

LAW No. 04/L-019
ON AMENDING AND SUPPLEMENTING THE LAW NO. 02/L-8 ON WINES

Assembly of Republic of Kosovo;

Based on the article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 02/L-8 ON WINES

Article 1

Article 1 of the basic Law is amended and reworded as following:

This law regulates the production, distribution, processing of grapes for wine production, production as well as conditions for the distribution of wines and other products for the processing of grapes and wine, distillation, protection of wine produced in a certain geographic region, which differs with special climactic, land conditions, and other conditions, production and circulation of fruit wines and other productions based on fruit wines.

Article 2

1. Article 2 of the basic Law, paragraph 1. the definition "Wine" is amended and reworded as following:

1. "**Wine**" - the agriculture food product obtained exclusively from the total or partial or alcoholic fermentation of the fresh grapes, and fruit tree whether or not crushed, or of grape must.

2. Article 2 of the basic Law, paragraph 1. the definition "Kosovar Wine" is amended and reworded as following:

2. "**Kosovar wine**" – means wine produced in Kosovo that exclusively come from grape wine varieties classified for wine production. Minimal natural alcoholic strength is 8,5 % vol. A total acidic content, expressed as tartaric acid, of not less than 3, 5 grams/litter.

3. Article 2 of the basic Law, paragraph 1, after sub-paragraph 5. there is added a new definition 6. "**Family producer**" with the following text:

6. "**Family producer**"- means any natural or legal person that produces for own needs.

4. Article 2 of the basic Law, paragraph 1. definition "**Grape marc**" is amended and reworded as following:

18. "**Grape pulp**" - measure obtained from crushed fresh grape, whether or not fermented.

5. Article 2 of the basic Law, paragraph 1. definition "**Grape marc wine (piquette)**" is amended and reworded as following:

19. **"Grape marc"** - the secondary product obtained with the crush process before and after alcoholic fermentation of grape pulp.
6. Article 2 of the basic Law, paragraph 1. definition **"Dedicated wine for distillatory"** is amended and reworded as following:
20. **"Dedicated wine for distillatory"** - means product which has an alcoholic actual strength in the volume unit not less than 7,5% and not more than 17 %, and maximal steam acids from 3 gram/litter, expressed as acetic acid.

Article 3

1. Article 3 of the basic Law, title of the Article **"Geographical origin"** is amended and reworded **"Designation of the geographical protected origin"**.
2. Article 3 of the basic Law, after the paragraph 3.4 there are added new paragraphs 3.5., 3.6., 3.7., 3.8., 3.9., and 3.10. with the following text:
- 3.5. Products with the sign of geographical protected origin must meet conditions in order to:
- a) come from limited vineyard area;
 - b) come from certain varieties or union of certain varieties from grape wine. Wine can save the name of variety if it is produced from at least 85% of the grape of that variety and 15% of the variety with a quality approximately the same as basic wine.
 - c) have defined the lowest level of natural alcoholics;
 - d) not exceed the allowed yield per hectare;
 - e) in the chemical and organoleptic aspect they must have characteristics from the locality they come from.
- 3.6 With the proposal of the Institute of Viticulture and Enology, Ministry takes decision for marking the wine with the geographical protected origin.
- 3.7 Category of wine quality with the geographical protected origin defines wine chemical-physical and organoleptic characteristics.
- 3.8 Ministry - Institute of Viticulture and Enology keep records for the geographical protected origin and locations with the geographical protected indications.
- 3.9 Conditions that must be met by producer for obtaining of decision on marking the wines with geographical protected origin and marking the locations with geographical protected indications are defined by the sub-legal act by the Ministry.
- 3.10. For other categories of non-culminate wine, the percentage of the mixing shall be defined in a sub-legal act by the Ministry.

Article 4

1. Article 4 of the basic Law, paragraph 4.1, is amended and reworded as following:

4.1. Ministry through the Institute of Viticulture and Enology with headquarter in Rahovec, carries out the following duties:

- a) the construction and maintenance of the cadastres of vineyards;
- b) management of the system of production and circulation of grape for wine, and other fruit wine;
- c) maintain the register of vineyards;
- d) maintain the Register of Grape and Wine Growers;
- e) prescribe the recommended and authorized varieties of vines and varieties of vine roots;
- f) monitor the ripening of grapes and determine the time of harvest;
- g) limit the per hectare maximum yields of grapes, regardless from variety and destination;
- h) evaluate and designate wine and other products from grape, fruit trees and wine.

2. Article 4 of the basic Law, paragraph 4.2 the first part of the paragraph and point f) of this paragraph is amended and reworded as following:

4.2 Chemical-physical analyses of grape are carried out in the authorized labs under the Ministry of Agriculture, Forestry and Rural Development.

- f) issuance of certificates for the evaluation of grape, wine and other products from grape, wine and fruit trees.

3. Article 4 of the basic Law, paragraph 4.3 after the word "**Municipalities**" there is added the phrase "**of Viticulture Areas**" whereas the other text shall remain the same:

4. Article 4 of the basic Law, after paragraph 4.3 there is added new paragraph 4.4. with the following text:

4.4 For the implementation of legal provisions from this Article the Ministry shall issue sub-legal act.

Article 5

Article 5 of the basic Law, after paragraph 5.5. there are added two new paragraphs 5.6. and 5.7. with the following text:

5.6. Family producers may produce wine in the quantity of 700 (seven hundred) liters in a year for own consumption, without the right for trading.

5.7. Producers of grape, must, wine, and fruit wines and other productions from grape and wines, should be licensed and are obliged to have the expert.

Article 6

1. Article 6 of the basic Law, paragraph 6.1 is amended and reworded as following:

- 6.1 Ministry - the Institute of Viticulture and Enology keeps records for persons who cultivate grape, produce and process wine or other products from grape, wine and tree fruit.
2. Article 6 of the basic Law, paragraph 6.2 at the end of the text after the word “**Ministry**” there shall be added the text “**at the Institute of Viticulture and Enology**”.

Article 7

Article 7 of the basic Law, paragraphs 7.1., 7.3. and 7.4. after the word “**Ministry**” there shall be added the text “**the Institute of Viticulture and Enology**”, while the other text of the provision shall remain the same.

Article 8

Article 8 of the basic Law, paragraph 8.5 after the word “**Ministry**” there shall be added the text “**at the Institute of Viticulture and Enology**”.

Article 9

Article 15 of the basic Law, paragraph 15.4 is amended and reworded as following:

15.4 Upper and lower limits for analytical and criterions of the organoleptic assessment criterions for these factors are defined by sub-legal act by Ministry.

Article 10

1. Article 16 of the basic Law, paragraph 16.1 text “**Taking into account ecological circumstances**” is deleted and replaced with the text “**Based on ecological conditions**”, whereas the other text of the provision shall remain the same.

2. Article 16 of the Basic, after paragraph 16.1. there is added the new paragraph 16.2. with the following text:

16.2. Viticulture region is a larger viticulture territorial unit with a similar climatic and soil conditions which, combined with agrobiologic factors influence in the basic organoleptic characteristics of wine produced in that region. Viticulture regions are Region of Dukagjin and Plain of Kosovo.

Article 11

Article 18 of the basic Law is amended and reworded as following:

18.1. According to this Law, wines are as follow:

a) Wines in the closely meaning of the word are:

- (i) still wine;
- (ii) sparkling wine;
- (iii) aerated semi – sparkling wines;
- (iv) aerated sparkling wine.

b) Special wines:

- (i) desert wines;
- (ii) aromatic wines;
- (iii) liqueur wines.

18.2. By the colour wines are classified as white, rose and red wine.

18.3. By the residual sugar content wines are classified as follows:

- a) still wines: dry, semi – dry, semi – sweet and sweet;
- b) sparkling wines, aerated sparkling wines, semi – sparkling wines and aerated semi-sparkling wines are classified as very dry, dry, semi – dry, semi – sweet and sweet.

18.4. The criteria for wine classification according to sugar content:

- a) Dry wines: wine that contains residual unfermented reduction sugar not exceeded 4 grams per liter;
- b) semi - dry wine: wine that contains not more than 4 gram/liter and not exceeding 12 gram/liter residual sugar unfermented;
- c) semi - sweet wine: wine that contains more than 12 gram/liter but not exceeding 45 gram/liter residual unfermented sugar;
- d) sweet wines: wine that contains reducing not fermented sugar at least 45 gram/liter.

18.5. Taking into consideration the provisions of Chapter III, classification of wine in quality class depends on the grape quality, yield per hectare, that must not exceed limits set in advance, sugar content, natural alcoholic content and other ingredients as well as wine organoleptic component.

18.6. According to the quality, wines are divided as follows:

- a) table wine;
- b) table wine, without protected geographical origin;
- c) table wines with protected geographical origin.

18.7. Quality wines of protected geographical origin.

18.8. Culminant wines are divided as follows:

- a) culminant wines from limited and controlled locations;
- b) culminant wines with protected geographical origin from specific localities;
- c) “archive” wines are qualitative wines of the high quality that are stored in special conditions five (5) or more years, while if stored in bottles for at least three (3) years;

- d) predikate wines of protected geographical origin are wines which in the years and specific conditions depend on mature stage of grape, harvesting time and processing methods achieve specific quality;
- e) new wine;
- f) ecological wine;
- g) sparkling wine;
- h) table sparkling wine;
- i) regional sparkling wine;
- j) quality sparkling wine;
- k) semi-sparkling wine;
- l) semi-sparkling table wine;
- m) quality semi-sparkling wine.

18.9. The criteria for close categorization of wine shall be specified with sub-legal act by the Ministry.

18.10. Other products from grape and wine according to this Law are:

- a) non-fermented alcoholic products:
 - (i) conserved must;
 - (ii) concentrated must;
 - (iii) caramelized must;
 - (iv) alcoholized must;
 - (v) partially fermented must;
 - (vi) rectified must.
- b) Wine for producing the wine vinegar;
- c) Wine vinegar;
- d) Vinegar of tree fruit;
- e) Dealcoholised Wine;
- f) Wine with reduced percentage of existing alcohol;
- g) Wine for distillation;
- h) Secondary products during grape and wine processing;
- i) Grape marc;

- j) Wine raffra;
- k) Tartarats;
- l) Grape seeds.

Article 12

Article 19 of the basic Law, paragraph 19.4 after the word “**Ministry**” there is added the text “**at the Institute of Viticulture and Enology**”.

Article 13

Article 20 of the basic Law, in paragraphs 20.2 and 20.3 the text “**the authorized institution**” shall be deleted and replaced with the text “**Institute of Viticulture and Enology**”, while the rest of the text remains the same.

Article 14

1. Article 21 of the basic Law, paragraph 21.1 is amended and reworded as following:

21.1 Organoleptic evaluation of wine quality is realized by the commission appointed by the Minister representing the authorized persons by the viticulture and enology field who are certified for organoleptic evaluation.

2. Article 21 of the basic Law, paragraphs 21.3 and 21.4 the word “**Tasters**” shall be replaced with the word “**Estimators**”, while the rest of text remains the same.

3. Article 21 of the basic Law, after paragraph 21.5 there is added a new paragraph 21.6 with the following test:

21.6 In order to implement the legal provisions of this Article, Ministry issues sub-legal act.

Article 15

1. Article 22 of the basic Law, paragraph 22.2, the phrase “**number of contingent**” shall be replaced with the phrase “**official number of control**”, while the rest text remains the same.

2. Article 22 of the basic Law, paragraph 22.3 is amended and reworded as following:

22.3 Before placement of production in the market, all packages must have labels. Form and content of label is designated with sub-legal act by the Ministry.

Article 16

1. Article 24 of the basic Law, after the point e) there is added the new point f) with the following text:

f) harvesting year;

2. Article 24 of the basic Law, point g) is amended and reworded as following:

g) Official number of control shall be placed only in labels of quality and culminant wines.

Article 17

Article 25 of the basic Law, paragraph 25.2 the point a) "Harvesting year" is deleted and there is done the re-aligning of other points.

Article 18

Article 31 of the basic Law shall be deleted from the text of the Law.

Article 19

Article 34 of the basic Law, paragraph 34.1 is amended and reworded as following:

34.1. the maximum content of steam acids can not exceed more than 0,8g/l for grape must in fermentation , 1g/l for white and rose wine, 1,2 g/l for red wine in free circulation.

Article 20

Article 35 of the basic Law, paragraph 35.2, the percentage "7,5% vol" is replaced with "8,5% vol".

Article 21

1. Article 37 of the basic Law, paragraph 37.1 after the word "**Ministry**" there is added the text "**at the Institute of Viticulture and Enology**" and the sentence "saharose" is deleted, while the other text remains the same.

2. Article 37 of the basic Law, paragraph 37.2 is amended and reworded as following:

37.2. Enrichment, acidification, deacidity and sweetening must be registered in internal books of wine producing companies and shall be issued respective documents which show that products are subject to the process and can be distributed in free circulation.

Article 22

Article 41 of the basic Law, paragraph 41.2. after the word "**the Ministry**" there is added the text: "**Institute of Viticulture and Enology**", while the rest of the text remains the same.

Article 23

1. Article 41 of the basic Law, paragraph 41.2 the word "**grown-up**" is replaced with the word "**cultivated**".

2. Article 41 of the basic Law, paragraph 41.2 point a) the word "**grown-up**" is replaced with the word "**cultivated**".

Article 24

Article 43 of the basic Law, paragraph 43.4. is amended and reworded as following:

43.4 Each delivery of imported wines except the wine in bottles filled up in an amount which a person can import it duty-free in accordance with customs rules, must be officially sampled by phytosanitary inspector who submits samples to the Institute of Viticulture and Enology for chemical - analatic and organoleptic assessment. Institute of Viticulture and Enology estimates imported wines within four (4) days after receiving samples.

Article 25

1. Article 44 of the basic Law, paragraph 44.2. is amended and reworded as following:

44.2. Export of wine should be accompanied with a certificate. Validity of the certificate for physic-chemical and organoleptic analysis is three (3) months, within this time the sampled quantity of wine should be sold or packed.

2. Article 44 of the basic Law, paragraph 44.4 at the end of sentence after the word "**labelled**" there is added the text "**as well as in opened form or rinfus**".

Article 26

Article 45 of the basic Law is amended and reworded as following:

45.1 According to this Law and sub-legal acts issued by this Law, works on supervision and production of grape, wine and other productions from grape, wine and fruit tree are carried out by the Ministry-Phytosanitary Inspectorate.

45.2 Supervision and inspecting works from competences of phytosanitary inspectorate are carried out by phytosanitary Inspector.

Article 27

Article 47 of the basic Law, after paragraph 47.2 there is added the new paragraph 47.3 with the following text:

47.3 Services performed in the field of viticulture and vineyards offered by Institute of Viticulture and Enology for material compensation is designated with sub-legal act by the Ministry. Ministry with sub legal act shall regulate the financial compensation of offering professional services carried out in the Institute of Viticulture and Enology from stakeholders.

Article 28

Article 49 of the basic Law is amended and reworded as following:

Incomes generated from the implementation of this Law go to Kosovo budget.

Article 29

Article 51 of the basic Law, the existing text is counted as paragraph 51.1. and after it there is added the new paragraph 51.2 with the following text:

51.2. For implementation of this Law, Ministry is obliged to issue sub-legal acts in term of six (6) months.

Article 30

This Law shall enter into force fifteen (15) days after the publication in the Official Gazette of the Republic of Kosovo.

Law No.04/L-019
29 July 2011

Promulgated by Decree No.DL-021-2011, dated 12.08.2011, President of the Republic of Kosovo Atifete Jahjaga.