers seeking to purchase wine produced with Nero d'Avola grapes are less likely to buy a product that does not make reference to those grapes on the label. The European Commission acknowledges in Delegated Regulation 2019/33 that '[c]onsumers...often make purchasing decisions based on the wine grape variety used.'<sup>149</sup> Therefore, the measure disadvantages foreign Nero d'Avola producers to the benefit of Italian producers.

#### *Legitimate regulatory distinction*

Not every distinction between the treatment of domestic and foreign products will give rise to a violation of Art 2.1. Rather, less favourable treatment stemming exclusively from a legitimate regulatory distinction is permitted. The Appellate Body has held that in order to determine whether a measure stems exclusively from a legitimate regulatory distinction, 'a panel must carefully scrutinize...the design, architecture, revealing structure, operation, and application

---

<sup>147</sup> Wine Australia, *The Blending Rules* (Web Page) < <https://www.wineaustralia.com/labelling/further-information/the-blending-rules>>; *Delegated Regulation 2019/33* (n 133) Art 50(1)(a)(i).

<sup>148</sup> Appellate Body Report, *United States – Measures Affecting the Production and Sale of Clove Cigarettes*, WTO Doc WT/DS406/AB/R (4 April 2012) ('*US – Clove Cigarettes*') [166].

<sup>149</sup> *Delegated Regulation 2019/33* (n 133) [45].

of the technical regulation at issue, and, in particular, whether that technical regulation is even-handed.<sup>150</sup> Effectively, the inquiry aims to determine whether the measure is appropriately calibrated to its objective or, in other words, is reasonable with respect to its objective in relation to its design and application.<sup>151</sup>

The aim of the measure appears to be to reduce or eliminate consumer confusion about the provenance of the relevant products. Consumer protection has been recognised in WTO case law as a legitimate objective.<sup>152</sup> Consumer protection is mentioned several times in the preamble to Regulation 1308/2013<sup>153</sup> and the preamble to Delegated Regulation 2019/33, including in relation to labelling products with wine grape variety type.<sup>154</sup> The preamble to Delegated Regulation 2019/33 also refers to the need to prevent misleading use of terms to label wines.<sup>155</sup> Art 92(2) of Regulation 1308/2013 provides that rules on wine GIs shall be based on, inter alia, 'protecting the legitimate interests of consumers', and Art 120(2)(b)(i) refers to 'a risk of confusion for consumers as to the true origin of the wine' as a basis for prohibiting the use of a variety name where it forms an integral part of a GI.

While the prevention of consumer confusion is a legitimate objective, there is no rational reason for exempting Italian Nero d'Avola producers from the measure. By introducing an exception to the general rule, the measure contributes to consumer confusion rather than ameliorating it, because consumers will be confused about whether Italian Nero d'Avola is made from the GI Avola. Therefore, a strong argument can be made that the distinctions drawn by the measures are not properly calibrated to the measures' objective and, as applied in conjunction with the delegated regulations, constitute unjustifiable discrimination rather than stemming exclusively from a legitimate regulatory distinction.

#### *Measures more trade restrictive than necessary – arts 100(3), 103(2) and 120(2)(b)(i)*

The EU laws may also be challenged Art 2.2 TBT which contains a prohibition against unnecessary obstacles to international trade. Art 2.2 TBT provides:

Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create [...]

An assessment of whether a technical regulation is more trade-restrictive than necessary involves an evaluation of a number of factors including (1) the degree of contribution made by the measure to the legitimate objective at issue; (2) the trade-restrictiveness of the measure; and (3) the nature of the risks at issue and the gravity of consequences that would arise from non-fulfilment of the objective(s) pursued by the measure.<sup>156</sup>

---

<sup>150</sup> Appellate Body Report, *US – Clove Cigarettes* [182].

<sup>151</sup> Appellate Body Report, *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products*, Recourse to Article 21.5 of the DSU by the United States, WT/DS381/AB/RW/USA (11 January 2019) ('*US – Tuna II, Article 21.5 – US*') [6.13].

<sup>152</sup> Panel Report, *United States – Certain Country of Origin Labelling (COOL) Requirements*, WT/DS384/R (23 July 2012) ('*US – COOL*'), [7.651].

<sup>153</sup> *EU Regulation 1308/2013* (n 135) [72], [97], [104].

<sup>154</sup> Delegated Regulation 2019/33 (n 133), [4], [21], [23], [25], [34]-[35], [37], [40]-[50].

<sup>155</sup> Delegated Regulation 2019/33 (n 133) [45]. Cf Appellate Body Report, *US – COOL*, WT/DS384/AB/R (23 July 2012) [478].

<sup>156</sup> See Panel Reports, *Australia—Plain Packaging* [7.30], summarising prior jurisprudence.

### *Legitimate objective*

As noted above, the objective of the measures is consumer protection, which would be regarded as legitimate. Additionally, Art 103 appears to be directed at misleading conduct, providing in 103(2)(c) and (d), respectively, that GI products are also protected against ‘any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product’ and ‘any other practice liable to mislead the consumer as to the true origin of the product’).

### *The degree of contribution to the objective*

The Appellate Body has held that panels must, when determining whether a measure contributes to the achievement of the objective, examine the design, structure, and operation of the measure, and any evidence relating to its application.<sup>157</sup>

The measures contribute to their objective by making it clear which products may be labelled with terms that relate to GIs, thus making it easier for consumers to identify GI-protected goods. However, Art 120(2)(b)(i) and the delegated regulations undermine this objective by permitting only Italian producers from labelling their wines with the Nero d’Avola variety claim. More generally, the measures introduce another type of consumer confusion by obscuring the ingredients in the relevant product to the detriment of the overarching objective.

### *Trade-restrictiveness*

A measure will be trade-restrictive if it has a limiting effect on international trade.<sup>158</sup> This can be established where there is a limiting effect on competitive opportunities available to imported products in the sense of Art 2.1 of the TBT Agreement.<sup>159</sup> Therefore, this criterion is made out for Art 120(2)(b)(i) and the delegated regulations, which create such an effect by virtue of their discriminatory effect. In relation to arts 100(3) and 103(2)(b), an argument can be made that a measure that significantly limits the manner in which products can be labelled with their ingredients will be trade-restrictive irrespective of the presence of discrimination. Trade-restrictiveness will be established if compliance costs are of such a magnitude or nature as to limit the competitive opportunities available to imported products. The volume of trade is likely to be affected due to compliance costs that dissuade producers from market entry.

### *Alternative measures*

The purpose of examining alternative measures to achieve the legitimate objective is to establish whether there are other means to the same end involving less restriction on trade. The existence of such measures would demonstrate that the challenged measure is more trade restrictive than ‘necessary’. Alternative measures must be less trade-restrictive, make an equivalent contribution to the relevant legitimate objective at the level of protection sought, and be reasonably available.<sup>160</sup>

There are clearly alternative measures available. With respect to Art 100(3), it would be possible to amend the provision to remove the prohibition and instead require clarification on labels in the event that a grape variety contains or consists of the name of a GI. With respect to Art 103(2)(b), an alternative would be to prohibit only labels that are apt to mislead the

---

<sup>157</sup> Appellate Body Report, *US – COOL* [461].

<sup>158</sup> See Panel Reports, *Australia – Plain Packaging*, [7.1072].

<sup>159</sup> See Panel Reports, *Australia – Plain Packaging*, [7.1073].

<sup>160</sup> Appellate Body Report, *US—Tuna II* [321].

consumer (such as falsely representing that the product was a GI product), in a similar manner to laws that prohibit passing off or other prohibitions on misleading labelling, or to permit the labelling of the wine with the grape variety, but require clarification on the label that the wine is not GI protected is not related to the GI. In relation to Art 120(2)(b)(i), it would likewise be possible to amend the measure to instead permit the labelling of the wine with the variety name but require clarification on labels that the wine is not GI protected in the event that a grape variety forms an integral part of a GI, and/or to remove the exemption for Italian producers.

#### *Nature of risks and consequences of non-fulfilment*

The comparison of alternative measures with the challenged measure must be undertaken in light of the nature and gravity of the risks of non-fulfilment of the objective of the challenged measures.<sup>161</sup> This assists in the overall analysis as it shows whether a measure is protecting against significant consequences or whether it is disproportionate. The Appellate Body has not shed much light on the concept of gravity, although it has noted that in some cases it will be difficult to determine or quantify this element with precision.<sup>162</sup> The risk of not fulfilling the objective of preventing consumer confusion is that consumer confusion is more likely to occur, resulting in the diversion of trade to non-GI products. This is a fairly insignificant consequence in comparison to other cases brought before the WTO.<sup>163</sup>

To conclude, all three measures appear to be inconsistent with the EU's obligations under Art 2.2 of the TBT Agreement.

#### *TRIPS Art 20*

Art 20 of *TRIPS* provides:

The use of a trademark in the course of trade shall not be unjustifiably encumbered by special requirements, such as use with another trademark, use in a special form or use in a manner detrimental to its capability to distinguish the goods or services of one undertaking from those of other undertakings. This will not preclude a requirement prescribing the use of the trademark identifying the undertaking producing the goods or services along with, but without linking it to, the trademark distinguishing the specific goods or services in question of that undertaking.

Art 20 therefore prevents the EU from imposing special requirements which unjustifiably encumber the use of trademarks that contain or consist of the term Nero d'Avola.

The WIPO Global Brand Database contains a number of registered trademarks that in turn contain the term Nero d'Avola. Some examples of these can be found in Annex 1. In addition, Art 20 also applies to both registered and unregistered trademarks. At least in common law countries, an unregistered trade mark may indicate the reputation associated with a term such as Nero d'Avola. All genuine producers of wine made with Nero d'Avola groups would share in ownership of the goodwill associated with the term.<sup>164</sup> That is, the collective goodwill and

---

<sup>161</sup> Appellate Body Report, *US—Tuna II* [321]-[322].

<sup>162</sup> Appellate Body Report, *US—COOL*, Art 21.5 [5.128]. It is clear that in some cases that the Appellate Body has considered that the gravity of the consequences of non-fulfilment is greater than others (e.g. the risk to public health arising from tobacco consumption in *Australia—Plain Packaging* compared with the risk of insufficient consumer information in *US—COOL*).

<sup>163</sup> For example, in the *Plain Packaging* dispute, parties raised the increased likelihood of cancer and death due to non-fulfilment of the objective of protecting public health.

<sup>164</sup> See *J Bollinger SA v Costa Brava Wine Co Ltd* [1960] Ch 262; *Erven Warnink BV v J Townend & Sons (Hull) Ltd* [1979] AC 731.

reputation shared by Australian wine producers of Nero d'Avola could constitute evidence of their joint ownership of Nero d'Avola as a relevant trademark for the purposes of Art 20 TRIPS.

WTO case law has established that the phrase 'special requirements' refers to a:

condition that must be complied with, has a close connection with or specifically addresses the 'use of a trademark in the course of trade', and is limited in application. This may include a requirement not to do something, in particular a prohibition on using a trademark.<sup>165</sup>

Accordingly, the protections afforded under the provisions of existing EU law discussed above will likely be 'special requirements' for the purposes of Art 20 TRIPS. This is because, in particular circumstances, they prohibit the use of the term Nero d'Avola, either as an unregistered trademark jointly owned by producers of Nero d'Avola wine or they prohibit the use of registered trade marks containing that term.

The following factors should be considered when determining if unjustifiable encumbrance has occurred:

- (a) the nature and extent of the encumbrance resulting from the special requirements, bearing in mind the legitimate interest of the trademark owner in using its trademark in the course of trade and thereby allowing the trademark to fulfil its intended function.
- (b) the reasons for which the special requirements are applied, including any societal interests they are intended to safeguard; and
- (c) whether these reasons provide sufficient support for the resulting encumbrance.<sup>166</sup>

The nature of the encumbrance resulting from the special requirements would be to completely prohibit particular owners of relevant trademarks from using those trademarks. The Panel decision concerning Australia's plain packaging requirements applicable to Tobacco Products and Packaging determined that a prohibition on use is the most extreme encumbrance and that point was not appealed. It appears that the reasons for the prohibition are as follows:

Nero d'Avola contains the protected term Avola, it may be seen as 'evoking' Avola, and that the variety might be said to 'form an integral part' of a GI (arts 100(3), 103(2) and 120(2)(b)(i) of Regulation 1308/2013).

All three forms of protection of the geographical indication 'Avola' exceed the minimum standard of protection required by TRIPS for geographical indications for wine to the extent that they prohibit use of the term Nero d'Avola. While Article 1 of TRIPS permits member nations to exceed the minimum standard of protection required by TRIPS, that permission does not extend to providing a level of protection that contravenes the requirement not to unjustifiably encumber the use of trademarks. As identified in the discussion relating to the TBT, there are various alternative measures that could be implemented.

---

<sup>165</sup> Appellate Body Report, *Australia – Certain Measures Concerning Trademarks, GIs and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging*, WTO Doc WT/DS435/AB/R, WT/DS441/AB/R (9 June 2020) ('*Australia—Plain Packaging*') [7.2231].

<sup>166</sup> *Ibid* [7.2597].



WTO case law has established that the existence of a 'readily available alternative' that 'would lead to equivalent outcomes in terms of the policy objective of the challenged measure' is relevant to a finding that a particular special requirement unjustifiably encumbers the use of trademarks.<sup>167</sup> In relation to our analysis of Art 2.2 of the TBT Agreement above, we have identified alternative measures that the EU could pursue in relation to each measure that would permit labelling with the relevant grape variety but require clarification on the label with respect to the relationship with the GI. These alternatives would not encumber the use of trademarks as they would still permit the use of the trademark on product labelling.

Therefore, a good argument can be made that these measures constitute an unjustifiable encumbrance on the use of trademarks. In addition, to the extent that the EU regulations permit Italian producers from regions other than Avola to use the term Nero d'Avola but also prohibit non-Italian producers from doing so, they contravene the requirements in relation to national treatment.

#### Paris Convention for the Protection of Industrial Property Art 10bis

Under Art 22.2(b) *TRIPS*, WTO members are required to provide the legal means for interested parties to prevent the use of a GI that 'constitutes an act of unfair competition within the meaning of Art 10bis of the Paris Convention for the Protection of Industrial Property.'<sup>168</sup>

Thus, the EU is required to comply with the obligations set out in Art 10bis *Paris Convention* which are as follows:<sup>169</sup>

- (1) The countries of the Union are bound to assure to nationals of such countries effective protection against unfair competition.
- (2) Any act of unfair competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.
- (3) The following in particular shall be prohibited:
  1. All acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities, of a competitor;
  2. False allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities, of a competitor;
  3. Indications or allegations the use of which in the course of trade is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity, of the goods.

According to Art 10bis(1), protection against unfair competition must be 'effective'. Art 10bis(3) makes it clear that the way to set up an effective protection is through prohibitions.<sup>170</sup> Effective protection against any act of unfair competition is not solely limited to the three prohibitions

---

<sup>167</sup> Appellate Body Report, *Australia—Plain Packaging* [7.2598].

<sup>168</sup> *Ibid* Art 22.2(b).

<sup>169</sup> *Paris Convention* (n 23) Art 10bis.

<sup>170</sup> Christian Riffel, *Protection Against Unfair Competition in the WTO TRIPS Agreement: The Scope and Prospects of Art 10bis of the Paris Convention for the Protection of Industrial Property* (Brill Nijhoff, 2016) 66.

mentioned in Art 10bis(3).<sup>171</sup> Instead, the use of the phrase ‘in particular’ in Art 10bis(3) suggests that ‘there are more acts of unfair competition and that the ones mentioned are exemplary’.<sup>172</sup> However, this suggests that member nations must, at a minimum, provide protection against the three prohibitions listed in Art 10bis(3).

An act of competition within Art 10bis(2) is ‘any behaviour of an economic operator which impairs, actually or potentially competitive opportunities of a national of another Member’<sup>173</sup> that is ‘contrary to honest practices’.<sup>174</sup> WTO case law has held that an act of competition will be contrary to honest practices if it is done ‘in a manner that is contrary to what would usually or customarily be regarded as truthful, fair and free from deceit within a certain market.’<sup>175</sup> The fact that what constitutes an ‘honest practice’ may differ from one country to another does not render the obligation to provide protection against unfair competition discretionary.<sup>176</sup>

In the context of Art 10bis, the question is whether economic operators’ compliance with arts 100(3), 103 and/or 120(2)(b)(i) of the EU regulations constitute acts of unfair competition. The relevant question is whether non-EU winemakers would be required to engage in conduct that leads to ‘unfair competition’ under Art 10bis if, in complying with these regulations, they refrain from including the term ‘Nero d’Avola’ on their wine bottles.

Pursuant to Art 10bis(3)(1), an act that creates confusion regarding a competitor’s product would be considered to be contrary to honest practices and therefore amount to unfair competition. Confusion means ‘[t]he confounding or mistaking of one for another; failure to distinguish’.<sup>177</sup> This occurs ‘where an act of unfair competition is of such a nature that it results in confusion in the sense of mistaking between products or failure to distinguish between them’.<sup>178</sup> If Australian wine producers are prohibited from labelling their wines as Nero d’Avola, while Italian wine makers are simultaneously allowed to do so, this would arguably constitute unfair competition in that consumers would not distinguish the Australian Nero d’Avola from other wines and would also be confused as to the qualities of Australian Nero d’Avola and Italian Nero d’Avola. In the latter instance, while both wines would be made from the same grape variety, only one would be labelled as such with the resulting confusion that consumers would distinguish Italian Nero d’Avola from other wine but not Australian Nero d’Avola. It should be noted that this situation only arises due to the exemption for Italian wine producers in the delegated regulations. If in the above scenario Italian wine producers were also prohibited from labelling their wines as Nero d’Avola, it would point against a finding of unfair competition as both wine labels would simply be silent on the point...<sup>179</sup>

---

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid 86.

<sup>174</sup> *Paris Convention* (n 23) Art 10bis (2).

<sup>175</sup> Appellate Body Report, *Australia—Plain Packaging* [7.2666].

<sup>176</sup> Appellate Body Report, *Australia—Plain Packaging* [7.2675].

<sup>177</sup> Ibid [7.2714].

<sup>178</sup> Ibid.

<sup>179</sup> Ibid [7.2721]-[7.2723].

## Conclusion

We conclude that Nero d'Avola is the name of a grape variety and not a GI.

Under EU law, the use of the term Nero d'Avola on wine labels appears to be prohibited on three bases: it contains the protected term Avola, it may be seen as 'evoking' Avola, and that the variety might be said to 'form an integral part' of a GI (arts 100(3), 103(2) and 120(2)(b)(i) of Regulation 1308/2013). However, Italian producers are exempted from this prohibition pursuant to Art 120(2)(b)(i) and the delegated regulations.

There is a significant possibility that these measures are inconsistent with the EU's obligations under WTO law. In particular, Art 120(2)(b)(i) appears to be a discriminatory measure (prohibited by Art 2.1 TBT) and arts 100(3), 103(2) and 120(2)(b)(i) appear to be measures that are more trade-restrictive than necessary restrictions on trade (prohibited by Art 2.2 TBT). In addition, all three measures appear to contravene Art 20 TRIPS (unjustifiable encumbrance on the use of trademarks) and those permitting Italian wine producers to use the term but not others are likely to contravene Art 10bis Paris Convention (unfair competition).

## Annexes

### Annex 1 Registered Trademarks

On the WIPO Global Brand Database, as at 13/12/2020, for the name 'Nero d'Avola' there are 27,852 active, 1,613 pending, and 1,230 inactive trademarks. It is important to note that many of these trademarks may not be for 'Nero d'Avola' in its entirety as a term.

Of those trademarks, those that are within the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) and the list of goods and services classified according thereto with classification '33 Wine made from Grapes' is 2,718 in total. Of that total with Classification 33 there are 1,909 active, 117 pending, and 152 inactive trademarks.

This table shows the origin of those trademarks that show up from searching 'Nero d'Avola' and filtering only those which have classification '33 Wine made from Grapes':<sup>180</sup>

IT	1,891	JP	85	EM	64	US	35	AU	21	DE	18	CH	14
FR	8	UA	8	CA	6	NZ	4	ES	4	MN	3	MX	3
DK	2	MK	2	RS	1	BG	1	SG	1	BX	1	KE	1
GB	1	UY	1	IS	1	TH	1	TN	1	BE	1	NL	1
LU	1												

---

<sup>180</sup> WIPO Global Brand Database, *Perform a trademark search by text or image in brand data from multiple national and international sources, including trademarks, appellations of origin and official emblems* (Web Page) <<https://www3.wipo.int/branddb/en/#>> ('WIPO Global Brand Database').

## Annex 2: PGI of Avola

The extract below concerns the PGI status of the term Avola and has been extracted from eAmbrosia:<sup>181</sup>



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach  
B.3. Geographical indications

Brussels, 13/12/2020



### EXTRACT FROM THE REGISTER

OF PROTECTED DESIGNATION OF ORIGIN AND PROTECTED  
GEOGRAPHICAL INDICATIONS ESTABLISHED BY ARTICLE 104 OF  
REGULATION (EU) NO 1308/2013

- |                          |   |
|--------------------------|---|
| 1. Name:                 | Avola                                       |
| 2. Product Type:         | Wine  |
| 3. File number:          | PGI-IT-A0804                                |
| 4. Type:                 | Protected Geographical Indication (PGI)     |
| 5. Country:              | Italy                                       |
| 6. Date of Registration: | 15/12/2011                                  |
| 7. Legal instrument:     | Article 107 of Regulation (EU) No 1308/2013 |

Francis FAY

European Commission, 1049 Brussels, Belgium - Tel.: +32 22991111

---

<sup>181</sup> eAmbrosia – Avola (n 116).

The new Glview shows that Avola has PGI status which is also protected in Moldova, Iceland, Norway, Kosovo, and Armenia.<sup>182</sup>

## Avola



Country/ies of origin	Type		
Italy	Protected Geographical Indication (PGI)		
Priority date	File number	Product type	Basis of protection
15/12/2011	PGI-IT-A0804	Wine	EU register
Status	Product category		
Registered	Wine		

Legal instrument of protection at EU level

[Article 107 of Regulation \(EU\) No 1308/2013](#)


Single document/Summary/Technical file

[Ares\(2014\)2085277](#)

Protections under international agreements

Moldova	▼
Iceland	▼
Norway	▼
Kosovo	▼
Armenia	▼

### Country authorities

 Ministero delle Politiche Agricole Alimentari e Forestali, Direzione generale per la promozione della qualità agroalimentare e dell'ippica

Via XX Settembre, 20  
00187 Roma  
Italy

☎ +39 06 46655104

<https://www.politicheagricole.it/flex/cm/page/s/ServeBLOB.php/L/IT/IDPagina/309>

<sup>182</sup> European Commission, *Glview – Avola* (n 116).

### Annex 3 - DOC and IGT wines that include Nero d'Avola

The colour of the cells indicates whether the reference is to Nero d'Avola (blue), Calabrese (yellow) or to both Nero d'Avola and Calabrese as synonyms (green).<sup>183</sup> Uncoloured cells indicate that there is no reference to either Nero d'Avola or Calabrese.<sup>184</sup>

**Table 3**

<u>DOC Wines</u>	<u>Decree date</u>	<u>Reference as grape</u>	<u>Reference as monovarietal</u>
Alcamo <sup>185</sup>	30/09/1999 <sup>186</sup>	187	188
Bivongi <sup>189</sup>	24/05/1996 <sup>190</sup>	191	
	06/06/2011 <sup>192</sup>	193	
Contea di Sclafani o Valledolmo-Contea di  Sclafani <sup>194</sup>	21/08/1996 <sup>195</sup>	196	197

<sup>183</sup> Li (n 11).

<sup>184</sup> Ibid.

<sup>185</sup> Li (n 11), citing DPR 21/07/1972, reported in GU No 249 of 22/09/1972; DM 30/11/2011, reported in reported GU No 295 of 20/12/2011, DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website <<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/7317>>.

<sup>186</sup> DM 30/09/1999, reported in GU No 241 of 13/10/1999.

<sup>187</sup> Ibid 58.

<sup>188</sup> Ibid 58, 60.

<sup>189</sup> Li (n 11), citing DM 04/07/2005, reported in GU No 160 of 12/07/2005; DM 30/11/2011, reported in GU No 295 of 20/12/2011, DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>190</sup> Li (n 11), citing DM 24/05/1996, reported in GU No 131 of 06/06/1996.

<sup>191</sup> Ibid 26.

<sup>192</sup> Li (n 11), citing DM 06/06/2011, reported in GU No 143 of 22/06/2011

<sup>193</sup> Ibid 27.

<sup>194</sup> Li (n 11), citing DM 23/09/1996 reported in GU No 229 of 30/09/1996; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 13/02/2013 reported in GU No 54 of 05/03/2013; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website <<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/6562>>; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>195</sup> Li (n 11), citing DM 21/08/1996, reported in GU No 202 of 29/08/1996.

<sup>196</sup> Ibid 68.

<sup>197</sup> Ibid 67.

Contessa Entellina <sup>198</sup>	22/02/2010 <sup>199</sup>	200	201
Delia Nivolelli <sup>202</sup>	10/06/1998 <sup>203</sup>	204	205
Eloro <sup>206</sup>	03/10/1994 <sup>207</sup>	208	209
Erice <sup>210</sup>	20/10/2004 <sup>211</sup>	212	213
Mamertino di Milazzo o Mamertino <sup>214</sup>	03/09/2004 <sup>215</sup>	216	217
Marsala <sup>218</sup>	17/11/1986 <sup>219</sup>	220	

<sup>198</sup> Li (n 11), citing DM 02/08/1993, reported in GU No 201 of 27/08/1993; DM 25/07/1995, reported in GU No 181 of 04/08/1995; DM 19/08/1996, reported in GU No 200 of 27/08/1996; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 25/07/2013, reported in GU No 185 of 08/08/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>199</sup> Li (n 11), citing DM 22/02/2010, reported in GU No 60 of 13/03/2010.

<sup>200</sup> Ibid 68.

<sup>201</sup> Ibid 67.

<sup>202</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>203</sup> Li (n 11), citing DM 10/06/1998, reported in GU No 152 of 02/07/1998.

<sup>204</sup> Ibid 14.

<sup>205</sup> Ibid.

<sup>206</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 25/07/2013, reported in GU No 185 of 08/08/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>207</sup> Li (n 11), citing DM 03/10/1994, reported in GU No 238 of 11/10/1994.

<sup>208</sup> Ibid 35.

<sup>209</sup> Ibid.

<sup>210</sup> Li (n 11), citing DM 20/05/2011, reported in GU No 137 of 15/06/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>211</sup> Li (n 11), citing DM 20/10/2004, reported in GU No 259 of 04/11/2004.

<sup>212</sup> Ibid 35.

<sup>213</sup> Ibid.

<sup>214</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>215</sup> Li (n 11), citing DM 03/09/2004, reported in GU No 214 of 11/09/2004.

<sup>216</sup> Ibid 13-14.

<sup>217</sup> Ibid.

<sup>218</sup> Li (n 11), citing DPR 02/04/1969, reported in GU No 143 of 10/06/1969; DM 21/12/1991, reported in GU No 3 of 04/01/1992; DM 28/02/1995, reported in GU No 62 of 15/03/1995; DM 30/11/2011 reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>219</sup> Li (n 11), citing DPR 17/11/1986 reported in GU No 163 of 15/07/1987.

<sup>220</sup> Ibid 7.



Menfi <sup>221</sup>	18/08/1995 <sup>222</sup>	223	
	01/09/1997 <sup>224</sup>	225	226
Monreale <sup>227</sup>	2/11/2000 <sup>228</sup>	229	230
Noto <sup>231</sup>	02/01/2008 <sup>232</sup>	233	234
Riesi <sup>235</sup>	23/07/2001 <sup>236</sup>	237	
Salaparuta <sup>238</sup>	08/02/2006 <sup>239</sup>	240	241
Sambuca di Sicilia <sup>242</sup>	14/09/1995 <sup>243</sup>	244	

<sup>221</sup> Li (n 11), citing DM 22/12/1995, reported in GU No 13 of 17/01/1996; DM 12/02/1996, reported in GU No 43 of 21/02/1996; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website. 76 DM 18/08/1995, reported in GU No 233 of 05/10/1995.

<sup>222</sup> Li (n 11), citing DM 18/08/1995, reported in GU No 233 of 05/10/1995.

<sup>223</sup> Ibid 12.

<sup>224</sup> Li (n 11), citing DM 01/09/1997, reported in GU No 213 of 12/09/1997.

<sup>225</sup> Ibid 43-44.

<sup>226</sup> Ibid.

<sup>227</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>228</sup> Li (n 11), citing DM 02/11/2000, reported in GU No 266 of 14/11/2000.

<sup>229</sup> Ibid 21.

<sup>230</sup> Ibid.

<sup>231</sup> Li (n 11), citing DPR 14/03/1974, reported in GU No 199 of 30/07/1974; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 25/07/2013, reported in GU No 185 of 08/08/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>232</sup> Li (n 11), citing DM 02/01/2008, reported in GU No 13 of 16/01/2008.

<sup>233</sup> Ibid 22-23.

<sup>234</sup> Ibid 22.

<sup>235</sup> Li (n 11), citing DM 20/05/2009, reported in GU No 136 of 15/06/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>236</sup> Li (n 11), citing DM 23/07/2001, reported in GU No 185 of 10/08/2001.

<sup>237</sup> Ibid 35-36.

<sup>238</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>239</sup> Li (n 11), citing DM 08/02/2006, reported in GU No 42 of 20/02/2006.

<sup>240</sup> Li (n 11), citing DM 12/01/2009, reported in GU No 93 of 22/04/2009, 69; DM 22/04/2011, reported in GU No 170 of 23/07/2011, 33; DM 15/05/2011, reported in GU No 127 of 04/06/2014, 14; DM 20/10/2014, reported in GU No 258 of 11/06/2014, 58.

<sup>241</sup> Ibid.

<sup>242</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>243</sup> Li (n 11), citing DM 14/09/1995, reported in GU No 260 of 07/11/1995.

<sup>244</sup> Ibid 16.

	11/07/2002 <sup>245</sup>	246	247
Santa Margherita di Belice <sup>248</sup>	09/01/1996 <sup>249</sup>	250	251
Sciacca <sup>252</sup>	05/06/1998 <sup>253</sup>	254	255
Sicilia <sup>256</sup>	12/06/2019 <sup>257</sup>	258	259
Siracusa <sup>260</sup>	14/10/2011 <sup>261</sup>	262	263
Terre di Cosenza <sup>264</sup>			

<sup>245</sup> Li (n 11), citing DM 11/07/2002, reported in GU No 182 of 05/08/2002.

<sup>246</sup> Ibid 31

<sup>247</sup> Ibid.

<sup>248</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>249</sup> Li (n 11), citing DM 09/01/1996, reported in GU No 11 of 15/01/1996.

<sup>250</sup> Ibid 10.

<sup>251</sup> Ibid.

<sup>252</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>253</sup> Li (n 11), citing DM 05/06/1998, reported in GU No 152 of 02/07/1998.

<sup>254</sup> Ibid 10-11.

<sup>255</sup> Ibid.

<sup>256</sup> Li (n 11), citing DM 10/10/1995, reported in GU No 269 of 17/11/1995; DM 02/08/1996, reported in GU No 190 of 14/08/1996; DM 21/04/1998, reported in GU No 98 of 29/04/1998; DM 22/11/2011, reported in GU No 284 of 06/12/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>257</sup> Li (n 11), citing DM 12/06/2019, reported in GU No #171 of 23/07/2019.

<sup>258</sup> Ibid 11, 13.

<sup>259</sup> Ibid 13, 15, 18, 23, 32, 33, 34.

<sup>260</sup> Li (n 11), citing DPR 26/06/1973, reported in GU No 315 of 06/12/1973; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website

<sup>261</sup> Li (n 11), citing DM 14/10/2011, reported in GU No 252 of 28/10/2011.

<sup>262</sup> Ibid 38.

<sup>263</sup> Ibid.

<sup>264</sup> Li (n 11), citing DM 18/10/2011, reported in GU No 256 of 03/11/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website <<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/8134>>; DM 23/11/2015, reported in GU No 284 of 05/12/2015.

Vittoria <sup>265</sup>	13/09/2005 <sup>266</sup>	<sup>267</sup>	<sup>268</sup>
-------------------------	---------------------------	----------------	----------------

**Table 4**

<u>IGT Wine</u>	<u>Decree date</u>	<u>Reference as grape</u>	<u>Reference as monovarietal</u>
<b>Allerona</b> <sup>269</sup>			
<b>Alta Valle della Greve</b> <sup>270</sup>			
Arghillā <sup>271</sup>			
Avola <sup>272</sup>			
<b>Barbagia</b> <sup>273</sup>			
<b>Basilicata</b> <sup>274</sup>			
<b>Bettona</b> <sup>275</sup>			

<sup>265</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 09/01/2014, reported in GU No 23 of 29/1/2014; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>266</sup> Li (n 11), citing DM 13/09/2005, reported in GU No 224 of 26/09/2005.

<sup>267</sup> Ibid 31, 34.

<sup>268</sup> Ibid 34.

<sup>269</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 284 of 05/12/1995; DM 13/08/1997, reported in GU No 210 of 09/09/1997; DM 26/02/1998, reported in GU No 59 of 12/03/1998; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website <<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/6948>> ; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>270</sup> Li (n 11), citing DM 09/10/1995, reported in GU No 250 of 25/10/1995; DM 22/11/1995, reported in GU No 01 of 02/01/1996; DM 26/02/1996, reported in GU No 57 of 08/03/1996; DM 22/01/1998, reported in GU No 24 of 30/01/1998; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 10/10/2013, reported in GU No 251 of 25/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>271</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 30/09/2013, reported in GU No 245 of 18/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>272</sup> Li (n 11), citing DM 13/10/2011, reported in GU No 251 of 27/10/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>273</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>274</sup> Li (n 11), citing DM 03/11/1995, reported in GU No 267 of 15/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>275</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 284 of 05/12/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<b>Calabria</b> <sup>276</sup>	23/06/2011 <sup>277</sup>	<sup>278</sup>	<sup>279</sup>
Camarro <sup>280</sup>			
<b>Cannara</b> <sup>281</sup>			
Civitella d'Agliano <sup>282</sup>			
Colli Aprutini <sup>283</sup>			
<b>Colli Cimini</b> <sup>284</sup>	18/04/2011 <sup>285</sup>		<sup>286</sup>
<b>Colli del Limbara</b> <sup>287</sup>			
Colli del Sangro <sup>288</sup>			

<sup>276</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>277</sup> Li (n 11), citing DM 23/06/2011, reported in GU No 162 of 14/07/2011.

<sup>278</sup> Ibid 33.

<sup>279</sup> Ibid 36.

<sup>280</sup> Li (n 11), citing DM 10/10/1995, reported in GU No 269 of 17/11/1995; DM 02/08/1996, reported in GU No 190 of 14/08/1996; DM 21/04/1998, reported in GU No 98 of 29/04/1998; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>281</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 284 of 05/12/1995; DM 13/08/1997, reported in GU No 214 of 13/09/1997; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>282</sup> Li (n 11), citing DM 22/11/1995, reported in GU No 302 of 29/12/1995; DM 13/09/1996, reported in GU No 229 of 30/09/1996; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>283</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 283 of 4/12/1995; DM 18/01/2006, reported in GU No 22 of 27/01/2006; DM 18/02/2010, reported in GU No 60 of 13/03/2010; DM 23/07/2010, reported in GU No 190 of 16/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>284</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 283 of 4/12/1995; DM 18/01/2006, reported in GU No 22 of 27/01/2006; DM 18/02/2010, reported in GU No 60 of 13/03/2010; DM 23/07/2010, reported in GU No 190 of 16/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>285</sup> Li (n 11), citing DM 18/04/2011, reported in G.U. No 109 of 12/05/2011.

<sup>286</sup> Ibid 94.

<sup>287</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>288</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 283 of 4/12/1995; DM 18/01/2006, reported in GU No 22 of 27/01/2006; DM 18/02/2010, reported in GU No 59 of 12/03/2010; DM 23/07/2010, reported in GU No 190 of 16/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 22/12/2014, reported in GU No 11 of 15/01/2015.

Colline Frentane <sup>289</sup>			
Colline Pescaresi <sup>290</sup>			
Colline Teatine <sup>291</sup>			
<b>Costa Toscana</b> <sup>292</sup>	08/10/2010 <sup>293</sup>		294
<b>Costa Viola</b> <sup>295</sup>			
Daunia <sup>296</sup>			
Del Vastese o Histonium <sup>297</sup>			
<b>Fontanarossa di Cerda</b> <sup>298</sup>	10/10/1995 <sup>299</sup>	300	

<sup>289</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 283 of 4/12/1995; DM 18/01/2006, reported in GU No 22 of 27/01/2006; DM 2/03/2010, reported in GU No 65 of 19/03/2010; DM 23/07/2010, reported in GU No 190 of 16/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 22/12/2014, reported in GU No 11 of 15/01/2015.

<sup>290</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 283 of 4/12/1995; DM 18/01/2006, reported in GU No 22 of 27/01/2006; DM 18/02/2010, reported in GU No 56 of 9/03/2010; DM 23/07/2010, reported in GU No 190 of 16/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies; DM 22/12/2014, reported in GU No 10 of 14/01/2015

<sup>291</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 283 of 4/12/1995; DM 18/01/2006, reported in GU No 22 of 27/01/2006; DM 18/02/2010, reported in GU No 58 of 11/03/2010; DM 23/07/2010, reported in GU No 190 of 16/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 22/12/2014, reported in GU No 10 of 14/01/2015.

<sup>292</sup> Li (n 11), citing DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>293</sup> Li (n 11), citing DM 08/10/2010, reported in GU No 252 of 27/10/2010.

<sup>294</sup> Ibid 50.

<sup>295</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 30/09/2013, reported in GU No 244 of 17/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>296</sup> Li (n 11), citing DM 12/09/1995, reported in GU No 237 of 10/10/1995; DM 20/07/1996, reported in GU No 190 of 14/08/1996; DM 13/08/1997, reported in GU No 210 of 09/09/1997; DM 27/10/1998, reported in GU No 258 of 04/11/1998; DM 25/10/2010, reported in GU No 262 of 09/11/2010; DM 13/01/2011, reported in GU No 26 of 02/02/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 11/06/2014, reported in Ministry of Agricultural, Food and Forestry Policies website  
<<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/7714>>.

<sup>297</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 283 of 4/12/1995; DM 18/01/2006, reported in GU No 22 of 27/01/2006; DM 18/02/2010, reported in GU No 58 of 11/03/2010; DM 23/07/2010, reported in GU No 190 of 16/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 22/12/2014, reported in GU No 11 of 15/01/2015.

<sup>298</sup> Li (n 11), citing DM 21/04/1998, reported in GU No 98 of 29/04/1998; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>299</sup> Li (n 11), citing DM 10/10/1995, reported in GU No 269 of 17/11/1995.

<sup>300</sup> Ibid 21.

	27/09/2010 <sup>301</sup>	<sup>302</sup>	<sup>303</sup>
	12/07/2013 <sup>304</sup>		<sup>305</sup>
Frusinate o del Frusinate <sup>306</sup>			
Isola dei Nuraghi <sup>307</sup>	04/11/2011 <sup>308</sup>		<sup>309</sup>
Lazio <sup>310</sup>	29/09/2010 <sup>311</sup>		<sup>312</sup>
Lipuda <sup>313</sup>			
Locride <sup>314</sup>			
Marmilla <sup>315</sup>			
Montecastelli <sup>316</sup>			

<sup>301</sup> Li (n 11), citing DM 27/09/2010, reported in GU No 236 of 08/10/2010.

<sup>302</sup> Ibid 35.

<sup>303</sup> Ibid 35, 36.

<sup>304</sup> Li (n 11), citing DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>305</sup> Ibid 15.

<sup>306</sup> Li (n 11), citing DM 22/11/1995, reported in GU No 302 of 29/12/1995; DM 13/09/1996, reported in GU No 229 of 30/09/1996; DM 13/08/1997, reported in GU No 214 of 13/09/1997; DM 09/08/2010, reported in GU No 198 of 25/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>307</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 06/11/1995; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>308</sup> Li (n 11), citing DM 04/11/2011, reported in GU No 270 of 19/11/2011.

<sup>309</sup> Ibid 24.

<sup>310</sup> Li (n 11), citing DM 22/11/1995, reported in GU No 302 of 29/12/1995; DM 13/09/1996, reported in GU No 229 of 30/09/1996; DM 23/05/2002, reported in GU No 132 of 07/06/2002; DM 09/08/2010, reported in GU No 198 of 25/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 19/11/2013, reported in GU No 284 of 04/12/2013.

<sup>311</sup> Li (n 11), citing DM 29/09/2010, reported in GU No 238 of 11/10/2010.

<sup>312</sup> Ibid 29, 30.

<sup>313</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 23/09/2013, reported in GU No 232 of 03/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website

<sup>314</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 30/09/2013, reported in GU No 244 of 17/10/2013; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website

<sup>315</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>316</sup> Li (n 11), citing DM 21/06/2006, reported in GU No 152 of 03/07/2006; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 10/10/2013, reported in GU No 251 of 25/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<b>Murgia</b> <sup>317</sup>			
<b>Narni</b> <sup>318</sup>			
<b>Nurra</b> <sup>319</sup>			
<b>Ogliastra</b> <sup>320</sup>			
<b>Palizzi</b> <sup>321</sup>			
<b>Parteolla</b> <sup>322</sup>			
<b>Pellaro</b> <sup>323</sup>			
<b>Planargia</b> <sup>324</sup>			
<b>Provincia di Nuoro</b> <sup>325</sup>			

<sup>317</sup> Li (n 11), citing DM 12/09/1995, reported in GU No 237 of 10/10/1995; DM 20/07/1996, reported in GU No 190 of 14/08/1996; DM 13/08/1997, reported in GU No 210 of 09/09/1997; DM 25/10/2010, reported in GU No 262 of 09/11/2010; DM 13/01/2011, reported in GU No 26 of 02/02/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>318</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 284 of 05/12/1995; DM 13/08/1997, reported in GU No 214 of 13/09/1997; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>319</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>320</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>321</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 30/09/2013, reported in GU No 243 of 16/10/2013; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>322</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>323</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 30/09/2013, reported in GU No 243 of 16/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>324</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>325</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

Puglia <sup>326</sup>			
Romangia <sup>327</sup>	24/06/2011 <sup>328</sup>		329
Salento <sup>330</sup>			
Salina <sup>331</sup>			
Scilla <sup>332</sup>			
Sibiola <sup>333</sup>			
Spello <sup>334</sup>			
Tarantino <sup>335</sup>			
Terre Aquilane o Terre de			

<sup>326</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>327</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>328</sup> Li (n 11), citing DM 24/06/2011, reported in GU No 161 of 13/07/2011.

<sup>329</sup> Ibid 9.

<sup>330</sup> Li (n 11), citing DM 12/09/1995, reported in GU No 237 of 10/10/1995; DM 20/07/1996, reported in GU No 190 of 14/08/1996; DM 13/08/1997, reported in GU No 210 of 09/09/1997; DM 03/11/2010, reported in GU No 264 of 11/11/2010; DM 13/01/2011, reported in GU No 26 of 02/02/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>331</sup> Li (n 11), citing DM 10/10/1995, reported in GU No 269 of 17/11/1995; DM 02/08/1996, reported in GU No 190 of 14/08/1996; DM 21/04/1998, reported in GU No 98 of 29/04/1998; DM 27/09/2010, reported in GU No 236 of 08/10/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website

<sup>332</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 23/10/2013, reported in Ministry of Agricultural, Food and Forestry Policies website <<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/6836>> ; DM 30/09/2013, reported in GU No 242 of 15/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website

<sup>333</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>334</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 284 of 05/12/1995; DM 13/08/1997, reported in GU No 214 of 13/09/1997; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>335</sup> Li (n 11), citing DM 12/09/1995, reported in GU No 237 of 10/10/1995; DM 20/07/1996, reported in GU No 190 of 14/08/1996; DM 13/08/1997, reported in GU No 210 of 09/09/1997; DM 05/11/2010, reported in GU No 269 of 17/11/2010; DM 13/01/2011, reported in GU No 26 of 02/02/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.



l'Aquila <sup>336</sup>			
Terre di Chieti <sup>337</sup>			
Tharros <sup>338</sup>			
Toscano o Toscana <sup>339</sup>	04/11/2009 <sup>340</sup>		341
Trexenta <sup>342</sup>			
Umbria <sup>343</sup>			
Val di Magra <sup>344</sup>			
Val di Neto <sup>345</sup>			

<sup>336</sup> Li (n 11), citing DM 6/06/2008, reported in GU No 142 of 19/06/2008; DM 3/08/2010, reported in GU No 191 of 17/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 23/10/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 22/12/2014, reported in GU No 11 of 15/01/2015.

<sup>337</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 283 of 4/12/1995; DM 18/01/2006, reported in GU No 22 of 27/01/2006; DM 18/02/2010, reported in GU No 59 of 12/03/2010; DM 23/07/2010, reported in GU No 190 of 16/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 22/12/2014, reported in GU No 10 of 14/01/2015.

<sup>338</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>339</sup> Li (n 11), citing DM 09/10/1995, reported in GU No 250 of 25/10/1995; DM 22/11/1995, reported in GU No 01 of 02/01/1996; DM 26/02/1996, reported in GU No 57 of 08/03/1996; DM 22/01/1998, reported in GU No 24 of 30/1/1998; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>340</sup> Li (n 11), citing DM 04/11/2009, reported in GU No 269 of 18/11/2009.

<sup>341</sup> Ibid 48.

<sup>342</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>343</sup> Li (n 11), citing DM 18/11/1995, reported in GU No 284 of 05/12/1995; DM 30/06/1998, reported in GU No 168 of 21/07/1998; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 23/07/2010, reported in GU No 181 of 05/08/2010; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 19/11/2013, reported in GU No 284 of 04/12/2013; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>344</sup> Li (n 11), citing DM 09/10/1995, reported in GU No 250 of 25/10/1995; DM 22/11/1995, reported in GU No 1 of 02/01/1996; DM 26/02/1996, reported in GU No 57 of 08/03/1996; DM 22/01/1998, reported in GU No 24 of 30/01/1998; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 10/10/2013, reported in GU No 251 of 25/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>345</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 30/09/2013, reported in GU No 245 of 18/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/11/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<b>Valdamato</b> <sup>346</sup>	23/06/2011 <sup>347</sup>	348	349
<b>Valle Belice</b> <sup>350</sup>			
Valle d'Itria <sup>351</sup>			
<b>Valle del Tirso</b> <sup>352</sup>			
<b>Valli di Porto Pino</b> <sup>353</sup>			

<sup>346</sup> Li (n 11), citing DM 27/10/1995, reported in GU No 266 of 14/11/1995; DM 31/07/1996, reported in GU No 190 of 14/08/1996; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 30/09/2013, reported in GU No 242 of 15/10/2013; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>347</sup> Li (n 11), citing DM 23/06/2011, reported in GU No 163 of 15/07/2011.

<sup>348</sup> Ibid 86.

<sup>349</sup> Ibid 86, 90.

<sup>350</sup> Li (n 11), citing DM 10/10/1995, reported in GU No 269 of 17/11/1995; DM 21/04/1998, reported in GU No 98 of 29/04/1998; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>351</sup> Li (n 11), citing DM 12/09/1995, reported in GU No 237 of 10/10/1995; DM 20/07/1996, reported in GU No 190 of 14/08/1996; DM 13/08/1997, reported in GU No 210 of 09/09/1997; DM 03/11/2010, reported in GU No 267 of 15/11/2010; DM 13/01/2011, reported in GU No 26 of 02/02/2011; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 12/07/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 28/11/2013, reported in Ministry of Agricultural, Food and Forestry Policies website; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>352</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 03/10/1997, reported in GU No 242 of 16/10/1997; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.

<sup>353</sup> Li (n 11), citing DM 12/10/1995, reported in GU No 259 of 6/11/1995; DM 24/07/2009, reported in GU No 184 of 10/08/2009; DM 30/11/2011, reported in GU No 295 of 20/12/2011; DM 07/03/2014, reported in Ministry of Agricultural, Food and Forestry Policies website.