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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3307/85
of 18 November 1985
amending Regulation (EEC) No 337/79 on the common organization
of the market in wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas taking into account the progress made in wine technology and in a wish to strengthen, in the interests of the consumer, requirements for the use of certain oenological practices, it has proved necessary to make various adaptations to Council Regulation (EEC) No 337/79 ⁽⁴⁾, as last amended by Regulation (EEC) No 798/85 ⁽⁵⁾;

Whereas, in order not to penalize economically producers growing varieties which are authorized temporarily, the time limit for eliminating these varieties should be changed;

Whereas experience shows that in certain zones of production the acidification of wine is often a necessity; whereas therefore such acidification should be authorized subject to certain conditions; whereas moreover, as additional acidification pursuant to Article 34 (2) of Regulation (EEC) No 337/79 has to be carried out rapidly during the harvest, responsibility for the decision to have recourse to it should be transferred to the Member States, subject to the relevant conditions; whereas it is moreover appropriate to permit, on the one hand, deacidification of wines in order to correct the acidity level if the deacidification

of products upstream of wine has proved to be insufficient and, on the other hand, acidification of wine to a greater extent in order to give the winemaker more flexibility;

Whereas, with the aim of facilitating the checking of the observance of Community provisions with respect to oenological practices, authorization should be given for enriching products in the wine sector with a view to producing a beverage intended for direct human consumption, only in the winegrowing zone where the fresh grapes used were harvested; whereas, for the same reasons, the concentration of table wine should be restricted to the wine growing zone where the fresh grapes used were harvested; whereas amendments concerning acidification and deacidification require an adaptation to the rules laying down the time limits for carrying out these operations; whereas the producers' obligations should also be stipulated with respect to entries in the documents accompanying the transport;

Whereas technical developments in the treatment of lees have enabled certain problems of cellarage techniques to be resolved and the provision of conditions responding better to health requirements; whereas these new techniques may be authorized; whereas, however, these techniques may not be applied in a manner incompatible with striving to obtain a product of suitable quality, to the extent that, in any case compulsory distillation under Article 39 of Regulation (EEC) No 337/79 concerns only a very small volume, and this ensures that the measure will have the intended effect;

Whereas the maximum sulphur dioxide levels for wines intended for direct human consumption other than sparkling and liqueur wines were fixed by Article 44 of Regulation (EEC) No 337/79;

Whereas, pursuant to the abovementioned Article, the Council asked the Commission to draw up a report on scientific knowledge and technological development in respect of the use of sulphur dioxide in oenology;

Whereas this report shows that a reduction in the said maximum levels is compatible with present-day oenological knowledge and technological progress in respect of the majority of wine types; whereas, it is moreover desirable to limit the use of all food additives to the minimum necessary; whereas a reduction in maximum total sulphur dioxide levels of 15 milligrams per litre should therefore be introduced for

⁽¹⁾ OJ No C 206, 14. 8. 1981, p. 4; OJ No C 18, 23. 1. 1982, p. 4; OJ No C 62, 5. 3. 1984, p. 29.

⁽²⁾ OJ No C 327, 14. 12. 1981, p. 114; OJ No C 104, 16. 4. 1984, p. 96.

⁽³⁾ OJ No C 310, 30. 11. 1981, p. 9; OJ No C 103, 16. 4. 1984, p. 21.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁵⁾ OJ No L 89, 29. 3. 1985, p. 1.

all wines with the exception of certain wines with special characteristics and of sparkling wines, the latter products being subject to corresponding measures under Regulation (EEC) No 3310/85 ⁽¹⁾;

Whereas Article 51 of Regulation (EEC) No 337/79 lays down the principle that products which have undergone oenological practices not allowed in the Community may not be offered or disposed of for direct human consumption;

Whereas systematic exclusion from disposal for consumption is justified only in cases where the quality of the wine is in jeopardy or where the consumer's health is a risk; whereas provision should, however, be made for the adoption of appropriate measures in other cases;

Whereas after a period of rapid change in technology and in methods of analysis, enough is now known about rectified concentrated must for it to be defined more closely; whereas, in addition, provision should be made for the possibility for the Council, acting on a proposal from the Commission by a qualified majority, to amend, if necessary, the definition of the product in question on the basis of the development of the abovementioned knowledge;

Whereas in order to ensure the development of consumption of semisparkling wines and aerated semi-sparkling wines in new forms of distribution, marketing of those wines should be authorized in containers holding not more than 60 litres.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 337/79 shall be amended as follows:

1. Article 1 (4) (c) shall be replaced by the following:

'(c) Definitions of the products set out in the second indent of (b) originating in third countries, with the exception of table wine and wine suitable for yielding table wine and any amendment to the definition of rectified concentrated grape must referred to in Annex II point 5a, shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.'

2. Article 31 (3) (b) shall be replaced by the following:

'(b) vine varieties classified as temporarily authorized after 31 December 1976, must be completed within twenty five years from the date on which the variety was thus classified.'

3. Article 34 shall be replaced by the following:

'Article 34

1. Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be subject to:

- partial deacidification in wine-growing zones A, B, C I (a) and C I (b);
- acidification and deacidification in wine-growing zones C II and C III (a), without prejudice to the provisions of paragraph 3;
- acidification in wine-growing zone C III (b).

Acidification of products other than the wine referred to in the first subparagraph may only be carried out up to a limit of 1,50 g/l expressed in tartaric acid, or 20 milliequivalents per litre.

Acidification of wines may only be carried out up to a limit of 2,50 g/l expressed in tartaric acid, or 33,3 milliequivalents per litre.

Deacidification of wines may only be carried out up to a limit of 1 g/l expressed in tartaric acid, or 13,3 milliequivalents per litre.

Moreover, grape must intended for concentration may be the subject of partial deacidification.

2. In years when climatic conditions have been exceptional, Member States may authorize acidification of the products referred to in paragraph 1 in wine-growing zones C I (a) and C I (b), under the conditions referred to in paragraph 1 as regards zones C II, C III (a) and C III (b);

3. Acidification and enrichment, except by way of derogation to be decided case by case, and acidification and deacidification of one and the same product shall be mutually exclusive processes.

4. The derogations referred to in paragraph 3 and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.;

4. Article 36 shall be amended as follows:

(a) the first subparagraph shall be replaced by the following:

'1. None of the processes referred to in Articles 33 and 34, with the exception of the acidification and deacidification of wines, shall be authorized unless carried out as a single operation at the time when the fresh grapes, grape must, partially fermented grape must or new wine still in fermentation are being turned into wine suitable for yielding table wine, into table wine, or into any other beverage intended for direct human consumption referred to in Article 1 (2) other than sparkling wine or aerated sparkling wine, in the wine-growing zone where the fresh grapes used were harvested.'

⁽¹⁾ See page 19 of this Official Journal.

The same shall apply to the concentration, acidification and deacidification of wine suitable for yielding table wines.

The concentration of table wines must take place in the wine-growing zone where the fresh grapes used were harvested.

Acidification and deacidification of wines may take place only in the wine making undertaking and in the wine-growing zone where the grapes used to produce the wine in question were harvested.

Each of the processes referred to in the first subparagraph must be notified to the competent authorities. The same shall apply in respect of the quantities of sucrose or concentrated grape must or rectified concentrated grape must held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants to be determined, at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however, be replaced by entry in a goods inwards and stock utilization register.

Each of the processes referred to in Article 34 must be recorded on the document referred to in Article 53 under cover of which the products having undergone the processes are put into circulation.';

(b) Paragraph 2 shall be replaced by the following:

'2. Those processes may, subject to derogation justified by exceptional climatic conditions, only be carried out:

- before 1 January, in wine-growing zones C,
- before 16 March, in wine-growing zones A and B,

and only for products of the wine harvest immediately preceding those dates.

However, concentration by cooling and acidification and deacidification of wines may be practised throughout the year,';

5. Article 39 shall be amended as follows:

(a) in paragraph 1, the following subparagraph shall be inserted after the first subparagraph:

'Filtering and centrifuging of wine lees shall not be considered as pressing where, firstly, the products obtained are of sound, genuine and merchantable quality and, secondly, the lees are not reduced to the dry state.';

(b) in paragraph 2 the first and second subparagraphs shall be replaced by the following:

'2. Any natural or legal person or group of persons, with the exception of the persons and

groups referred to in paragraph 4, having made wine shall be required to deliver for distillation all the by-products of the winemaking and, if necessary, wine from his or their own production.

The quantity of alcohol contained in the products delivered for distillation shall be at least equal to a percentage to be determined of the volume of alcohol contained in the wine produced. The assessment of that volume shall be made on the basis of a standard natural minimum alcoholic strength by volume laid down for each wine-growing year in each wine-growing zone.';

(c) the following shall be added to paragraph 3:

'Grape marc and wine lees delivered for distillation must meet certain minimum standards to be determined. Where the standards are not met, the marc and lees shall, by way of derogation from the first subparagraph, be disposed of by delivery to a processing establishment other than a distillery or by destruction under supervision.';

(d) paragraph 8 shall be replaced by the following:

'8. The amount of aid, the prices and the proportion of expenditure referred to in paragraph 7 shall be fixed in accordance with the procedure laid down in Article 67.

Detailed rules for the application of this Article, the standard natural alcoholic strength by volume referred to in paragraph 2 and the minimum standards to be met by marc and lees referred to in paragraph 3 shall be adopted in accordance with the same procedure.';

6. Article 44 shall be amended as follows:

(a) Paragraph 1 (a) and (b) shall be replaced by the following:

- '(a) 160 milligrams per litre for red wines;
- (b) 210 milligrams per litre for white and rosé wines';

(b) Paragraph 2 (a) shall be replaced by the following:

- '(a) 210 milligrams per litre for red wines; 260 milligrams per litre for white and rosé wines';

(c) In paragraph 4, the figure 25 shall be replaced by the figure 40;

(d) Paragraph 5 shall be replaced by the following:

'5. The Commission shall submit to the Council before 1 April 1990, in the light of the experience acquired, a report on the maximum sulphur dioxide levels in wine, accompanied, where appropriate, by proposals on which the Council shall act by a qualified majority before 1 September 1990.';

(e) Paragraph 6 shall be replaced by the following:

'6. Detailed rules for the application of this Article, the decision referred to in paragraph 4, and transitional measures concerning wines originating in the Community produced before 1 September 1986 and imported wines shall be adopted in accordance with the procedure laid down in Article 67.';

7. Article 46 shall be amended as follows:

(a) Paragraph 3 shall be replaced by the following:

'3. The use of calcium tartrate or tartaric acid is referred to in Annex III (1) (m) and (2) (l) for deacidification purposes shall be permitted until 31 August 1990 and, with regard to tartaric acid, solely in the case of products:

- made from vine varieties which yield relatively acidic grapes,
- and
- made from grapes harvested in certain wine-growing regions, to be defined, in the northern part of wine-growing zone A.

The use of Aleppo pine resin referred to in Annex III (1) (n) shall be allowed only for the purpose of obtaining a 'retsina' table wine. This oenological practice may be carried out only:

- in the geographical territory of the Hellenic Republic,
- on a grape must produced from grapes for which the varieties, the production area and the wine-making area have been determined by the Greek provisions in force on 31 December 1980,
- by adding a quantity of resin equal to or less than 1 000 grams per hectolitre of the product used,
- before fermentation or, provided that the actual alcoholic strength by volume does not exceed one-third of the total alcoholic strength by volume, during fermentation.

If the Hellenic Republic intends to amend, after 31 December 1980, provisions referred to in the second subparagraph, second indent, it shall inform the Commission accordingly. In this case it may be decided, in accordance with the procedure referred to in Article 67, to change that date.

In the case of the treatments referred to in paragraph 2 (p) of Annex III, Member States may decide that calcium phytate is to be used instead of potassium ferrocyanide in all red wines produced in their territory.

The use of sodium alginate referred to in Annex III (2) (t) for the manufacture of certain sparkling wines shall be permitted until 31 August 1990.

Member States may authorize the use, as referred to in point 2 (x) of Annex III, of copper sulphate for the purpose of eliminating defects in the taste or smell of wine in production regions where copper sulphate has not been used for the treatment of the vines.

The use of silver chloride and copper sulphate for one and the same wine shall be prohibited.';

(b) the following indent shall be inserted in paragraph 6 after the first indent:

'— the conditions under which Member States may permit in respect of wine produced on their territory the use, until a date to be fixed, of malic acid for acidification purposes,';

8. Article 49 (2) (b) shall be replaced by the following:

'(b) where the variety in question has been classified as temporarily authorized after 31 December 1976, for a period of twenty-five years from the date on which the variety was so classified.';

9. Article 51 shall be amended as follows:

(a) the first subparagraph of paragraph 1 shall be replaced by the following:

'1. Unless otherwise decided by the Council acting by qualified majority on a proposal from the Commission, products falling within headings 22.04 and 22.05 of the Common Customs Tariff, whether imported or not, which have undergone oenological practices not allowed by Community rules or, where such rules do not exist, by national rules, may not be offered or disposed of for direct human consumption.';

(b) the following subparagraph shall be added to paragraph 2:

'The conditions under which Member States may authorize the holding, circulation and use of products not complying with the provisions of this Regulation, other than those referred to in the first subparagraph of paragraph 1, or with provisions adopted pursuant to this Regulation, shall be adopted in accordance with the same procedure.';

10. Annex II shall be amended as follows:

(a) Point 5a shall be replaced by the following:

'5a. Rectified concentrated grape must, the liquid uncaramelized product which:

- is obtained by partial dehydration of grape must carried out by any authorized method other than direct heat in such a way that the figure indicated by a refractometer (used in accordance with

the method prescribed in Annex III to Regulation (EEC) No 516/77) at a temperature of 20° C is not less than 70,5 %; Member States may, however, allow a different figure for products used within their territory, provided it is not lower than 51,9 %;

- has undergone authorized treatment for deacidification and elimination of constituents other than sugar;
- has the following characteristics:
 - a pH of not more than 5,
 - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100,
 - a sucrose content undetectable by a method of analysis to be defined,
 - an ethanol content of not more than 0,5 g/kg of total sugars,
 - a total nitrogen content of not more than 100 mg/kg of total sugars,
 - a Folin-Ciocalteu index of not more than 400,
 - a titratable acidity of not more than 10 milliequivalents/kg of total sugars,
 - a sulphur dioxide content of not more than 25 mg/kg of total sugars,
 - a sulphate content of not more than 2 milliequivalents/kg of total sugars,
 - a chloride content of not more than 1 milliequivalents/kg of total sugars,
 - a phosphate content of not more than 1 milliequivalent/kg of total sugars,
 - a total cation content of not more than 8 milliequivalents/kg of total sugars,
 - a conductivity at 25° Brix and 20° C of not more than 50µS/cm,
 - a hydroxymethylfurfural content of not more than 25 mg/kg of total sugars,
- is derived exclusively from the vine varieties referred to in Article 49,
- is produced within the Community,
- is obtained from grape must having at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which the grapes were harvested.

An actual alcoholic strength of the concentrated rectified grape must of not more than 1 % vol shall be permissible.’;

- (b) in points 15 and 16, the last indent shall be replaced by the following:

‘— is put up in containers of not more than 60 litres.’;

- (c) Point 18 shall be replaced by the following:

‘18. Wine lees: the residue accumulating in vessels containing wine after fermentation, during storage or after authorized processing, and the residue obtained from filtering or centrifuging this product.

The following shall also be considered as wine lees:

- the residue accumulating in vessels containing grape must during storage or after authorized processing;
- the residue obtained from filtering or centrifuging this product.’;

- (d) Point 19 shall be replaced by the following:

‘19. Grape marc: the residue from the pressing of fresh grapes, whether or not fermented.’;

- (e) In point 21 the maximum volatile acidity of 2,40 g/l shall be replaced by 1,50 g/l;

11. Annex III shall be amended as follows:

- (a) Points 1 (d) and 2 (e) shall be replaced by the following, preceded by ‘(d)’ and ‘(e)’ respectively:

‘use of carbon dioxide, or argon or nitrogen either alone or combined, in order solely to create an inert atmosphere and to treat the product shielded from the air’;

- (b) Point 1 (f) shall be replaced by the following:

‘(f) use of one or more of the following practices to encourage the growth of yeasts:

- addition of:
 - diammonium phosphate or ammonium sulphate up to 0,3 g/l;
 - ammonium sulphite or ammonium bisulphite up to 0,2 g/l;

These products may also be used together up to a total of 0,3 g/l, without prejudice to the abovementioned limit of 0,2 g/l;

- addition of thiamin hydrochloride up to 0,6 mg/l expressed as thiamin’;

- (c) in point 1 (j) and point 2 (m) the words in brackets in the fourth indent shall be deleted;
- (d) Points 1 (m) and 2 (l) shall be replaced by the following, preceded by '(m)' and '(l)' respectively:
- 'use of one or more of the following substances for deacidification purposes under the conditions laid down in Articles 34 and 36:
- neutral potassium tartrate,
 - potassium bicarbonate,
 - calcium carbonate, which may contain small quantities of the double calcium salt of L(+) tartaric and L(-) malic acids,
 - calcium tartrate or tartaric acid, under the conditions laid down in the first subparagraph of Article 46 (3);'
- (e) Point 2 (b) shall be replaced by the following:
- '(b) aeration or bubbling using argon or nitrogen;'
- (f) Point 2 (k) shall be replaced by the following:
- '(k) the use for acidification purposes under the conditions referred to in Articles 34 and 36:
- of tartaric acid,
 - or
 - of malic acid under the conditions adopted pursuant to the second indent of Article 46 (6);'
- (g) The following point 2 (t) shall be inserted:
- '(t) use, for the manufacture of sparkling wines obtained by fermentation in bottle and with the lees separated by disgorging:
- of calcium alginate,
 - or
 - of potassium alginate,
 - or
 - of sodium alginate under the conditions laid down in the fifth subparagraph of Article 46 (3);'
- (h) Point 2 (u) shall be deleted.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 September 1986, with the exception of:

- points 3, 4, 7 and 11 of Article 1, which shall apply with effect from 1 September 1985.
- point 10 (a) of Article 1 which shall apply from 1 September 1987.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 November 1985.

For the Council

The President

M. FISCHBACH

COUNCIL REGULATION (EEC) No 3308/85

of 18 November 1985

amending Regulation (EEC) No 339/79 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 3307/85⁽²⁾, and in particular Article 1 (4) (c) thereof,

Having regard to the proposal from the Commission⁽³⁾,

Whereas the definition of rectified concentrated grape must contained in Annex II to Regulation (EEC) No 337/79 has been changed; whereas, for the purposes of harmonization, it is necessary to alter the definition of the corresponding product originating in non-member countries.

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (c) of Regulation (EEC) No 339/79⁽⁴⁾, amended by Regulation (EEC) No 3083/82⁽⁵⁾, shall be replaced by the following:

'(c) Rectified concentrated grape must, the liquid uncaramelized product which:

- is obtained by partial dehydration of grape must carried out by any authorized method other than direct heat in such a way that the figure indicated by a refractometer (used in accordance with the method prescribed in Annex III to Regulation (EEC) No 516/77) at a temperature of 20°C is not less than 70,5 %;

- has undergone authorized treatment for de-acidification and elimination of constituents other than sugar,

- has the following characteristics:

- a pH of not more than 5,
- an optical density at 425 nm for a thickness of 1 cm of not more than 0,100,
- a sucrose content undetectable by a method of analysis to be defined,
- an ethanol content of not more than 0,5 g/kg of total sugars,
- a total nitrogen content of not more than 100 mg/kg of total sugars,
- a Folin-Ciocalteu index of not more than 400,
- a tritratable acidity of not more than 10 milliequivalents/kg of total sugars,
- a sulphur dioxide content of not more than 25 mg/kg of total sugar,
- a sulphate content of not more than 2 milliequivalents/kg of total sugars,
- a chloride content of not more than 1 milliequivalent/kg of total sugars,
- a phosphate content of not more than 1 milliequivalent/kg of total sugars,
- a total cation content of not more than 8 milliequivalent/kg of total sugars,
- a conductivity at 25°Brix and 20°C of not more than 50 µS/cm,
- a hydroxymethylfurfural content of not more than 25 mg/kg of total sugars,

- is derived exclusively from wine grape varieties permitted in the third country or origin,

- is obtained from wine grape must having at least the minimum natural alcoholic strength by volume laid down for the third country of origin

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 206, 14. 8. 1981, p. 11.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 57.

⁽⁵⁾ OJ No L 326, 23. 11. 1982, p. 4.

for the production of wine intended for direct human consumption.

An actual alcoholic strength of the concentrated rectified grape must of not more than 1 % vol shall be permissible.'.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 September 1987.

This Regulation shall be binding in its entirety and directly applicable.

Done at Brussels, 18 November 1985.

For the Council

The President

M. FISCHBACH

COUNCIL REGULATION (EEC) No 3309/85

of 18 November 1985

laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3307/85 ⁽²⁾, and in particular Article 54 (1) and Article 64 (2) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

Whereas Article 54 of Regulation (EEC) No 337/79 makes provision for the adoption of general rules for the description and presentation of products in the wine sector; whereas Council Regulation (EEC) No 355/79 ⁽⁶⁾, as last amended by Regulation (EEC) No 1898/85 ⁽⁷⁾, has laid down general rules for the description and presentation of wines and grape musts; whereas general rules should also be established for the description and presentation of sparkling wines and aerated sparkling wines;

Whereas the purpose of description and presentation should always be to provide potential final consumers and public bodies responsible for organizing and supervising the marketing of the products concerned with sufficiently clear and accurate information to enable them to form an opinion of the products; whereas rules should therefore be drawn up to ensure that this purpose is served;

Whereas, in the case of descriptive items, a distinction should be made between mandatory information needed to identify a sparkling or aerated sparkling wine and optional information designed mainly to indicate the intrinsic qualities of a product or to distinguish it sufficiently from other products in the same category which compete with it on the market;

Whereas it is important to draw up a full list of mandatory information and define the conditions under which this information may be used in the description of sparkling wines or aerated sparkling wines;

Whereas various terms are traditionally used in the Community for the sales description of quality sparkling wines; whereas, in order to assist final consumers in their choice, it should be provided that the sales description of these products should consist of one of these terms, without the term 'Sekt' being allowed to serve indirectly as a geographical description of a sparkling wine;

Whereas, in order to facilitate the marketing of the said products, it should be left to the parties concerned to choose which optional information they wish to include, without provision of an exhaustive list; whereas the choice of optional information should nevertheless be restricted to details which are not inaccurate or liable to create confusion in the minds of final consumers or others for whom the information is intended;

Whereas, in order to establish conditions for fair competition on the market in sparkling wines and aerated sparkling wines, special rules should be laid down for the use of certain optional items of information of a prestigious nature which may enhance the value of products so described; whereas provision should also be made for additional rules to be laid down at Community level by means of implementing provisions;

Whereas, on the one hand, a producer or vendor normally has no difficulty in demonstrating the accuracy of the information on the label to the competent authorities; whereas, on the other hand, those authorities do not always have direct access to the information sources of the producer or vendor; whereas, therefore, in order to increase the effectiveness of action by the authorities responsible for monitoring and controlling compliance with Community provisions in the sparkling wine sector, provision should be made to enable the said authorities, under the procedures applicable in the Member State in which they perform their duties, to require, where appropriate in cooperation with the competent authorities of the other Member States, the producer or vendor responsible for the information carried on the label to furnish proof of the accuracy of the terms used in the description; whereas provision should also be made that terms whose accuracy cannot be proved should be regarded as not complying with Community provisions;

Whereas, bearing in mind the international obligations of the Community and the Member States regarding protection of registered designations of origin or geographical descriptions of wines, it should be laid down that the use of terms relating

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 120, 5. 5. 1983, p. 3, and OJ No C 182, 9. 7. 1984, p. 21.

⁽⁴⁾ OJ No C 77, 19. 3. 1984, p. 146, and OJ No C 12, 14. 1. 1985, p. 1.

⁽⁵⁾ OJ No C 358, 31. 12. 1983, p. 59.

⁽⁶⁾ OJ No L 54, 5. 3. 1979, p. 99.

⁽⁷⁾ OJ No L 179, 11. 7. 1985, p. 1.

to a production method may not refer to the name of a geographical unit unless the product concerned may be designated by that name;

Whereas the characteristic features of sparkling and aerated sparkling wines are determined principally by natural and technical factors which are important from the start of cultivation of the vine and the wine-making process; whereas, therefore, in order to ensure uniform treatment of these products, conditions should be defined – as for wine – under which the name of the Member State or third country concerned or the adjective derived from that name may be used in combination with the name of the product;

Whereas it must be possible within the Community for sparkling wines and aerated sparkling wines to be described in each of the official languages of the Communities in order to guarantee compliance with the principle of free movement of goods throughout the Community; whereas, however, it is necessary for mandatory information to be provided in such a way that final consumers can understand it, even when it appears on the label in a language which is not the official language of their country; whereas the names of geographical units should appear solely in the official language of the Member State in which the sparkling wine was produced, so that the sparkling wine thus designated circulates only under its traditional name; whereas, in view of the particular difficulties of understanding information given in Greek, since it is not written in the Roman alphabet, repetition of such information in one or more other official languages of the Communities should be authorized;

Whereas the presentation of sparkling and aerated sparkling wines traditionally includes special devices, such as methods of closure, which distinguish these products from other beverages; whereas rules should therefore be laid down regarding the appearance of these special devices;

Whereas, in order to establish conditions for fair competition between the various sparkling wines and aerated sparkling wines, anything in the description or presentation of such wines likely to confuse or mislead those for whom the information is intended should be prohibited; whereas similar prohibitions should be laid down for brand names used to describe sparkling wines or aerated sparkling wines;

Whereas sparkling wines and aerated sparkling wines are competing on the market with other sparkling beverages; whereas, therefore, provisions should be adopted to avoid confusion between the various categories of products; whereas, since the risk of confusion is particularly great if certain official languages of the Communities, especially those derived from Latin, are employed, use of composite names including the words 'sparkling wine' should be allowed only in the case of a traditional practice permitted by the Member State of production on the day of entry into force of this Regulation.

Whereas provision should be made for the adoption of transitional arrangements to facilitate the change-over from national to Community rules on description and presentation, in particular so that products which comply with the national rules on description and presentation applying before the entry into force of this Regulation, but not with the new Community rules, may be marketed,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down general rules for the description and presentation of:

- (a) the sparkling wines defined in item 13 of Annex II to Regulation (EEC) No 337/79, produced in the Community;
- (b) the aerated sparkling wines defined in item 14 of Annex II to Regulation (EEC) No 337/79, originating in the Community;
- (c) the sparkling wines defined in Article 2 of Council Regulation (EEC) No 339/79 of 5 February 1979 defining certain products falling within heading Nos 20.07, 22.04, and 22.05 of the Common Customs Tariff and originating in third countries⁽¹⁾ as last amended by Regulation (EEC) No 3308/85⁽²⁾;
- (d) the aerated sparkling wines defined in Article 2 of Regulation (EEC) No 339/79, originating in third countries.

The sparkling wines referred to in (a) shall comprise:

- the sparkling wines referred to in Title II of Council Regulation (EEC) No 358/79 of 5 February 1979 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79⁽³⁾, as last amended by Regulation (EEC) No 3686/84⁽⁴⁾;
- the quality sparkling wines referred to in Title III of Regulation (EEC) No 358/79, and
- the quality sparkling wines produced in specified regions, hereinafter called 'quality sparkling wines psr', referred to in the fourth paragraph of Article 1 of Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions⁽⁵⁾, as last amended by Regulation (EEC) No 3687/84⁽⁶⁾.

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 57.

⁽²⁾ See page 7 of this Official Journal.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 130.

⁽⁴⁾ OJ No L 341, 29. 12. 1984, p. 3.

⁽⁵⁾ OJ No L 54, 5. 3. 1979, p. 48.

⁽⁶⁾ OJ No L 341, 29. 12. 1984, p. 5.

2. The rules referred to in paragraph 1 shall apply to the description of the products there indicated:

- (a) on labels;
- (b) in registers and in the accompanying and other documents prescribed by Community legislation, hereinafter called 'official documents', other than customs documents;
- (c) in commercial documents, particularly in invoices and delivery notes; and
- (d) in advertising material, in so far as special provision is made for such purpose in this Regulation.

3. The rules referred to in paragraph 1 shall apply to the presentation of the products there indicated in respect of:

- (a) containers, including the closure;
- (b) labelling;
- (c) packaging.

4. The rules referred to in paragraph 1 shall apply to products held for sale and to products put on the market.

Article 2

For the purposes of this Regulation:

- labelling means all references, symbols, illustrations and marks or any other descriptions which serve to distinguish the product and which appear on the same container, including the closure, tags attached to the container and the sheathing covering the neck of bottles;
- packaging means protective wrappings such as paper, straw envelopes of all kinds, cartons and cases, used in the transport of one or more containers.

TITLE I

Description

Article 3

1. In the case of the products referred to in Article 1 (1), the description on the labelling shall include the following information:

- (a) the name under which the product is sold, in accordance with Article 5 (2);
- (b) the nominal volume of the product;
- (c) the type of product, in accordance with Article 5 (3).

However, Member States may, for a transitional period ending on 31 August 1987, make compulsory the indication of the actual alcoholic strength by volume of products put into circulation in their territory.

Within the aforesaid period the Council shall decide, acting on a proposal from the Commission and by a qualified majority, upon common arrangements in respect of the indication of the actual alcoholic strength by volume applicable after this period.

2. In the case of the products referred to in Article 1 (1) (a) and (b), the description on the labelling shall include, in addition to the information specified in paragraph 1:

- the name or business name of the producer or of a vendor established in the Community; and
- the names of the local administrative area or part of such area, and Member State in which the abovementioned person's head office is situated,

in accordance with Article 5 (4) and (5).

Where the label features the name or business name of the producer and where production takes place in a different local administrative area, part of such area, or Member State from that referred to in the second indent of the first subparagraph, the information referred to therein shall be replaced by the name of the local administrative area, part of such area, or Member State in which production took place.

3. In the case of the products referred to in Article 1 (1) (c) and (d), the description shall include the following information in addition to the information specified in paragraph 1:

- (a) the name or business name of the importer and the names of the local administrative area and Member State in which the importer's head office is situated;
- (b) the name or business name of the producer and the names of the local administrative area and third country in which the producer's head office is situated, in accordance with Article 5 (4) and (5).

4. The description on the labelling shall include additional information in the following cases:

- in the case of products produced from wines originating in third countries, as referred to in Article 48a of Regulation (EEC) No 337/79, the description on the labelling shall indicate that the product has been produced from imported wines and shall specify the third country in which the wine used in constituting the cuvée originated;
- in the case of quality sparkling wines psr, the name of the specified region in which the grapes used to make the product were harvested shall be given on the labelling;
- in the case of quality sparkling wines of the aromatic type referred to in Article 18 of Regulation (EEC) No 358/79, the description on the labelling shall include either the name of the vine variety from which they were obtained or the words 'produced from aromatic varieties of grape'.

Article 4

1. In the case of the products referred to in Article 1 (1), the description on the labelling may be supplemented by other particulars, provided that:

- they are not liable to mislead the persons for whom the information is intended, particularly as regards the mandatory information specified in Article 3 and the optional information specified in Article 6;
- where appropriate, the provisions of Article 6 are observed.

2. For the purposes of monitoring and control in the sparkling wine sector, the competent authorities on the matter may, with due regard to the general rules of procedure adopted by each Member State, require of the producer or vendor referred to in Article 3 (2) first paragraph, first indent, proof of the accuracy of the information used for the description concerning the nature, identity, quality, composition, origin or provenance of the product concerned or of the products used in its production.

Where such a request is made by:

- the competent authority of the Member State in which the producer or vendor is established, proof shall be required directly of such persons by that authority;
- the competent authority of another Member State, that authority shall provide the competent authority of the country in which the producer or vendor is established, within the framework of direct cooperation between them, with all the information necessary to enable the latter authority to acquire such proof; the requesting authority shall be informed of the action taken as a result of its request.

If the competent authorities find that such proof is not provided, the information in question shall be regarded as not complying with this Regulation.

Article 5

1. The items of information specified in Article 3:

- shall appear together within the same visual field on the container; and
- shall be presented in clear, legible and indelible characters which are large enough to stand out well from the background on which they are printed and to be distinguished clearly from all other written or pictorial matter.

The compulsory information on the importer may, however, be featured outside the visual field in which the other compulsory items of information appear.

2. The sales description referred to in Article 3 (1) (a) shall be indicated by one of the following expressions:

- (a) in the case of a sparkling wine referred to in Title II of Regulation (EEC) No 358/79 and other than those referred to at (b), (c) and (d), 'sparkling wine';
- (b) in the case of a quality sparkling wine referred to in Title III of Regulation (EEC) No 358/79, 'quality sparkling wine'; or 'Sekt';
- (c) in the case of a quality sparkling wine psr:
 - 'quality sparkling wine produced in a specified region' or 'quality sparkling wine psr', or 'Sekt bestimmter Anbaugebiete' or 'Sekt b.A.', or
 - a specific traditional term chosen from among those referred to in Article 16 (2) of Regulation (EEC) No 338/79 by the Member State in which production took place and contained on a list to be drawn up, or
 - two of these expressions used in combination;
- (d) in the case of a quality sparkling wine of the aromatic type referred to in Article 18 of Regulation (EEC) No 358/79, 'quality aromatic sparkling wine';
- (e) in the case of a sparkling wine originating in a third country:
 - if produced in the country in which the grapes used have been harvested, 'sparkling wine', together with a reference to that country;
 - if the conditions of the first indent are not met, simply 'sparkling wine', provided that the indication of the country of production pursuant to Article 3 (3) stands out clearly from all the indications shown on the labelling;
- (f) in the case of an aerated sparkling wine originating in the Community or in a third country, 'aerated sparkling wine'. If the language used for this item of information does not indicate that carbon dioxide has been added, the words 'obtained by the addition of carbon dioxide' shall be added to the labelling in accordance with arrangements to be determined.

3. Product type as determined by the residual sugar content referred to in Article 3 (1) (c) shall be indicated by one of the following terms understandable in the Member State or third country of destination in which the product is offered for direct human consumption:

- 'extra brut' or 'extra herb', if the residual sugar content is between 0 and 6 g/l;
- 'brut' or 'herb', if the residual sugar content is less than 15 g/l;
- 'extra dry' or 'extra trocken', if the residual sugar content is between 12 and 20 g/l;

- 'sec', 'trocken', 'secco' or 'asciutto', 'dry', 'tør' or 'ξηρός', if the residual sugar content is between 17 and 35 g/l;
- 'demi-sec', 'halbtrocken', 'abboccato', 'medium-dry', 'halvtør' or 'ημιξηρός', if the residual sugar content is between 33 and 50 g/l;
- 'doux', 'mild', 'dolce', 'sweet', 'sød' or 'γλυκός' if the residual sugar content is more than 50 g/l.

If the residual sugar content of the product justifies the use of two of the terms specified in the first subparagraph, the producer or importer must choose to use one such term only.

By way of derogation from Article 3 (1) (c), for quality sparkling wines of the aromatic type referred to in Article 18 of Regulation (EEC) No 358/79, indication of the type of product as referred to in the first subparagraph may be replaced by indication of the residual sugar content determined by analysis in grams per litre.

4. The producer of a product referred to in Article 1 (1) means the natural or legal person or group of persons by whom or on whose behalf production is carried out. Production means the processing of fresh grapes, grape musts and wines into a product referred to in Article 1 (1).

The name or business name of the producer and the names of the local administrative area, or part of such area, and State in which the producer's head office is situated shall be given:

- either in full;
- or, in the case of products produced in the Community, in code, provided that the name or business name of the person or group of persons other than the producer involved in the commercial distribution of the product, and the local administrative area, or part of such area, and Member State in which the head office of such person or group is situated, are given in full.

5. Where the name of the local administrative area, or part of such area, in which the producer or another person involved in the commercial distribution of the product has his head office includes the name of a specified region within the meaning of Article 3 of Regulation (EEC) No 338/79, other than that which may be used to describe the product in question, that name shall be given by means of a code.

However, Member States may lay down other appropriate measures for the description of products produced in their territory, in particular as regards the size of the characters used, which shall be such as to avoid any confusion regarding the geographical origin of the wine.

6. The expressions used to indicate the production method may be prescribed by the implementing provisions.

Article 6

1. The name of a geographical unit other than a specified region, and smaller than a Member State or a third country, may be used only to supplement the description of:

- a quality sparkling wine psr;
- a quality sparkling wine to which the implementing provisions have given the name of such a geographical unit; or
- a sparkling wine originating in a third country the conditions for whose production are recognized as equivalent to those laid down in Title III of Regulation (EEC) No 358/79 for a quality sparkling wine bearing the name of a geographical unit.

Use of such a name shall be allowed only if:

- (a) it conforms to the rules of the Member State or third country in which the sparkling wine was produced;
- (b) the geographical unit in question is defined exactly;
- (c) all the grapes from which the product was obtained came from that geographical unit, with the exception of the products contained in tirage liqueur or expedition liqueur;
- (d) in the case of a quality sparkling wine psr, the geographical unit is situated within the specified region whose name the wine bears;
- (e) in the case of quality sparkling wines, the name of that geographical unit is not laid down for describing a quality sparkling wine psr.

Notwithstanding clause (c) of the second subparagraph, Member States may authorize use of the name of a geographical unit smaller than a specified region to supplement the description of a quality sparkling wine psr if at least 85 % of the product was obtained from grapes harvested in that unit.

2. The name of a vine variety may be used only to supplement the description of a product referred to in Article 1 (1):

- at (a) or
- at (c) where the conditions for its production are recognized as equivalent to those laid down in Title III of Regulation (EEC) No 358/79.

The name of a vine variety or a synonym of that name may be indicated only if:

- (a) the cultivation of that variety and the use of the products obtained therefrom conform to Community provisions or to the provisions of the third country in which the grapes used were harvested;
- (b) that variety appears on a list to be drawn up by the Member States in which the products used for constituting the cuvée were obtained; in the case of quality sparkling wines *psr*, that list shall be drawn up pursuant to Article 4 (1) of Regulation (EEC) No 338/79;
- (c) the name of that variety cannot be confused with the name of a specified region or geographical unit used to describe another wine produced in the Community or imported;
- (d) the product was obtained entirely from the variety in question, with the exception of the products contained in *tirage liqueur* or *expedition liqueur*, and if the variety has a preponderant effect on the nature of the product in question.

Notwithstanding the second subparagraph, producer Member States may:

- authorize use of the name of one vine variety if at least 85 % of the grapes from which the product was obtained came from that variety, with the exception of the products contained in *tirage liqueur* or *expedition liqueur*, and if that variety has a preponderant effect on the nature of the product in question;
- authorize use of the names of two vine varieties if all the grapes from which the product was obtained came from those two varieties, with the exception of the products contained in *tirage liqueur* or *expedition liqueur*, and if the blend of those two varieties has a preponderant effect on the nature of the product in question;
- limit such use to certain names of vine varieties referred to in the second subparagraph.

3. The expression 'bottle-fermented' may be used only to describe:

- a quality sparkling wine *psr*;
- a quality sparkling wine;
- or
- a sparkling wine originating in a third country the conditions for whose production are recognized as equivalent to those laid down in Title III of Regulation (EEC) No 358/79.

Use of the expression referred to in the first subparagraph shall be allowed only if:

- (a) the product was made sparkling by a second alcoholic fermentation in the bottle;

- (b) the length of the production process, including ageing in the undertaking where the product was made, reckoned from the start of the fermentation process designed to make the cuvée sparkling, has not been less than nine months;
- (c) the process of fermentation designed to make the cuvée sparkling and the presence of the cuvée on the lees lasted at least 60 days;
- (d) the product was separated from the lees by filtering in accordance with the racking method or by disgorging.

4. The expressions 'bottle-fermented by the traditional method' or 'traditional method' and any expressions resulting from a translation of them may be used only to describe:

- a quality sparkling wine *psr*;
- a quality sparkling wine;
- or
- a sparkling wine originating in a third country the conditions for whose production are recognized as equivalent to those laid down in Title III of Regulation (EEC) No 358/79.

Use of one of the expressions referred to in the first subparagraph shall be allowed only if the product:

- (a) was made sparkling by a second alcoholic fermentation in the bottle;
- (b) stayed without interruption in contact with the lees for at least nine months in the same undertaking from the time when the cuvée was constituted;
- (c) was separated from the lees by disgorging.

5. An expression relating to a method of production which includes the name of a specified region or of another geographical unit, or a term derived from either of these, may be used only to describe:

- a quality sparkling wine *psr*;
- a quality sparkling wine;
- or
- a sparkling wine originating in a third country the conditions for whose production are recognized as equivalent to those laid down in Title III of Regulation (EEC) No 358/79.

Such expressions may be used only to describe a product entitled to one of the geographical ascriptions referred to in the first subparagraph.

However, reference to the method of production known as 'méthode champenoise' may, if such a usage were traditional, be used together with an equivalent expression relating to that method of production for eight wine-growing years for wines not entitled to the registered designation 'Champagne'.

Furthermore, use of an expression referred to in the third subparagraph shall not be permitted unless the conditions referred to in the second subparagraph of paragraph 4 are complied with.

6. The vintage year may be used only in the description of:

- a quality sparkling wine psr;
- a quality sparkling wine;
- or
- a sparkling wine originating in a third country the conditions for whose production are recognized as equivalent to those laid down in Title III of Regulation (EEC) No 358/79.

Reference to the vintage year shall be allowed only if at least 85 % of the product was obtained from grapes harvested in the year in question, with the exception of the products contained in tirage liqueur or expedition liqueur.

However, Member States may prescribe that the vintage year may be given for quality sparkling wines psr produced in their territory only if the product was obtained entirely from grapes harvested in the year in question, with the exception of the products contained in tirage liqueur or expedition liqueur.

7. Reference to superior quality shall be allowed only in the case of:

- a quality sparkling wine psr;
- a quality sparkling wine;
- or
- a sparkling wine originating in a third country the conditions for whose production are recognized as equivalent to those laid down in Title III of Regulation (EEC) No 358/79.

8. The name of a Member State or third country, or the adjective derived from that name, may not be used in combination with the sales description referred to in Article 5 (2) unless the product is produced in the territory of that Member State or third country and is made exclusively from grapes harvested and processed into wine in that same territory.

9. The description of a product referred to in Article 1 (1) may not be supplemented by a reference or a symbol relating to a medal or prize obtained after taking part in a competition, or to any other distinction, unless they have been awarded, by an official body or a body officially recognized for the purpose, to a given quantity of the product in question.

10. The terms 'Premium' or 'Reserve' may be used only to supplement:

- the term 'quality sparkling wine' or
- one of the terms referred to in Article 5 (2) (c).

11. Where necessary, the implementing provisions may lay down:

- (a) conditions for the use of:
 - the expression referred to in paragraph 7;
 - expressions concerning a method of production other than those referred to in paragraphs 3, 4 and 5;
 - expressions referring to the specific characteristics of the vine varieties from which the product in question is made;
- (b) a list of the expressions referred to at (a).

Article 7

The information specified:

- in Article 3 shall be given in one or more of the official languages of the Communities so that the final consumer can easily understand each of these items of information;
- in Article 4 shall be given in one or more of the official languages of the Communities.

In the case of products put on the market in their territory, Member States may allow this information to be given also in a language other than an official language of the Communities where the use of such language is traditional and customary in the Member State concerned or in a part of its territory.

However:

- (a) in the case of quality sparkling wines psr and quality sparkling wines, only the official language of the Member State in whose territory production took place shall be used:
 - for the name of the specified region, as referred to in the second subparagraph of Article 3 (2),
 - for the name of another geographical unit, as referred to in Article 6 (1);

in the case of the aforementioned products produced in Greece, such information may be repeated in one or more other official languages of the Communities;

- (b) in the case of products originating in third countries:
 - the use of an official language of the third country in which production took place shall be allowed, provided that the information specified in Article 3 (1) is also given in an official language of the Communities;

- the translation of some of the information specified in Article 4 into an official language of the Communities may be governed by implementing provisions;
- (c) in the case of products originating in the Community and intended for export, the information referred to in Article 3 (1) given in an official language of the Communities may be repeated in another language.

Article 8

1. In the case of the products referred to in Article 1 (1), the description in the registers kept by producers, in official documents and, where an accompanying document is not made out, in commercial documents, shall include at least:

- the mandatory information specified in Article 3 (1) (a) and (d) and, as appropriate, (2) or (3);
- the information specified in Article 6, in so far as it appears or is intended to appear on the labelling.

The description in registers kept by persons other than producers shall include at least the information referred to in the first subparagraph. In such cases, the information referred to in the second indent may be replaced in the registers by the number of the accompanying document and the date on which it was made out.

2. The information referred to in paragraph 1 shall be given in accordance with Articles 4, 5 and 6.

TITLE II

Presentation

Article 9

The containers used for the production and storage of the products referred to in Article 1 (1) shall be marked in indelible writing in such a way as to enable the supervisory authority to identify their contents rapidly by reference to registers or equivalent documents.

However, in the case of containers with a nominal volume not exceeding 60 litres which are filled with the same product and stored together in the same batch, the batch as a whole may be marked instead of the individual containers, provided that the batch is clearly separated from other batches.

Article 10

1. The products referred to in Article 1 (1) may be held for sale or put on the market only in glass bottles which:

- (a) are closed with:
 - a mushroom-shaped stopper made of cork or other material permitted to come into contact with foodstuffs, held in place by a fastening, covered, if necessary, by a cap and sheathed in foil completely covering the stopper and all or part of the neck of the bottle;
 - any other suitable closure in the case of bottles with a nominal content not exceeding 0,20 litres;and
- (b) bear labelling conforming to the provisions of this Regulation.

2. In so far as labelling is not governed by this Regulation it may be governed by implementing provisions, in particular as regards:

- (a) the positioning of labels on containers;
- (b) the minimum size of labels;
- (c) the arrangement on labels of the various items comprising the description;
- (d) the size of the characters on labels;
- (e) the use of symbols, illustrations and brand names.

Article 11

1. Where the packaging of a product referred to in Article 1 (1) bears one or more items of information referring to the product packed in it, such items of information must comply with the provision of this Regulation.

2. Where containers containing a product referred to in Article 1 (1) are presented for sale to the final consumer prepacked, the prepackaging must be labelled in accordance with the provisions of this Regulation.

TITLE III

General provisions

Article 12

Without prejudice to Article 7 (1), each Member State shall accept the description and presentation of products referred

to in Article 1 (1) which originate in other Member States and are put on the market in its territory, provided that such description and presentation conform to Community rules and are allowed pursuant to this Regulation in the Member State in which the product was produced.

Article 13

1. The description and presentation of the products referred to in Article 1 (1) and any form of advertising for such products must not be incorrect or likely to cause confusion or to mislead the persons to whom they are addressed, particularly as regards:

- the information laid down in Articles 3 and 6; this shall also apply if the information is used in translation or with a reference to the actual provenance or with additions such as 'type', 'style', 'method', 'imitation', 'brand' or similar;
- the characteristics of the products, and in particular their nature, composition, alcoholic strength by volume, colour, origin, provenance or quality, the vine variety, vintage year or nominal volume of the containers;
- the identity and status of the natural or legal persons or group of persons who have been or are involved in the production or commercial distribution of the produce in question.

2. Where the description, presentation and advertising of the products referred to in Article 1 (1) are supplemented by brand names, such brand names may not contain any words, syllables, signs or illustrations which:

- (a) are likely to cause confusion or mislead the persons to whom they are addressed within the meaning of paragraph 1; or
- (b) are liable to be confused with all or part of the description of a table wine, a quality wine produced in a specified region, including a quality sparkling wine psr, or an imported wine whose description is governed by Community provisions or with the description of any other product referred to in Article 1 (1), or are identical to the description of any such product, unless the products used for constituting the cuvée of the sparkling wine in question are entitled to such description or presentation.

Article 14

1. The sales descriptions in Article 5 (2) shall be used only for the products referred to in Article 1 (1).

However, Member States may allow the term 'sparkling wine' to be used in the form of a composite name to describe a beverage falling within heading No 22.07 B I of the Common Customs Tariff obtained by alcoholic fermentation of a fruit or another agricultural raw material where use of those composite names is traditional, pursuant to legislation in force on 29 November 1985.

2. The composite names referred to in the second subparagraph of paragraph 1 shall be indicated on the labelling in characters of the same type and colour and of a height which enables them to stand out clearly from other information.

Article 15

1. Products referred to in Article 1 (1) whose description or presentation does not conform to the provisions of this Regulation or the detailed rules adopted for its implementation may not be held for sale or put on the market in the Community or exported.

However, in the case of products intended for export, derogations from the provisions of this Regulation may:

- be authorized by the Member States where the legislation of the importing third country so requires;
- be provided for in the implementing provisions in cases not covered by the first indent.

2. The Member State on whose territory the product whose description or presentation does not conform to the provisions referred to in paragraph 1 is located shall take the necessary steps to impose penalties in respect of infringements committed, according to their gravity.

The Member State may however grant an authorization for the product to be held for sale, put on the market in the Community or exported, provided that its description or presentation is changed to conform to the provisions referred to in paragraph 1.

Article 16

Each Member State shall inform the Commission of the measures it has adopted pursuant to this Regulation.

The Commission shall inform the other Member States thereof.

Article 17

Transitional arrangements shall be adopted in the implementing provisions concerning:

- the putting on the market of products whose description and presentation do not conform to the provisions of this Regulation;
- the use of stocks of labels or other labelling accessories printed or manufactured before the date of entry into force of this Regulation.

Article 18

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 September 1986.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 November 1985.

For the Council
The President
M. FISCHBACH

COUNCIL REGULATION (EEC) No 3310/85

of 18 November 1985

amending Regulation (EEC) No 358/79 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the Opinion of the European Parliament ⁽²⁾,

Whereas for reasons of logic and clarity Article 8 of Regulation (EEC) No 358/79 ⁽³⁾, as last amended by Regulation (EEC) No 3686/84 ⁽⁴⁾, the provisions of which are now contained in Regulation (EEC) No 3309/85 ⁽⁵⁾, should be repealed;

Whereas the maximum levels of total sulphur dioxide were fixed for sparkling wines and quality sparkling wines respectively, in Article 12 and Article 16 of Regulation (EEC) No 358/79;

Whereas, pursuant to the abovementioned Articles, the Commission has drawn up and submitted to the Council a report on the scientific knowledge and technological development with respect to the use of sulphur dioxide in winemaking;

Whereas it results from that report that lowering the maximum levels of total sulphur dioxide proves to be compatible with current oenological knowledge and technological progress made for the majority of these types of wine; whereas, moreover, use of all food additives should be restricted to the minimum necessary; whereas, therefore, provision should be made to reduce the maximum levels of sulphur dioxide by 15 milligrams per litre for all sparkling wines;

Whereas Regulation (EEC) No 3686/84 has amended Article 18 (1) of Regulation (EEC) No 358/79 by introducing the principle that quality sparkling wines of the aromatic type may be produced only by using, as the sole constituents of the cuvée, partially fermented grape musts; whereas, in order to permit the disposal of wines which, before this amendment, were normally intended for the production of quality sparkling wines of the aromatic type, it is necessary to authorize as a transitional measure for the production of quality sparkling wines, the use of wines obtained from grapes belonging to varieties permitted in such production and harvested before 31 December 1984;

Whereas experience with wines obtained from the 'Picpoul' variety has shown that this variety should be included in the list of varieties from which quality sparkling wines of the aromatic type may be obtained,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 358/79 is hereby amended as follows:

1. Article 8 shall be repealed;
2. Article 12 shall be amended as follows:
 - (a) Paragraph 1 shall be replaced by the following:

'1. Without prejudice to any more restrictive provisions which Member States may apply to sparkling wines produced on their territory, the total sulphur dioxide content of sparkling wines may not exceed 235 mg/l;'
 - (b) in paragraph 2, the figure 25 shall be replaced by the figure 40;
 - (c) paragraph 3 shall be replaced by the following:

'3. The Commission shall submit to the Council before 1 April 1990 in the light of the experience acquired, a report on maximum sulphur dioxide levels accompanied, where appropriate, by proposals on which the Council shall act by a qualified majority before 1 September 1990.'
 - (d) paragraph 4 shall be replaced by the following:

'4. Detailed rules for the application of this Article and transitional measures concerning sparkling wines originating in the Community produced before 1 September 1986 and imported sparkling wines shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.'
3. Article 16 shall be amended as follows:
 - (a) Paragraph 1 shall be replaced by the following:

'1. Without prejudice to any more restrictive provisions which Member States may apply to quality sparkling wines and to quality sparkling wines produced in specified regions, produced within their territory, the total sulphur dioxide content of these sparkling wines shall not exceed 185 mg/l;'
 - (b) In paragraph 2, the figure 25 shall be replaced by the figure 40;

⁽¹⁾ OJ No C 182, 9. 7. 1984, p. 17.

⁽²⁾ OJ No C 12, 14. 1. 1985, p. 132.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 130.

⁽⁴⁾ OJ No L 341, 29. 12. 1984, p. 3.

⁽⁵⁾ See page 9 of this Official Journal.

(c) Paragraph 3 shall be replaced by the following:

'3. The Commission shall submit to the Council before 1 April 1990, in the light of the experience acquired, a report on maximum sulphur dioxide levels, accompanied, where appropriate, by proposals on which the Council shall act by a qualified majority before 1 September 1990.';

(d) Paragraph 4 shall be replaced by the following:

'4. Detailed rules for the application of this Article and transitional measures concerning quality sparkling wines and quality sparkling wines produced in specified regions originating in the Community produced before 1 September 1986, and imported quality sparkling wines shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.';

4. The following text shall be added to Article 22:

'Quality sparkling wines of the aromatic type and quality sparkling wines of the aromatic type produced in specified regions may be produced by using as the constituents of the cuve wines obtained from grapes of the vine varieties listed in the Annex harvested before 31 December 1984.'

5. In the Annex, the term 'Picpoul' shall be added after 'Perle'.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 September 1986, except for Article 1 point 4 which shall apply from 1 September 1984.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 November 1985.

For the Council

The President

M. FISCHBACH

COUNCIL REGULATION (EEC) No 3311/85

of 18 November 1985

amending Regulation (EEC) No 338/79 laying down special provisions relating to quality
wines produced in specified regions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas according to the second paragraph of Article 2 of Regulation (EEC) No 358/79 ⁽³⁾, as last amended by Regulation (EEC) No 3310 ⁽⁴⁾, the provisions of that Regulation, with the exception of Title II, apply also, from 1 January 1985, to quality sparkling wines produced in specified regions as defined in Regulation (EEC) No 338/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 798/85 ⁽⁶⁾;

Whereas Regulation (EEC) No 3310/85 provides for the insertion in Article 16 of Regulation (EEC) No 358/79 of

provisions relating to the maximum level of sulphur dioxide in quality sparkling wines produced in specified regions; whereas, in consequence thereof, Article 13 of Regulation (EEC) No 338/79 should, for reasons of clarity, be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Article 13 of Regulation (EEC) No 338/79 is hereby repealed.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 September 1986.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 November 1985.

*For the Council**The President*

M. FISCHBACH

⁽¹⁾ OJ No C 182, 9. 7. 1984, p. 20.

⁽²⁾ OJ No C 12, 14. 1. 1985, p. 138.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 130.

⁽⁴⁾ See page 19 of this Official Journal.

⁽⁵⁾ OJ No L 54, 5. 3. 1979, p. 48.

⁽⁶⁾ OJ No L 89, 29. 3. 1985, p. 1.