WINE GEOGRAPHICAL INDICATIONS: COMPARATIVE ANALYSIS OF CROATIAN AND MACEDONIAN LEGISLATIONS*

DOI: https://doi.org/10.18509/GBP26199mzh
UDC: 331.101.264.2-053:303.71(497.7)"2002/2021"

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ABSTRACT

This study analyzes the legal framework regulating geographical indications (GIs) in a societal and economic context and assesses their importance for the economy. The authors employ historical, comparative, and normative methods to explore geographical indications across various categories of goods and services. The analysis specially refers to geographical indications in the wine industry, particularly from the aspect of their main function: to enhance value by indicating a product's origin and quality characteristics. The text provides an analysis of the Croatian legal framework and assesses how closely the Macedonian legal sources align with EU legislation. Several conclusions are presented regarding the necessity for ongoing training of producer groups, the business sector, and pertinent agencies to enhance the acknowledgment, enforcement, and protection of GIs.

Keywords: intellectual property, geographical indications, wine industry, Croatian law, Macedonian law

INTRODUCTION

Geographical indications possess not only legal implications as an industrial property right, but also considerable economic value. The market can be dominated through product quality and its consistent maintenance. The protection of geographical indications serves to inform consumers that items bearing certain geographical indications have distinct features. Geographical indications serve as a quality assurance, providing an additional guarantee function. The utilization of protected geographical indications for labeling items from a certain region promotes and markets the product, highlighting its unique characteristics derived from the area's natural conditions and the traditional expertise of its producers [1].

Regarding previous studies on GIs importance in the respective countries, in 2017, research conducted by Mesić, Božjak, and Cerjak on GIs in agrifood products in Croatia indicated that the majority of consumers anticipated that their protection would enhance their confidence in product safety, as well as that protection schemes could improve market and tourism offerings, thereby increasing the income of farmers producing protected products, all of which contribute to the economic development of Croatian rural areas [2]. Furthermore, specifically on legal aspects on wines, several authors, such as

* The scientific article was created as part of the project Dynamics and Challenges of Migration, Remigration and Immigration in the Republic of Croatia, funded by the European Union under the NextGenerationEU program (01/08-73/23-2519-18).

Milotić, have presented the arguments for protection of Teran in Istria, elaborating ampelographic, enological and legal aspects, specially from the scope on the rules of origin, production, and labeling [3].
Macedonian legal scholarship has also affirmed the economic importance of wine Gis, as well as the characteristics of the legislation. Such views are presented in several works by Polenak Akimovska, Bučkovski, Naumovski, Gavrilović, Vučen and Zlatev. These authors have reitirated the strategic role of GIs for wines, mainly since they viticultural geographical indications allow differentiation of products on the market due to their attractiveness and quality which signals certain "extra-territoriality" when promoting them outside the national market, which represents an advantage in comparison with other industrial property rights [4] [5].

CROATIAN LEGAL FRAMEWORK

Croatian wine act

The Croatian Wine Act [6] is completely harmonized with the EU legislation. Hence, the review below presents the provisions of the law and the corresponding provisions in the appropriate regulation(s). For instance, the general provisions (Articles 1–6) of the Croatian Wine Act define the scope of the legislation, key concepts, and institutional framework for regulating the wine sector. These provisions align with the basic definitions and scope established under Regulation (EU) No 1308/2013 of the European Parliament and of the Council, which lays down the common organization of agricultural markets and defines wine sector terminology at EU level, as well other EU Regulations: 1306/2013; 2019/33;) 2019/3; 606/2009 ; 2018/273; 2018/274; 251/2014[6].
The provisions on classification and protection of wines by origin (Articles 7–21) establish the system of protected designations of origin (PDO) and protected geographical indications (PGI). These articles regulate geographical delimitation, authorized grape varieties, production methods, yield limits, and product specifications. They implement and correspond directly to Articles 92–111 of Regulation (EU) No 1308/2013, as well as Commission Delegated Regulation (EU) 2019/33 and Commission Implementing Regulation (EU) 2019/34, which govern PDO/PGI applications, specifications, and protection in the wine sector [6].

Table 1. Key Provisions of the Croatian Wine Act of 2019 Regarding the Concept and Registration Procedures (Source: Authors' Considerations)

Section	Articles	Topic	Key Rules / Process
Geographical Indications	30–43	PDO and PGI system	- **PDO:** Wine fully produced in a defined area; quality essentially linked to origin. - **PGI:** At least one production stage linked to region; broader geographic link.
Application Process	30–43	Registration procedure	1. Application submitted to Ministry with product specification. 2. National committee reviews legal/technical compliance. 3. 60-day public objection period. 4. If approved → temporary national protection. 5. Sent to European Commission for EU registration.
Administrative Flexibility	30–43	Procedure adjustments	Rules allow objections, amendments, withdrawal, and cancellation of protected names.
Traditional Wine Terms	44–47	Traditional designations	- Must comply with EU requirements. - Registered nationally first. - Can be submitted for EU approval. - Removed from register if EU rejects protection.
Labeling Rules	48–50	Consumer protection & labeling	- Must follow EU and national law. - No misleading information on origin/quality. - Only approved wines can use PDO/PGI or traditional terms. - Additional rules ensure clarity and prevent confusion.

The section on vineyard planting and production potential (Articles 22–29) regulates vineyard authorization systems, planting rights, and vineyard registers. These provisions implement the EU vine planting authorization regime which controls vineyard expansion across Member States to ensure market balance and prevent overproduction.

The regulatory framework for wine and aromatized wine products establishes a comprehensive system for the protection, control, and marketing of products with geographical and traditional designations. Articles 30–43 introduce the system of geographical indications, distinguishing between Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI). PDO applies to wines produced entirely within a strictly defined geographical area, where quality and characteristics are essentially linked to that origin, while PGI applies to broader regions where at least one stage of production is connected to the area. The protection process begins when producers or producer groups submit an application to the Ministry, including a detailed product specification outlining origin, production methods, and product characteristics. A specialized national committee conducts a preliminary review to assess legal and technical compliance. If the application is complete and valid, it is published for a 60-day public objection period. If no valid objections are raised or disputes are resolved, the product receives temporary national protection and is forwarded to the European Commission for final EU-level registration. The system also regulates objections, amendments to specifications, withdrawal of applications, and cancellation of protected names, ensuring flexibility within a controlled legal framework [6].

Articles 44–47 regulate traditional wine terms, which must comply with EU requirements to be protected. These terms are registered nationally and may be submitted for EU-level

approval. If the European Commission rejects protection, the term is removed from the national register, ensuring that only legally valid designations remain in use. Strict labeling rules are established in Articles 48–50 to ensure transparency and consumer protection. All wines must be labeled according to EU and national legislation, and labeling must not be misleading regarding origin, quality, or characteristics. Only wines that comply with approved specifications may use protected designations (PDO or PGI) or traditional terms. Additional rules govern the presentation of protected names to avoid consumer confusion.

The regional wine organizations are regulated with articles 51-54. These organizations are aimed at promoting wines from specific regions, managing marketing strategies, and strengthening the identity of geographical indications. A system of regional branding is introduced to support recognition of regional wines, with internal rules governing the use of marketing labels. Articles 55–59 define conditions for placing wine on the market. Wine may only be sold after passing administrative checks, laboratory analysis, and where necessary sensory evaluation, followed by official approval from the competent authority. Only compliant and properly labeled wines may be marketed. Sales are generally limited to sealed containers, although controlled exceptions allow bulk sales and wine-by-glass service in hospitality establishments [6].

Articles 61–63 regulate fruit wines, requiring producers to be officially registered. Fruit wines are categorized and must follow approved production methods. Before being placed on the market, they must undergo laboratory and sensory testing, and only compliant products are authorized for sale. Article 64 governs advertising, allowing promotion just for wines with protected designations of origin (PDO or PGI). Advertising must refrain from targeting minors, promoting excessive drinking, or implying health, social, or personal advantages associated with alcohol. The framework for aromatized wine products is established in Articles 65–67, which impose stringent criteria for production, composition, and labeling in compliance with EU legislation, notably Regulation (EU) No 251/2014 and food information directives under Regulation (EU) No 1169/2011. Products with protected geographical indicators must adhere strictly to their authorized standards.

The safeguarding of aromatized wine product designations via a procedure akin to the registration of wine PDO/PGI is regulated in Articles 68–74. Applications presented to the Ministry are subjected to a national expert evaluation, subsequently followed by publishing and a period for public objections. In the absence of unresolved objections, temporary national protection is conferred prior to submission to the European Commission for ultimate registration. Articles 75–78 regulate the administration of protected names, permitting modifications to specifications via standard or streamlined procedures based on the extent of alterations. Protection may be revoked if requirements are unmet, and applications may be retracted prior to final approval. A mandatory conformity control system is established in Article 79, requiring producers to prove compliance with approved specifications. Authorized agencies conduct inspections and issue certificates of conformity, and only certified products may be marketed under protected names, ensuring traceability and consumer protection.

Articles 80–82 regulate laboratories and sensory evaluation systems. Only accredited laboratories operating under ISO standards may conduct chemical analyses, while sensory evaluation is performed by trained expert panels approved for organoleptic assessment. The administrative and on-site inspection systems are introduced by Articles 83–91. Authorities conduct both document-based checks and risk-based field

inspections. Inspectors have broad powers, including access to facilities, sampling, document review, enforcement orders, and the ability to suspend production or sales. In urgent cases, immediate oral decisions may be issued to prevent risks to health or evidence of integrity.

Furthermore, articles 92–94 regulate sampling and laboratory testing procedures. Samples are taken in multiple copies to ensure fairness and allow independent verification. If products comply, the state covers testing costs, while non-compliance results in costs being borne by the producer. Dispute resolution mechanisms include second and third analyses. Finally, Articles 95–97 set out enforcement measures and operator obligations. Producers must fully cooperate with inspections, and obstruction may result in sanctions or rejection of applications. Authorities may impose temporary bans, withdraw or destroy non-compliant products, or require reprocessing under strict conditions. Producers are financially responsible for violations and cannot claim compensation for resulting losses. The misdemeanor provisions are set up in articles 98-100, while the final and transitional procedures are in the articles 101-108 [6].

Overall, the system creates a highly structured legal and administrative framework ensuring that wine and aromatized wine products are authentic, traceable, properly labeled, and compliant with both national and EU standards. It combines geographical protection, strict quality control, scientific testing, and strong enforcement mechanisms to protect consumers and support the reputation of regional wine production.



Figure 1. Examples of wines with Protected Designation of Origin (PDO): Zlatna Vrbnička Žlahtina and Plavac Mali from Pelječac), Source: Authors' Archive

MACEDONIAN LEGAL FRAMEWORK

In a comprehensive GI context, Macedonian legislation encompasses the Law on Industrial Property (LIP) [7], the Law on the Quality of Agricultural Products (LQAP) [8], the Law on Wine [9], and the Law on Agricultural and Rural Development (LARD) [10]. Macedonia has ratified international conventions and agreements pertaining to geographical indications and appellations of origin, such as the Lisbon Agreement for the

Protection of Appellations of Origin and Their International Registration, along with its Stockholm Act [11]. The country is a signatory to the 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the 2006 Central European Free Trade Agreement (CEFTA). The LIP employs the phrase "geographical names" (Macedonian: geografski nazivi), highlighting: (1) designations of origin (Macedonian: *oznaki na poteklo*) and (2) geographical indications (Macedonian: *geografski oznaki*).

Since 1993, the LIP has introduced the appellation of origin, regarded as a superior kind of protection. Since 2002, the LIP has established a new category of "lower protection" in addition to the appellation of origin, termed geographical indication, influenced by European Union legal terminology.

In October 2010, a special LQAP [8] was instituted to streamline the national and international registration of protected geographical indications and protected appellations of origin for agricultural products. This legislation also instituted the Traditional Guaranteed Specialty (Macedonian: *oznaka za garantiran tradicionalen specijalitet*) for traditional agricultural and food products with recognized distinguishing characteristics. The LQAP has been amended to comply with EU Regulation 1151/2012.

The LARD provisions are relevant to the economic importance and roles of geographical indications and appellations of origin. LARD delineates that high-quality agricultural products are those cultivated in compliance with standards that guarantee historical uniqueness. LARD provides opportunities for public financial assistance to achieve improved quality standards in the manufacturing of these commodities (Article 106).

Law on Wine

In 2024, a new Law on Wine (hereinafter: LW) was introduced, following the inconsistency of the previous law and its secondary legislation. The new LW ensures alignment with Regulation (EU) No 251/2014 on the definition, description, presentation, labelling, and protection of geographical indications of aromatized wine products and the Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council regarding applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions on use, amendments to product specifications, cancellation of protection, and labelling and presentation) [12]. It also aligns with Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council concerning applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, objection procedures, amendments to product specifications, the register of protected names, cancellation of protection and the use of symbols [13], as well as Regulation (EU) No 1306/2013 of the European Parliament and of the Council [14].

A pertinent reference concerning geographical indications of wines in the Republic of Macedonia is the Law on Wine, specifically the stipulations outlined in Chapter V, which addresses the registration and protection of wine geographical name with protected designation of origin (PDO), protected geographical indication (PGI) and traditional wine names. LW generally overrides the provisions of IP Law and the LQAP, considering that

the LW constitutes a kind of special legislation. This is solid ground for a comprehensive analysis will be conducted to clarify the framework of geographical indication protection for wine, emphasizing its essential structure and ramifications [1].

To establish GIs protection, the areas suitable for production of wine with GI are classified as 1) regions and areas, 2) vineyards, localities, and habitats [9].

According to LW , the designation of origin is a name, including a traditionally used name, used to describe a wine that meets the following requirements: 1)originates in a specific place, region or, in exceptional and duly justified cases, a country, 2)the quality or characteristics of which are largely or exclusively influenced by the geographical area and its natural and human factors, 3) is produced from wine grapes originating exclusively from the defined geographical area, and 4) all wine production processes take place entirely in the defined geographical area[9].

On the other hand, a geographical indication is a name, including a traditionally used name, used to describe a wine that meets the following requirements: 1) originates from a specific place, region or, in exceptional and duly justified cases, a country, 2) has a specific quality, reputation or other characteristic attributable to the geographical origin, 3)is produced from at least 85% of wine grapes originating from the defined geographical area and 4) all wine production processes take place entirely in the defined geographical area.

Furthermore, LW prescribes that the designation of wines with a designation of origin could also be carried out by non-geographical terms, defining that the non-geographical terms may be used only if, through long-term use in trade, they have become generally known as traditional for the designation of wine [9].

In terms of Article 60 of the LW, considering the geographical indication and the traditional names, the wine is classified as 1) wine with geographical indication (WGI); 2) wine with controlled origin (WCO), and 3) wine with controlled and guaranteed origin (WCGO). WGI, WCO and WCGO are entirely produced from recommended and approved grape varieties for production of wine.[9].



Figure 2. Example of a wine with controlled origin (WCO) (BOVIN Muscat Temjanika Wine) and a wine with control and guaranteed origin (WCGO) (BOVIN Dissan) from the Tikveš wine geographical area , Source: Authors' Archive

Procedural issues

In terms of Article 68 of LW, a GI for wine is protected by entering the Register of Wine with protected geographical indications upon a previous application. The application must contain an Elaboration which clarifies the production and designation of wine with a GI. LW contains detailed provisions in separate articles namely: Article 63 (applicants and application), Article 64 (review committees); Article 65 (procedure for review of the application), Article 66 (opposition procedure), Article 67 (decision for protection and registration), Article 71 (initial and subsequent acquisition of the right of use), Article 72 (amendment and supplements to the Elaboration), Article 74 (annulment of the registration), Article 75 (protection of GIs); Article 76 (international protection); Articles 77-78 (Protection on EU level); Article 79 (Control) and Articles 80-81 (Verification). The analysis of the provisions indicated that the approach is much more advanced than the previous Law on Wines, initially enacted in 2010 and amended ins several occasions as well as its secondary legislation [9].

Table 2. Key Provisions of Macedonian Law on Wines of 2024 (Source: Authors' Considerations)

Phase	**Step / Aspect**	**Relevant Article (LW)**	**Description**
Application Phase	Application for GI protection	Article 68	GI protection is granted through entry into the Register of Wine with protected geographical indications, based on a prior application.
	Application requirements	Article 63	Specifies eligible applicants and formal requirements.
	Elaboration (mandatory document)	Related to Art. 68	Must detail production methods and designation rules for the GI wine.
Examination Phase	Review committees	Article 64	Competent bodies responsible for examining applications.
	Review procedure	Article 65	Defines the process of formal and substantive examination.
Opposition Phase	Opposition procedure	Article 66	Enables third parties to challenge the application.
Decision Phase	Decision and registration	Article 67	Authorities decide on protection and registration.
	Entry into register	Article 68	GI is officially protected upon registration.
Post-Registration Phase	Right of use	Article 71	Regulates acquisition and use of the GI.
	Amendments to Elaboration	Article 72	Allows updates or modifications to the Elaboration.
	Annulment of registration	Article 73	Provides grounds for cancellation of GI registration.

Phase	Step / Aspect	Relevant Article (LW)	Description
Protection & Enforcement	Protection of GIs	Article 75	Defines legal protection and enforcement measures.
	International protection	Article 76	Covers protection beyond national borders.
	EU-level protection	Articles 77–78	Regulates protection within the EU framework.
Control Mechanisms	Control	Article 79	Establish monitoring systems.
	Verification	Articles 80–81	Ensures compliance with GI requirements.
Context	Legislative context	—	The current law is more advanced than the 2010 Law on Wines and its amendments.

DISCUSSION

Following prior presentations and debates regarding the Croatian and Macedonian systems for the protection of geographical indications (GIs), particularly concerning wines, it can be determined that both legal frameworks predominantly align with the system established by the European Union. Moreover, regarding their structure, the fundamental core legal sources (*Laws on Wine: Zakon o vinu; Zakon za vinoto)* in both instances exhibit analogous characteristics.

In Croatia, the protection of geographical indications is embedded within both national legislation and directly applicable EU regulations. National laws primarily regulate procedural aspects, such as the designation of competent authorities, control bodies, and enforcement mechanisms, while substantive rules on registration and protection derive from EU law. This ensures a high level of legal certainty and consistency, especially regarding the scope of protection, rights of use, and mechanisms for objection and cancellation. This refers to protected designations of origin (PDOs), protected geographical indications (PGIs), and traditional specialties guaranteed (TSGs).

Geographical indications are economically significant in Croatia, especially in the wine, olive oil, and traditional cuisine sectors. Croatian producers have effectively employed geographical indications as a marketing strategy to enhance regional identity and product quality. This has resulted in elevated product pricing, as well as advancements in rural development, conservation of traditional production techniques, and a rise in tourism in areas linked to prominent geographical indications. The Croatian approach prioritizes the collective aspect of geographical markers. Producers organized in collectives generally commence the registration process, and the entitlement to utilize a Geographical Indication (GI) is conferred upon all producers within the specified geographical region who adhere to the product specifications. These requirements are meticulously defined and rigorously enforced, guaranteeing that the quality, reputation, and attributes are associated with the geographical origins.

Similarly, Macedonian law establishes both a general regime for protection and several sectoral regimes. However, it goes a step further by introducing a general regime that

covers GIs for all types of products (regulated by LIP) [7], not only agricultural products and foodstuffs. In this respect, the influence of the Lisbon Agreement is clear. Furthermore, while the European Union maintains special regimes for spirit drinks, aromatized wines, and grapevine products, Macedonian legislation provides special regimes specifically for agricultural products, foodstuffs, and wine [1].
Nevertheless, legal regulation itself serves only as a vehicle for the realization of the economic effects of geographical indications. The law grants certain rights and entitlements that companies and other entities may use to promote their products and achieve economic benefits. However, these benefits can only be realized if geographical indications are properly registered and subsequently used in practice. Hence, Macedonian legislation on GIs can be assessed from both a legal and an economic ratio, with the understanding that the practical functionality of the legal framework ultimately determines the extent of economic benefits.

CONCLUSION

Geographical indications, like trademarks, play an important role in attracting consumers, particularly in the wine sector, by linking products to a specific region and highlighting their distinctive qualities derived from local natural conditions and traditional expertise.
Procedurally, Croatia benefits from clearer and more user-friendly rules, largely due to the experience gained through its implementation. The process of registration involves both national examination and subsequent scrutiny at the EU level, which enhances the credibility and recognition of Croatian GIs on the international market. Furthermore, once registered at the EU level, Croatian GIs enjoy protection across all Member States, significantly expanding their market reach:
Concerning the Macedonian approach, wine geographical indications are strategically significant in several ways: they help differentiate products in both domestic and international markets, enhancing their appeal and competitiveness; they generate added economic value since consumers are often willing to pay higher prices for regionally certified wines; and they support the preservation of biodiversity, local traditions, and natural resources while also contributing to tourism development. Moreover, they are especially beneficial for smaller and family-owned wineries seeking to expand and improve their production. Overall, strengthening geographical indications requires not only legal and economic support but also continuous education and awareness among producers, institutions, and the wider business community to ensure effective use and protection of these designations.
The analysis demonstrates that while the Macedonian system of geographical indications is also largely aligned with the European Union model and even exceeds it in scope by introducing a general regime applicable to all products, its effectiveness and practical implementation is expected to face challenges, especially regarding the registration, and economic utilization. In this context, it should also be noted that the new Law on Wines introduces a clearer and more structured framework in line with EU standards , although its applicability and impact are yet to be assessed. However, similar to other industrial property rights, that legal alignment alone is insufficient without efficient enforcement and practical use.
Consequently, to reinforce the Macedonian wine GI's protection system and amplify its economic influence, there is a distinct necessity for augmented collaboration between the two countries especially via joint ventures, collaborative training programs, and the

networking of Macedonian and Croatian researchers, specialists, business sectors, and relevant stakeholders, which would promote knowledge exchange, capacity enhancement, and the implementation of best practices in the domain of geographical indications.

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