



The new Italian Law on Wines and Vineyards

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Law no. 238 of 12 December 2016

- The so-called “Consolidated Wine Law” (“Organic Regulation of the grapes’ cultivation and wine’s production and trade” - “Disciplina organica della coltivazione della vite e della produzione e del commercio del vino” Law n. 238 of 12 December 2016) was adopted by the Italian Parliament on November 28, 2016 and entered into force on the 12th of January 2017, following its publication in the Italian Official Gazette on December 28, 2016.
- This law is usually referred to as a “Consolidated Law” (which is a legislative decree intended to organize the regulatory sources on a given field, collecting them in a single act basically including all relevant legislation) because it does not distort the earlier provisions, but rather it gathers and rationalizes them organically.

Evolution of Wine Law in Italy

- **Law n. 82/2006:** “Regulation of the wines’ and vinegars’ production and trade” - “Disciplina della produzione e commercializzazione vini e aceti”
- **Legislative Decree n. 61/2010:** “Safeguard of Indications of Origin and Geographical Indications about Wines, implementing Article 15 Law 07 July 2009, n. 88” - “Tutela delle denominazioni di origine e delle indicazioni geografiche dei vini, in attuazione dell'articolo 15 della legge 7 luglio 2009, n. 88”
- **Law n. 238/2016:** “Organic Regulation of the grapes’ cultivation and wine’s production and trade” - “Disciplina organica della coltivazione della vite e della produzione e del commercio del vino”



Gradual increase of extension

Significant Innovations in Law 238/2016

- Despite the fact that there are not so many great innovations, we can find in the text some significant changes.
- The new law reduces bureaucracy and safeguards important situations that were not directly taken into account in the previous legislation.
- The fact itself that now an “organic discipline” can be found in one single law is a significant step forward from the previous web of laws.

Statement of principles

- Article 1 of the Law contains a significant statement about the importance of wine in Italy and the principles that will guide its discipline:

“Wine, Vineyards and Wine producing areas [...] are a **cultural heritage** that has to be protected and promoted in its aspects of social, economic, productive, environmental and **cultural sustainability**”

Indigenous vine varieties

- **Articles 5 and 6** take into account and protect for the first time the so-called **indigenous vine varieties**. The definition provided by the new Wine Law is very loose and describes the indigenous vines as "*vines belonging to the species *Vitis vinifera*, with proved exclusive Italian origin and whose presence is detected in limited geographical areas within the national territory*".
- After this problematic definition (considering that it does simply refer to the geographical origin of the vineyards within the Italian borders, rather than taking into account the vineyards growing traditions in the Italian territory), the Consolidated Wine Law defers to the MIPAAF (the Italian Ministry of Agriculture and Forestry) the task of identifying these vines with a decree.
- As of now the only things that are clear are that the use of the words "*Italian indigenous vine varieties*" on the label will be restricted to specific PDO wines (in Italy these protected designation are called, in the wine field, DOC, DOCG and IGT) and that such use must be authorized in the relevant specifications.

“Heroic” or “Historical” vineyards

- **Article 7** of the Consolidated Law provides specific provisions for the protection and promotion of the so-called "heroic" or "historical" vineyards, measures that will allow to implement recovery measures and safeguard actions in order to protect those vineyards that are located in areas subjected to hydrogeological risk or with peculiar landscape value.

Registry of the Inspection Control

- An important innovation also comes from the introduction of a corrective to the so-called “R.U.C.I.” (Italian Unique Registry of the Inspection Control). This register, established since 2015 via a Ministerial Decree, should now allow a closer coordination between the authorities involved in the controls and should avoid unnecessary duplication thereof.
- **Article 63** of the new Wine Law provides that in the wine sector all controls must transit through the R.U.C.I., irrespective of whether the undertaking is or is not an agricultural enterprise.

Tax Redemption

- **Article 85**

Introduces the so-called "tax redemption", allowing to pay reduced penalties if a formal infringement is regularized before any control happens.

Blueprints

- **Article 9** simplifies bureaucracy regarding cellar blueprints.

It provides that wine cellars holders or establishment of total capacity exceeding 100 hectolitres (which are exempted from the requirement to submit plans to the Customs) can now transmit the blueprints of the building to the responsible office.

The blueprints have to specify only the position of the containers of capacity exceeding 10 hectolitres. In addition the following movement of containers within the same building is always admitted without prior notice.

Technology in the label

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- For Example:



QR-Codes

NFC Chips



Registry simplification

- **Article 54**, concerning the discipline of vinegars, grants a simplification of the loading and unloading register, providing that farmers with an annual production of less than 10 hectolitres are exempted from the keeping of the register and that producers with annual output of less than 20 hectolitres may proceed with the keeping of the register with a simplified system.

Wine Roads

- **Article 87** determines the possibility, for wineries along the so-called "Wine Roads" ("Strade del Vino"), to serve traditional agri-food production along with PDO and PGI products.

General Considerations

- The Italian Consolidated Wine Law has not produced radical upheavals, but rather a reorganization of the legislation with correctives and innovations.
- The promised "cut through the red tape" slogan that accompanied the parliamentary path of this decree, lies therefore more in the rationalization and clarification of the rules, now contained in a single law of 91 articles, rather than in a pivotal evolution of the Italian Wine Law.
- The evolution is not complete, many of the significant innovations introduced by the new Law will have to wait the related implementing decrees.

Missed Opportunities

- More significant bureaucracy cuts
- Providing a mandatory share of information between all the Authorities that control wine producers
- Establish an office about labels and/or clarify the regulations about label requirements
- Regulate the chance of overlap between IG and Trademarks



Thank You for Your attention

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