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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2332/92**of 13 July 1992****on sparkling wines produced in the Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas 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 ⁽²⁾, has been substantially amended; whereas, following a number of successive consolidations of the Community rules on wine, it is appropriate, for reasons of logic and clarity, also to consolidate the said Regulation;

Whereas Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market on wine ⁽³⁾, contains rules for the preparation and marketing of table wines; whereas it is necessary to supplement those rules by laying down corresponding provisions for all sparkling wines produced in the Community, taking into account the fact that the quality sparkling wines produced in specified regions are quality wines psr (hereinafter called 'quality sparkling wines psr') and must therefore also comply with Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to

quality wines produced in specified regions ⁽⁴⁾; whereas it is necessary to lay down special rules relating to the production and marketing of these sparkling wines as laid down by this Regulation;

Whereas it is desirable that these sparkling wines should be governed by common rules in respect of production, marketing and controls so as to avoid distortions of competition and ensure protection of the consumer whilst maintaining qualitative distinctions;

Whereas a measure of this type will help to guide the consumer in his choice by providing the necessary assurance that each of the products offered to him satisfies specific quality requirements; whereas it will, by the same token, protect the interests of the producers, promote intra-Community trade, increase demand and therefore lead to the expansion of market outlets for wine;

Whereas all sparkling wines, together with the grape musts and wines used in producing them must be subject to minimum quality requirements; whereas it should therefore be stipulated that the abovementioned basic products must be table wines or products suitable for yielding table wines, or quality wines psr or products suitable for yielding quality wines psr;

Whereas the quality requirements should be applied not only to the basic products but also to the methods of preparation and to the finished products; whereas it is also in the interests of both producer and consumer to provide for appropriate market preparation requirements;

Whereas, in view of the fact that rectified concentrated grape must is authorized for use in wine-making by Regulation (EEC) No 822/87, and in order to encourage the use of vine products as raw materials for the

⁽¹⁾ OJ No C 149, 18. 6. 1990, p. 263.

⁽²⁾ OJ No L 54, 5. 3. 1979, p. 130. Regulation as last amended by Regulation (EEC) No 1759/92 (OJ No L 180, 1. 7. 1992, p. 31).

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EEC) No 1756/92 (OJ No L 180, 1. 7. 1992, p. 27).

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 59. Regulation as last amended by Regulation (EEC) No 3896/91 (OJ No L 368, 31. 12. 1991, p. 3).

manufacture of sparkling wines, it should be provided that producers of sparkling wine may use rectified concentrated grape must; whereas, in order to avoid negative effects on quality, Member States should be able to prohibit the use of concentrated grape must in the manufacture of sparkling wines;

Whereas experience has shown the need for a clearer definition of the composition of the *tirage liqueur* used for the manufacture of sparkling wine, particularly with regard to quality sparkling wine psr; whereas the wine used to constitute a vinous suspension of yeast need not necessarily be of the same origin as the wine to which the suspension is added to induce secondary fermentation;

Whereas the location of a vineyard and the annual weather conditions affecting it, and wine-growing techniques, including in particular the oenological practices and processes used immediately after the grape harvest, determine to a large extent the characteristics of a quality sparkling wine psr; whereas, for this reason, and to reduce the risk of adulteration when raw materials change hands, it should be laid down that the processing of grapes into must and the processing of the must thus obtained into wine and the manufacture of sparkling wine from these products must take place within or in the immediate vicinity of the specified region where the grapes used were harvested;

Whereas, in order to protect the producers of the quality sparkling wines psr concerned from losses resulting from a break with traditional commercial practices, Member States should be granted the option of authorizing, by way of exception, that a quality wine psr may be adjusted by adding to the *cuvée* one or more wine sector products which do not originate in the specified region of which the sparkling wine bears the name; whereas Member States should also be granted the option of authorizing, in certain cases, that a quality sparkling wine psr may be produced outside the specified region of which the sparkling wine bears the name;

Whereas the use of modern preparation methods, the fragility of certain wines used in the composition of the *cuvée* and the quality of production justify shortening the minimum preparation period for quality sparkling wines from nine to six months where the fermentation process designed to make the wines sparkling takes place in closed tanks; whereas, on the other hand, with the aim of increasing the quality of these sparkling wines, the duration of the fermentation designed to make the *cuvée* sparkling and the duration of the presence of the *cuvée* on the lees should be extended;

Whereas, in order to ensure that only traditional practices are used in the preparation of quality sparkling wines of the aromatic type and of quality sparkling wines psr of the aromatic type, it is necessary to specify that such sparkling wines may be obtained only from grape musts or partially fermented grape musts obtained from certain varieties; whereas provision should, however, be made that quality sparkling wines of the aromatic type may be obtained from wines coming from grapes of the 'Prosecco' variety harvested in certain regions of Italy, given that these wines are traditionally used for the production of sparkling wines of the aromatic type;

Whereas, in order to ensure the quality of sparkling wines of the aromatic type and of quality sparkling wines psr of the aromatic type, it should be stipulated that the use of traditional practices implies control of the fermentation process by refrigeration or other physical processes,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules supplementing those contained in Regulation (EEC) No 822/87 as regards the production and marketing of the sparkling wines, defined in item 15 of Annex I to the said Regulation.

The supplementary rules shall apply to the following categories:

- (a) 'sparkling wines' complying with the definition in item 15 of Annex I to Regulation (EEC) No 822/87 and Titles I and II of this Regulation;
- (b) 'quality sparkling wines', including those of the aromatic type, complying with the definition in item 15 of Annex I to Regulation (EEC) No 822/87 and Titles I and III of this Regulation;
- (c) the 'quality sparkling wines produced in specified regions', including those of the aromatic type, referred to in the second indent of the second subparagraph of Article 1 (2) of Regulation (EEC) No 823/87 and complying with Titles I and III of this Regulation. Hereinafter these wines shall be called 'quality sparkling wines psr'.

TITLE I

General provisions concerning all categories of sparkling wines

Article 2

For the purposes of this Regulation:

(a) *cuvée* means:

- the grape must,
- the wine, or
- the mixture of grape musts or wines with different characteristics,

intended for the preparation of a specific type of the sparkling wines;

(b) *tirage liqueur* means:

the product added to the *cuvée* to provoke secondary fermentation;

(c) *expedition liqueur* means:

the product added to the sparkling wines to give them special taste qualities.

Article 3

The *expedition liqueur* may contain only:

- sucrose,
- grape must,
- grape must in fermentation,
- concentrated grape must,
- rectified concentrated grape must,
- wine, or
- a mixture thereof,

with the possible addition of wine distillate.

Article 4

1. Without prejudice to enrichment authorized pursuant to Regulation (EEC) No 822/87 and, where appropriate, Regulation (EEC) No 823/87 for the constituents of a *cuvée*, any enrichment of the *cuvée* shall be prohibited.

However, each Member State may, where weather conditions in its territory make this necessary, authorize the enrichment of the *cuvée* at the place of preparation of the sparkling wines, provided that:

- (a) none of the constituents of the *cuvée* has previously undergone enrichment;
- (b) the said constituents are derived solely from grapes harvested in its territory;
- (c) the process of enrichment is carried out in a single operation;
- (d) the following limits are not exceeded:
 - 3,5 % vol. for a *cuvée* composed of constituents from wine-growing zone A, provided that the natural alcoholic strength by volume of each constituent is at least 5 % vol.

However, in years when weather conditions are exceptionally unfavourable, the limit of 3,5 % vol. may be raised to 4,5 % vol. provided that the natural alcoholic strength by volume of each constituent of the *cuvée* is at least 5 % vol.,

- 2,5 % vol. for a *cuvée* composed of constituents from wine-growing zone B, provided that the natural alcoholic strength by volume of each constituent is at least 6 % vol.

However, in years when weather conditions are exceptionally unfavourable, the limit of 2,5 % vol. may be raised to 3,5 % vol. provided that the natural alcoholic strength by volume of each constituent of the *cuvée* is at least 6 % vol.,

- 2 % vol. for a *cuvée* composed of constituents from wine-growing zone C I (a), C I (b), C II, C III (a) or C III (b), provided that the natural alcoholic strength by volume of each constituent is at least 7,5 % vol., 8 % vol., 8,5 % vol., or 9 % vol. respectively.

The above limits shall in no way prejudice the application of the second subparagraph of Article 67 (2) of Regulation (EEC) No 822/87 to *cuvées*, intended for the preparation of sparkling wines, referred to in point (a) of the second paragraph of Article 1;

- (e) the method used is addition of dry sucrose, of concentrated grape must or of rectified concentrated grape must.

Enrichment may be achieved by addition of sucrose or concentrated must where that method is traditionally or exceptionally practised in the Member State concerned, in accordance with rules existing as at 24 November 1974. However, Member States may exclude the use of concentrated grape must.

- 2. The addition of *tirage liqueur* and *expedition liqueur* shall be considered neither as enrichment nor as sweetening.

The addition of *tirage liqueur* may not cause an increase in the total alcoholic strength by volume of the *cuvée* of more than 1,5 % vol.

The addition of *edition liqueur* shall be carried out in such a way as not to increase the actual alcoholic strength by volume of the sparkling wines by more than 0,5 % vol.

- 3. Sweetening of the *cuvée* and its constituents shall be prohibited.

- 4. In addition to any acidification or deacidification of the constituents of the *cuvée* in accordance with Regulation

(EEC) No 822/87 the *cuvée* may be subject to acidification or deacidification.

Acidification and deacidification of the *cuvée* shall be mutually exclusive.

Acidification may be carried out only up to a maximum of 1,5 grams per litre, expressed as tartaric acid, i.e. 20 milliequivalents per litre.

In years of exceptional weather conditions, the maximum limit of 1,5 grams per litre or 20 milliequivalents per litre may be raised to 2,5 grams per litre or 34 milliequivalents per litre, provided that the natural acidity of the products is not less than 3 g/l, expressed as tartaric acid, or 40 milliequivalents per litre.

5. Detailed rules for the application of this Article, and in particular authorizations for the exceptional enrichment or acidification referred to in the second subparagraph of the first indent and the second subparagraph of the second indent of paragraph 1 (d) and the fourth subparagraph of paragraph 4, shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 5

1. The carbon dioxide contained in the sparkling wines may be produced only as a result of the alcoholic fermentation of the *cuvée* from which such wine is prepared.

2. Except in the case of fermentation intended to transform grapes or grape must or grape must still in fermentation directly into sparkling wine, this fermentation may result only from the addition of *tirage liqueur*.

It may take place only in bottles or closed vats.

3. The use of carbon dioxide in the process of racking by counter-pressure shall be authorized under supervision and provided that it does not increase the pressure of the carbon dioxide contained in the sparkling wines.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 6

1. Member States shall exercise supervision over the production and marketing of the sparkling wines.

2. Producers of the sparkling wines shall be required to make a declaration to this effect to the competent authority of the Member State on whose territory the wine in question is prepared.

Without prejudice to Article 71 of Regulation (EEC) No 822/87, the producers of the sparkling wines shall keep registers of raw materials, *cuvées* and processing.

3. Detailed rules for the application of this Article, in particular as regards the nature of the supervision, shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 7

1. The provisions laid down in this Regulation, except those of Article 6, shall not apply to dietetic sparkling wines.

2. Rules applicable to the marketing of dietetic sparkling wines and designed to prevent confusion between the latter and the sparkling wines shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

TITLE II

Special provisions concerning sparkling wines referred to in point (a) of the second paragraph of Article 1

Article 8

The total alcoholic strength by volume of the *cuvées* intended for the preparation of sparkling wines shall be not less than 8,5 % vol.

Article 9

The *tirage liqueur* for sparkling wines may contain only yeast dried or in wine suspension, and:

- grape must,
- grape must in fermentation,
- concentrated grape must,
- rectified concentrated grape must, or
- sucrose wine.

Article 10

Without prejudice to the second subparagraph of Article 67 (2) of Regulation (EEC) No 822/87, the actual alcoholic strength by volume of sparkling wines, including the alcohol contained in any *expedition liqueur* added, shall be not less than 9,5 % vol.

Article 11

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 milligrams per litre.

2. Where climatic conditions have made this necessary in certain wine-growing areas of the Community, the Member States concerned may authorize the maximum total sulphur dioxide content of the wine referred to in paragraph 1 and produced within their territory to be increased by a maximum of 40 milligrams per litre on condition that wines which have benefited from such permission are not exported from the Member States in question.

3. The Commission shall submit to the European Parliament and Council before 1 April 1993 a report, based on experience acquired, on maximum sulphur dioxide contents, accompanied, where appropriate, by proposals, on which the Council shall act in accordance with the procedure referred to in Article 43 (2) of the Treaty before 1 September 1993.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

TITLE III

Special provisions regarding quality sparkling wines and quality sparkling wines psr

Article 12

1. The total alcoholic strength by volume:

- (a) of the *cuvées* intended for the manufacture of quality sparkling wines psr shall be not less than 9 % vol;
- (b) of the *cuvées* intended for the manufacture of quality sparkling wines psr shall be not less than:
 - 9,5 % vol. in C III wine-growing zones,
 - 9 % vol. in other wine-growing zones.

However, the *cuvées* intended for the manufacture of certain quality sparkling wines psr appearing on a list to be adopted and manufactured from a single vine variety, may have a total alcoholic strength by volume not less than 8,5 % vol.

2. A list of the quality sparkling wines psr referred to in point (b) of the second subparagraph of paragraph 1 shall be drawn up in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 13

The actual alcoholic strength by volume of quality sparkling wines, and quality sparkling wines psr, including the alcohol contained in any *expedition liqueur* added, shall be not less than 10 % vol.

Article 14

1. Quality sparkling wines psr shall be produced only:

- from grapes of vine varieties which appear on the list provided for in Article 4 (1) of Regulation (EEC) No 823/87 and are harvested within the specified region,
- by processing the grapes as referred to in the first indent into must and processing the must thus obtained into wine and by producing sparkling wine from these products within the specified region where the grapes used were harvested.

2. Notwithstanding the first indent of paragraph 1, in the case of a traditional practice governed by special provisions of the Member State of production, that Member State may permit, until 31 December 1995 at the latest, by means of express authorizations and subject to appropriate control, that a quality sparkling wine psr be obtained by adjusting the basic product of that wine by adding one or more wine-sector products which do not originate in the specified region whose name is borne by the wine, provided that:

- this type of added wine-sector product is not produced in that specified region with the same characteristics as products not originating therein,
- this adjustment is consistent with the oenological practices and definitions referred to in Regulation (EEC) No 822/87,
- the total volume of added wine-sector products which do not originate in the specified region does not exceed 10 % of the total volume of products used which originate in the specified region. However the Commission may, in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87, authorize the Member State to allow in exceptional cases a percentage of added products higher than 10 %, but not more than 15 %.

3. Notwithstanding the second indent of paragraph 1, a quality sparkling wine psr may be produced in an area in immediate proximity, where this has been expressly authorized by the Member State concerned subject to certain conditions.

Member States may also, on the basis of individual authorizations or express authorizations for a period of less than five years and subject to appropriate control, permit a quality sparkling wine psr to be prepared even outside an area in the immediate proximity to the specified region:

- (a) where this is a traditional practice in use at least since 24 November 1974 or, in the case of Member States which acceded to the Community after that date, before the effective date of their accession;

(b) in other cases and in the case of a practice in use before 1 September 1989, for a transitional period ending on 31 August 1992.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

They shall include in particular the definition of areas in immediate proximity to a specified region, account being taken in particular of the geographical situation and administrative structures.

Article 15

1. In preparing the *tirage liqueur* intended for the manufacture of quality sparkling wine, only the following may be used in addition to dried yeasts or yeasts in wine suspension, sucrose and concentrated grape must, whether or not rectified:

- grape must or grape must in fermentation from which a wine suitable for yielding a table wine can be obtained,
- wines suitable for yielding a table wine,
- table wines, or
- quality wines psr.

In preparing the *tirage liqueur* intended for the manufacture of quality sparkling wine psr, only the following may be used in addition to dried yeasts or yeasts in wine suspension, sucrose and concentrated grape must, whether or not rectified:

- grape must,
- grape must in fermentation,
- wine,
- quality wine psr,

suitable for yielding the same quality sparkling wine psr as that to which the *tirage liqueur* is added.

2. Notwithstanding point 15 of Annex I to Regulation (EEC) No 822/87, quality sparkling wines and quality sparkling wines psr, when kept at a temperature of 20 °C in closed containers, shall have an excess pressure of not less than 3,5 bars.

However, for quality sparkling wines and quality sparkling wines psr kept in containers of a capacity of less than 25 centilitres, the minimum excess pressure shall be 3 bars.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 16

1. Without prejudice to any more restrictive provisions which Member States may apply to quality sparkling wines

and to quality sparkling wines psr, produced within their territory, the total sulphur dioxide content of these sparkling wines shall not exceed 185 milligrams per litre.

2. Where climatic conditions have made this necessary in certain wine-growing areas of the Community, the Member States concerned may authorize the maximum total sulphur dioxide content of the wine referred to in paragraph 1 and produced within their territory to be increased by a maximum of 40 milligrams per litre on condition that wines which have benefited from such permission are not exported from the Member States in question.

3. The Commission shall submit to the European Parliament and the Council before 1 April 1993, 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 in accordance with the procedure referred to in Article 43 (2) of the Treaty before 1 September 1993.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 17

1. The duration of the process of making quality sparkling wines and quality sparkling wines psr, including ageing in the undertaking where they are made and reckoned from the start of the fermentation process designed to make the wines sparkling, may not be:

- (a) less than six months where the fermentation process designed to make the wines sparkling takes place in closed tanks;
- (b) less than nine months where the fermentation process designed to make the wines sparkling takes place in the bottles.

2. The duration of the fermentation process designed to make the *cuvée* sparkling and the duration of the presence of the *cuvée* on the lees shall not be less than the following periods:

- (a) for the method of fermentation in closed tanks:
 - 80 days,
 - 30 days if the fermentation takes place in containers with stirrers;
- (b) for the method of fermentation in the bottle: 60 days.

3. Before 1 September 1993, the Council, acting by a qualified majority on a proposal from the Commission, may alter the periods of fermentation and of presence on the lees indicated in paragraph 2, in a manner compatible with the state of scientific knowledge and technological developments.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 18

1. Quality sparkling wines of the aromatic type and quality sparkling wines psr of the aromatic type may be produced only by using as the sole constituents of the *cuvée* grape musts or grape musts in fermentation which were obtained from the vine varieties listed in Annex I. The same shall apply to quality sparkling wines psr of the aromatic type provided these varieties are recognized as suitable for the production of quality wines psr in the specified region whose name the quality sparkling wines psr bear.

However, quality sparkling wine of the aromatic type may be produced by using as constituents of the *cuvée* wines obtained from grapes of the 'Prosecco' vine variety harvested in the regions of Trentino-Alto Adige, Veneto and Friuli-Venezia Giulia.

Only refrigeration or other physical processes may be used to control the fermentation procedure before and after the *cuvée* has been constituted, in order to make the *cuvée* sparkling.

The addition of *expedition liqueur* shall be prohibited.

2. Notwithstanding Article 13, the actual alcoholic strength by volume of quality sparkling wines of the aromatic type and of quality sparkling wines psr of the aromatic type may not be less than 6 % vol.

The total alcoholic strength by volume of quality sparkling wines of the aromatic type and of quality sparkling wines psr of the aromatic type may not be less than 10 % vol.

3. Notwithstanding the first subparagraph of Article 15 (2), quality sparkling wines of the aromatic type and quality sparkling wines psr of the aromatic type shall, when kept at a temperature of 20 °C in closed containers, have an excess pressure of not less than 3 bars.

4. Notwithstanding Article 17, the duration of the process of making quality sparkling wines of the aromatic type and quality sparkling wines psr of the aromatic type may not be less than one month.

Article 19

Producer Member States may specify any additional or more stringent characteristics or conditions of production and movement for quality sparkling wines as referred to in this Title in their territory.

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

Done at Brussels, 13 July 1992.

TITLE IV

Final provisions

Article 20

The methods of analysis to be used for the purposes of this Regulation shall be those referred to in Article 74 of Regulation (EEC) No 822/87.

Article 21

The Member States and the Commission shall communicate to each other the data required for applying this Regulation. The arrangements for communication and dissemination of these data shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 22

All sparkling wines covered by Article 1 that met the requirements of this Regulation or those of Regulation (EEC) No 358/79 in force at the time when they were produced but the production conditions or analytical characteristics of which no longer meet the requirements of this Regulation as a result of amendments thereto may be held for sale, put on the market or exported until stocks are exhausted.

Article 23

1. Regulation (EEC) No 358/79 is hereby repealed.
2. References to the Regulation repealed under paragraph 1 shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex II.

Article 24

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 1992.

For the Council

The President

J. GUMMER

ANNEX I

List of the varieties of vine from which quality sparkling wines of the aromatic type and quality sparkling wines of the aromatic type may be obtained

Aleatico N	Malvasia (all)
ΑΣΥΡΤΙΚΟ (Assyrtiko)	Mauzac blanc and rosé
Bourboulenc	Monica N
Branchetto N	Μοσχοφίλερο (Moschofilero)
Clairette	Müller-Thurgau
Colombard	Muscats (all)
Freisa N	Parellada
Gamay	Perle
Gewürztraminer	Picpoul
Girò N	Poulsard
Γλυκερύθρα (Glykerythra)	Prosecco
Huxelrebe	Ροδίτης (Roditis)
Macabeu,	Scheurebe

ANNEX II

Correlation table

Regulation (EEC) No 358/79	This Regulation
Article 1	Article 1, first paragraph
Article 2, first paragraph, (1)	Article 1, second paragraph, point (a)
Article 2, first paragraph, (2)	Article 1, second paragraph, point (b)
Article 2, second paragraph	Article 1, second paragraph, point (c)
Article 3	Article 2
Article 4, (2)	Article 3
Article 5	Article 4
Article 6	Article 5
Article 7	Article 6
Article 9	Article 7
Article 10	Article 8
Article 10a	Article 9
Article 11	Article 10
Article 12	Article 11
Article 13	Article 12
Article 14	Article 13
Article 14a	Article 14
Article 15	Article 15
Article 16	Article 16
Article 17	Article 17
Article 18	Article 18
Article 19	Article 19
Article 20	Article 20
Article 21	Article 21
Article 22	Article 22
Article 23	Article 23
Article 24	Article 24
Annex I	Annex I

COUNCIL REGULATION (EEC) No 2333/92

of 13 July 1992

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 822/87 of 16 March on the common organization of the market in wine⁽¹⁾, and in particular Article 72 (1) and 79 (2) thereof,

Having regard to the proposal from the Commission,

Whereas 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⁽²⁾, has been substantially amended: whereas, following a number of successive consolidations of the Community rules on wine, and in particular the consolidation of the general rules for the description and presentation of wines and grape musts covered by Regulation (EEC) No 2392/89⁽³⁾, it is appropriate, for reasons of logic and clarity, also to consolidate Regulation (EEC) No 3309/85;

Whereas the purposes 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 information on the alcoholic strength by volume of sparkling wines and aerated sparkling wines appears necessary in order to describe on the labelling the nature of the product and thus to facilitate consumer choice; whereas provision shall therefore be made that a compulsory indication of the actual alcoholic strength by volume be given for the products in question;

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 experience indicates the need to specify that for the purpose of informing the consumers of sparkling and aerated sparkling wines of the product type as determined by the residual sugar content only the information required under Community rules is permitted on the labelling;

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 it inspires a degree of confidence in the consumer if the various stages in the manufacture of a quality sparkling wine produced in a specified region, hereinafter called 'quality sparkling wine psr', i.e. cultivation of the grapes, the wine-making process, the growth of the wine and the process of secondary fermentation, have been

(1) OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EEC) No 1756/92 (OJ No L 180, 1. 7. 1992, p. 27).

(2) OJ No L 320, 29. 11. 1985, p. 9. Regulation as last amended by Regulation (EEC) No 3899/91 (OJ No L 368, 31. 12. 1991, p. 9).

(3) OJ No L 232, 9. 8. 1989, p. 13. Regulation as last amended by Regulation (EEC) No 3897/91 (OJ No L 368, 31. 12. 1991, p. 5).

monitored by the same natural or legal person; whereas it is necessary to ensure that the quality sparkling wines *psr* produced in this way can be distinguished by a specific term from other sparkling wines;

Whereas the special provisions relating to the quality wines produced in specified regions, hereinafter called 'quality wines *psr*', were laid down by Regulation (EEC) No 823/87⁽¹⁾; whereas those provisions have been amended so as to establish precise rules for the use of names of specified regions in the description of quality wines *psr*, including quality sparkling wines *psr*; whereas in accordance with those rules, only the geographical name of a wine-growing area which produces wine possessing special quality characteristics may be used to designate a quality sparkling wine *psr*; whereas those rules also provide that the name of a specified region may be combined with details concerning the method of manufacture or the type of product; whereas, in order to protect such traditional descriptions which are used for other types of products of specific origin, the term *crémant* should be reserved for certain quality sparkling wines *psr* manufactured in France and Luxembourg; whereas to enable manufacturers of sparkling wines who have traditionally used the term *crémant* to describe their sparkling wines to adjust gradually to the abovementioned rules there should be provision for a derogation from those rules during a transitional period;

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 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 for the purposes of consumer information it should be specified that packages containing bottles of sparkling or aerated sparkling wine put up for sale should have labelling meeting the requirements of the Community rules; whereas, however exceptions may be made in the case of specific packages containing small quantities of those wines;

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 59. Regulation as last amended by Regulation (EEC) No 3896/91 (OJ No L 368, 31. 12. 1991, p. 3).

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 experience has shown that it is important to provide that the geographical name designating a specified region for a quality sparkling wine psr must be sufficiently precise to avoid any possibility of confusion;

Whereas for the sake of effective protection of geographical names used for the description of one of these products, those provisions prohibit, for the description and presentation of such a product, the use of brand names containing words identical to a geographical name used to describe another wine unless that sparkling wine is entitled to that name; whereas the application of these provisions has shown that there are well-known brand names corresponding to the identity of the original holder or of the original provider of the name, which have been registered and used for at least 25 years before the date of official recognition of the geographical name in question by the producer Member State; whereas such brand names should be allowed to continue to be used;

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 date 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 15 of Annex I to Regulation (EEC) No 822/87, produced in the Community;
- (b) the aerated sparkling wines defined in item 16 of Annex I to Regulation (EEC) No 822/87, originating in the Community;
- (c) the sparkling wines defined in Article 2 of Council Regulation (EEC) No 2391/89 of 24 July 1989, defining certain products in the wine sector falling within CN codes 2009 and 2204 and originating in third countries ⁽¹⁾;
- (d) the aerated sparkling wines defined in Article 2 of Regulation (EEC) No 2391/89, originating in third countries.

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

- the sparkling wines referred to in Article 1, second paragraph, (a) of Council Regulation (EEC) No 2332/92 of 13 July 1992 on sparkling wines produced in the Community ⁽²⁾,
- the quality sparkling wines referred to in Article 1, second paragraph, (b) of Regulation (EEC) No 2332/92, and
- the quality sparkling wines produced in specified regions (quality sparkling wines psr) referred to in Article 1, second paragraph, (c) of Regulation (EEC) No 2332/92.

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.

⁽¹⁾ OJ No L 232, 9. 8. 1989, p. 10.

⁽²⁾ See page 1 of this Official Journal.

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 description 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 and/or for presenting them with a view to sale to the final consumer,
- '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).

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);
- (d) the actual alcoholic strength by volume, in accordance with implementing provisions to be determined.

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 above-mentioned 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 supplemented by the name of the local administrative area or part of such area where production was carried out and, if production took place in another Member State, by the name of that Member State.

3. In the case of the products referred to in Article 1 (1) (c) and (d), the description on the labelling 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 68 of Regulation (EEC) No 822/87, 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 1, second paragraph, (b) of Regulation (EEC) No 2332/92, 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 Article 1, second paragraph, (a) of Regulation (EEC) No 2332/92, 'sparkling wine';
- (b) in the case of a quality sparkling wine referred to in Article 1, second paragraph, (b) of Regulation (EEC) No 2332/92 other than referred to in (d) of this paragraph, 'quality sparkling wine' or 'Sekt';
- (c) in the case of quality sparkling wine psr referred to in Article 1, second paragraph, (c) of Regulation (EEC) No 2332/92:
 - '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 15 (2) of Regulation (EEC) No 823/87 by the Member State in which production took place and contained on a list to be drawn up, or
 - one of the names of the specified regions of quality sparkling wines psr referred to in Article 15 (7) third subparagraph of Regulation (EEC) No 823/87, 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 1, second paragraph, (b) of Regulation (EEC) No 2332/92, 'quality aromatic sparkling wine';
- (e) in the case of sparkling wine originating in a third country:
 - 'sparkling wine', or
 - 'quality sparkling wine' or 'Sekt', where the conditions laid down for the production of such wine have been recognized as equivalent to those set out in Title III of Regulation (EEC) No 2332/92.

For such sparkling wines the sales description shall be accompanied by a reference to the third country in which the grapes were harvested, fermented and made into sparkling wine. Where the products used to produce the sparkling wine were obtained in a country other than that in which production took place, the indication of the country of production pursuant to Article 3 (3) must stand 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 grams per litre,
- 'brut' or 'herb':
if the residual sugar content is less than 15 grams per litre,
- 'extra dry', 'extra trocken' or 'extra seco':
if the residual sugar content is between 12 and 20 grams per litre,
- 'sec', 'trocken', 'secco' or 'asciutto', 'dry', 'tør', 'ξηρός' or 'seco':
if the residual sugar content is between 17 and 35 grams per litre,
- 'demi-sec', 'halbtrocken', 'abboccato', 'medium-dry', 'halvtør', 'ημιξηρός', 'semi seco' or 'meio seco':
if the residual sugar content is between 33 and 50 grams per litre,
- 'doux', 'mild', 'dolce', 'sweet', 'sød', 'γλυκύς', 'dulce' or 'doce':
if the residual sugar content is more than 50 grams per litre.

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.

Notwithstanding Article 3 (1) (c), for quality sparkling wines of the aromatic type and for quality sparkling wines of the aromatic type produced in specified regions as referred to in Article 1, second paragraph, (b) and (c) of Regulation (EEC) No 2332/92, indication of the type of product as referred to in the first subparagraph may be replaced by indication of the residual sugar content expressed in grams per litre as determined by analysis.

No information other than that specified in the first and third subparagraphs may be used on the labelling to indicate the product type as determined by the residual sugar content.

4. 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 a local administrative area or part of such area features on the label, either to indicate where the producer or another person involved in the commercial distribution of the product has his head office or to indicate where production took place, and those particulars include the name of a specified region within the meaning of Article 3 of Regulation (EEC) No 823/87 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 2332/92 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 2332/92.

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 adopted by the Member State 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 823/87 or to Article 18 (1) of Regulation (EEC) No 2332/92;
- (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 name 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 2332/92.

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' or 'classical method' or 'classical 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 2332/92.

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 2332/92.

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 five wine-growing years from 1 September 1989 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. In the case of quality sparkling wines psr which fulfil the conditions laid down in the second subparagraph of paragraph 4:

(a) the term 'Winzersekt' shall be reserved for quality sparkling wines psr produced in Germany which are:

- produced from grapes harvested in the same vineyard, including producer groups, where the producer, as defined in Article 5 (4), makes into wine grapes intended for the preparation of quality sparkling wines psr,
- marketed by the producer referred to in the first indent and made available with labels indicating the vineyard, the vine variety and the year.

On the basis of the procedure laid down in Article 83 of Regulation (EEC) No 822/87 additional conditions may be imposed on use of the term 'Winzersekt' and on use of equivalent terms in other Community languages.

In accordance with the same procedure a Member State may be authorized to lay down special and, in particular, more restrictive arrangements.

The terms referred to in the preceding subparagraphs may be used only in the language of origin;

(b) the term 'crémant' shall be reserved for quality sparkling wines psr made in France or Luxembourg:

- to which this term has been applied, in combination with the name of the specified region, by the Member State in which the wine was made, and
- which were produced in accordance with special rules laid down for their manufacture by the abovementioned Member States.

However, for five wine-growing years from 1 September 1989 the term 'crémant', in French or in translation, may be used to describe a sparkling wine which was traditionally thus described on that date.

7. 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 2332/92.

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*.

8. 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 2332/92.

9. The name of a Member State of 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.

10. 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.

11. 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).

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

(a) conditions for the use of:

- the expression referred to in paragraph 8,
- terms relating to a manufacturing method other than those referred to in paragraphs 3 to 6,
- 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 (c) and, as appropriate, in Article 3 (2) or (3),
- the information specified in Article 6, in so far as it appears of 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.

The closing device referred to in the first and second indents of point (a) of the first subparagraph may not be covered by a capsule or foil manufactured on the basis of lead.

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. Without prejudice to paragraph 2, 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 in a package, it must be labelled in accordance with this Regulation.

The arrangements for avoiding excessive strictness in the case of special packagings containing small quantities of the products referred to in Article 1 (1), on their own or with other products, shall be adopted under the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

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.

The geographical name designating a specified region for a quality sparkling wine psr must be sufficiently precise and familiarly linked to the area of production so that, taking account of the existing situations, confusion may be avoided.

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.

3. Notwithstanding paragraph 2 (b), the holder of a well-known registered brand name for a product referred to in Article 1 (1) which contains wording that is identical to the name of a specified region or the name of a geographical unit smaller than a specified region may, even if he is not entitled to use such a name pursuant to paragraph 2, continue to use that brand name where it corresponds to the identity of its original holder or of the original provider of the name, provided that the brand name was registered at least 25 years before the official recognition of the geographical name in question by the producer Member State in accordance with Article 1 (3) of Regulation (EEC) No 823/87 as regards quality wines psr and that the brand name has actually been used without interruption.

Brand names complying with the conditions of the first subparagraph may not be invoked against the use of the name of geographical units used to describe a quality wine psr.

Article 14

1. The sales descriptions set out 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 CN code 2206 00 91 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. Quality sparkling wines psr may be put on the market only on condition that the name of the specified region to which they are entitled is marked on the cork and that the bottle carries a label from the time it leaves the place of preparation.

However, as regards labelling, exceptions may be permitted provided that appropriate controls are ensured.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 16

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 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 1 September 1986.

Article 18

1. Regulation (EEC) No 3309/85 is hereby repealed.

2. References to the repealed Regulation shall be construed as references to this Regulation and should be read in accordance with the correlation table set out in the Annex.

Article 19

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 1992, except for the second subparagraph of Article 10 (1), which shall apply from 1 January 1993.

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

Done at Brussels, 13 July 1992.

For the Council

The President

J. GUMMER

ANNEX

Correlation table

Regulation (EEC) No 3309/85	Present Regulation
Article 1	Article 1
Article 2, first indent	Article 2, first indent
Article 2, second indent	Article 2, second indent
Article 5, (4), first subparagraph	Article 2, third indent
Article 5, (4), first subparagraph	Article 2, fourth indent
Article 3	Article 3
Article 4	Article 4
Article 5, (1)	Article 5, (1)
Article 5, (2)	Article 5, (2)
Article 5, (3)	Article 5, (3)
Article 5, (4), second subparagraph	Article 5, (4)
Article 5, (5)	Article 5, (5)
Article 5, (6)	Article 5, (6)
Article 6, (1)	Article 6, (1)
Article 6, (2)	Article 6, (2)
Article 6, (3)	Article 6, (3)
Article 6, (4)	Article 6, (4)
Article 6, (5)	Article 6, (5)
Article 6, (5a)	Article 6, (6)
Article 6, (6)	Article 6, (7)
Article 6, (7)	Article 6, (8)
Article 6, (8)	Article 6, (9)
Article 6, (9)	Article 6, (10)
Article 6, (10)	Article 6, (11)
Article 6, (11)	Article 6, (12)
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 10	Article 10
Article 11	Article 11
Article 12	Article 12
Article 13	Article 13
Article 14	Article 14
Article 14a	Article 15
Article 15	Article 16
Article 16	—
Article 17	Article 17
—	Article 18
Article 18	Article 19

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 July 1992

on the equivalence of checks on practices for the maintenance of varieties carried out in third countries

(92/420/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species ⁽¹⁾, and in particular Article 21 (1) (b) thereof,

Having regard to Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed ⁽²⁾, and in particular Article 32 (1) (b) thereof,

Having regard to the proposal from the Commission,

Whereas, by Decision 78/476/EEC ⁽³⁾, the Council noted that the official checks on practices for the maintenance of varieties carried out in certain third countries afforded the same guarantees as those carried out by the Member States; whereas the said Decision expires on 30 June 1992;

Whereas it appears that the abovementioned official checks carried out in the third countries referred to in Decision 78/476/EEC continue to afford the same guarantees as those carried out by the Member States;

Whereas, in the case of the country referred to as Yugoslavia in Decision 78/476/EEC, it is appropriate, given the recent developments in that country, to replace the name 'Yugoslavia' with the names 'Republic of Bosnia and Herzegovina', 'Republic of Croatia' and 'Republic of Slovenia', all of which countries have recently been recognized by the Community;

Whereas additional information has been requested from these three countries; whereas it is therefore appropriate, in these cases, to grant a shorter period of equivalence to allow time for this information to be supplied and assessed;

Whereas it has now been established that practices for the maintenance of certain varieties can be officially checked also in Switzerland, Morocco, Taiwan, Uruguay, Finland and, in connection with vegetables species, in Hungary in addition to agricultural plant species;

Whereas an examination of the conditions under which official checks on practices for the maintenance of varieties are carried out in the abovementioned six countries has shown that these checks afford the same guarantees as those carried out by the Member States;

Whereas Switzerland, Morocco, Taiwan, Uruguay and Finland should therefore be granted equivalence, and the equivalence granted to Hungary should be extended to vegetable species;

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1. Directive as last amended by Directive 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48).

⁽²⁾ OJ No L 225, 12. 10. 1970, p. 7. Directive as last amended by Directive 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48).

⁽³⁾ OJ No L 152, 8. 6. 1978, p. 17. Decision as last amended by Decision 88/574/EEC (OJ No L 313, 19. 11. 1988, p. 45).

Whereas the Republic of Korea has been requested to supply additional detailed information and it is therefore appropriate to grant that country a shorter period of equivalence to allow time for this information to be supplied and assessed;

Whereas this Decision in no way prevents Community findings on equivalence from being revoked or the extension of their period of validity being refused when the conditions on which they are based are not, or cease to be, satisfied; whereas, to this end, further practical information on seed of the varieties being maintained in the abovementioned countries should also be obtained when carrying out Community comparative tests;

Whereas certain of the technical and administrative provisions in the Annex may be subject to frequent adjustment; whereas, in order to simplify the procedure which at present governs amendments to the Annex, recourse should be had to the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

It is hereby noted that the official checks on practices for the maintenance of varieties carried out in the countries by the authorities listed in the Annex for the species listed

therein and concerning the said countries afford the same guarantees as those carried out by the Member States.

Article 2

The technical and administrative adjustments to be made to the Annex, with the exception of those concerning column 2 of the table, shall be adopted in accordance with the procedure laid down in Article 23 of Directive 70/457/EEC and in Article 40 of Directive 70/458/EEC.

Article 3

This Decision shall apply from 1 July 1992 to 30 June 1993 in the case of the Republic of Korea, the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Republic of Slovenia and from 1 July 1992 to 30 June 1997 in the case of the other third countries listed in the Annex.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 13 July 1992.

For the Council

The President

J. GUMMER

ANNEX

Reference No	Country	Authority responsible for carrying out checks	Species
1	Austria	Bundesanstalt für Pflanzenbau, Wien	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
2	Australia	Commonwealth Department of Primary Industry and Energy, Canberra	Agricultural plant species referred to in Directives 66/401/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
3	Bulgaria	Sortovi Semena i Posadatchen Materiel, Sofia	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
4	Switzerland	Eidgenössische Forschungsanstalt für landwirtschaftlichen Pflanzenbau, Zürich-Reckenholz Station Fédérale de Recherches Agronomiques de Changins, Nyon	Agricultural plant species referred to in Directives 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
5	Canada	Agriculture Canada, Ottawa	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC
6	Czech and Slovak Federal Republic	Ústřední kontrolní a zkušební ústav zemědělský, 18648 Praha, Sokolovská 1 Central Controlling and Testing Institute for Agriculture, Matuskova 21, 83316 Bratislava	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
7	Hungary	Institute for Agricultural Quality Control, Budapest	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
8	Israel	Seed and Nursery Stock Inspection Service of the Ministry of Agriculture, Beg-Dagen	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
9	Japan	Ministry of Agriculture, Forestry and Fisheries - Japan	Vegetable species referred to in Directive 70/458/EEC
10	Morocco	Ministère de l'Agriculture et de la Réforme Agraire, Rabat	Agricultural plant species referred to in Directives 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species (<i>Phaseolus vulgaris</i> ; <i>Pisum sativum</i> and <i>Vicia faba</i>) referred to in Directive 70/458/EEC

Reference No	Country	Authority responsible for carrying out checks	Species
11	New Zealand	Ministry of Agriculture and Fisheries, Wellington	Agricultural plant species referred to in Directive 66/401/EEC
12	Poland	Inspekcja Nasienna, Warszawa	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
13	Romania	Ministerul Agriculturii, Bucuresti	<i>Helianthus annuus</i>
14	Argentina	Instituto Nacional de Semillas, Buenos Aires	Agricultural plant species referred to in Directives 66/401/EEC, 66/402/EEC and 69/208/EEC
15	Taiwan	Council of Agriculture, Taipei	Vegetable species referred to in Directive 70/458/EEC
16	Chile	Servicio Agrícola y Canadero, Santiago de Chile	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC
17	Republic of Korea	Ministry of Agriculture and Forestry, Seoul	Vegetable species referred to in Directive 70/458/EEC
18	Sweden	Swedish Seed Testing and Certification Institute, Lund	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
19	Finland	State Seed Testing Station, Helsinki	Agricultural plant species referred to in Council Directive 66/401/EEC
20	Uruguay	Unidad Ejecutora de Semillas, Ministerio de Ganaderías, Agricultura y Pesca, Montevideo	Linseed
21	United States of America	US Department of Agriculture, Beltsville	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC Vegetable species referred to in Directive 70/458/EEC
22	Republic of Bosnia and Herzegovina		Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC
23	Republic of Croatia	Ministarstvo Trgovine, 41000 Zagreb, Trg Drage Iblera 9, Croatia	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC
24	Republic of Slovenia	Ministrstvo za Kmetijstvo Gozdarstvo in Prehrano, Slovenia	Agricultural plant species referred to in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC
25	South-Africa	Department of Agricultural Technical Services, Division of Seed Control, Pretoria	Agricultural plant species referred to in Directives 66/401/EEC and 69/208/EEC, and the species <i>Zea mays</i> .

COUNCIL DECISION

of 13 July 1992

on a Community action plan to assist tourism

(92/421/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 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 tourism occupies an important place in the economy of the Member States, with tourist activities representing a large potential source of employment;

Whereas tourism allows people of all kinds to gain a better knowledge of Europe's cultural roots and of the cultures and ways of life in the Member States, thus making a contribution to the progress of the idea of 'European citizenship';

Whereas the results of the European Year of Tourism should be taken into account;

Whereas, in view of the above, Community action regarding tourism should take the form of a strengthening of the horizontal approach to tourism in Community and national policies, and of the implementation of specific measures, and whereas that approach should also include coordination of the measures undertaken by Commission departments which affect tourism; whereas certain Community policies, in particular transport policy, have a major impact on tourism in the various regions of the Community;

Whereas the Community can contribute to improving the quality and competitiveness of the Community's tourism services on offer, by encouraging a joint approach to the medium-term problems facing European tourism, by promoting the development of the tourist industry and the diversification of tourist activity and the development of transnational measures, and by developing the promotion of European tourism on the main markets of third countries;

Whereas tourism can make an effective contribution to achieving economic and social cohesion in the Community and whereas it can promote in the Community a harmonious development of economic activity, continuous and balanced expansion, a higher standard of living and closer relations between the States which it links;

Whereas the measures to be implemented under the action plan must comply with certain criteria in particular the need to comply with the subsidiarity principle;

Whereas tourism in the Community will have to show consideration for local populations and for the natural and cultural environment in order to improve the quality of services offered;

Whereas free competition should be preserved in the sector, both for the benefit of consumers and in order to promote small and medium-sized enterprises (SMEs);

Whereas it is necessary to encourage not only better integration of tourism into the various Community policies but also close cooperation between all public and private bodies in the sector, including representatives of tourist regions, and whereas the implementation at Community level of a number of specific measures, complementary to those taken at national level, is the best way of achieving such cooperation, while avoiding any distortion of competition which may be caused;

Whereas statistics on tourism should be developed and forward analysis of new types of tourism carried out;

Whereas a plan of three years' duration is called for;

Whereas an amount of ECU 18 million is deemed necessary to implement this plan;

⁽¹⁾ OJ No C 120, 12. 5. 1992, p. 13.

⁽²⁾ OJ No C 67, 16. 3. 1992, p. 235.

⁽³⁾ OJ No C 49, 24. 2. 1992, p. 43.

Whereas the amounts to be committed for the financing of the plan will have to come within the Community financial framework in force;

Whereas procedures should be laid down for the exercise of the powers for implementing this plan conferred on the Commission pursuant to Decision 87/373/EEC ⁽¹⁾;

Whereas the Treaty does not provide for any powers for the adoption of this Decision other than those mentioned in Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

A Community action plan to assist tourism shall be drawn up. The measures forming the subject of this plan are contained in the Annex.

Article 2

1. The duration of the action plan shall be three years from 1 January 1993.

2. The Community financial resources deemed necessary for its implementation amount to ECU 18 million and shall fall within the Community financial framework in force.

3. The budget authority shall determine the appropriations available for each financial year, taking into account the principles of sound management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.

Article 3

1. The Commission shall put the action plan into operation. In order to fulfil the objectives of the plan, it may undertake measures other than those set out in the Annex, where, exceptionally, additional action is required in order to carry out one of the measures in full. Such additional action shall be assessed in relation both to existing priorities and to available financial resources. The Commission shall coordinate the action with the various Community policies, and through the various Directorates-General concerned, in accordance with current procedures.

The Commission shall refer to the committee referred to in paragraph 2 and the Council those initiatives adopted in the framework of Community policies which have a major effect on tourism.

2. The Commission shall be assisted in implementing the action plan by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event the Commission shall defer application of the measures which it has decided for a period of two months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

Article 4

1. The measures must be consistent with the principle of subsidiarity.

2. A selection shall be made, for the different measures proposed, by reference to the following criteria:

- (a) the measures must be cost-effective and make a significant impact on the Community tourist industry;
- (b) they must facilitate the development of the tourist industry with particular reference to small and medium-sized businesses;
- (c) they must help improve the quality of Community tourist services;
- (d) they must encourage competition within the Community and increase the competitiveness of Community tourist services on the world market;

⁽¹⁾ OJ No L 197, 18. 7. 1987, p. 33.

- (e) they must be conducive to preserving and protection the quality of the natural environment, the cultural heritage and the integrity of local populations;
 - (f) they must be conducive to improving the provision of information and services and to the protection of tourists.
3. The measures shall be implemented through coordination with the national authorities and, if necessary, with the regional or local authorities as well, so as to take account of the importance of tourism for regional development.

Article 5

Every year from the date of adoption of the action plan, the Commission, in a report to the European Parliament and the Council, shall evaluate the Community's activities which affect tourism.

Article 6

The Commission shall regularly evaluate the results of the action plan. This evaluation will include wherever possible measurable outputs of the plan and be in accordance with the criteria in Article 4. The committee will be informed by the Commission of the latter's evaluation of the plan, and of the results thereof. No later than 30 June 1995, the Commission will submit a report on this evaluation to the European Parliament and the Council. On the basis of that report, the Council shall decide, in accordance with the provisions of the Treaty, whether or not to extend the plan for a further period.

Done at Brussels, 13 July 1992.

For the Council

The President

J. GUMMER

ANNEX

I. COMMUNITY MEASURES TO ASSIST TOURISM

1. Improving knowledge of the tourist industry and ensuring greater consistency of Community measures

Community action is intended to improve the consistency of the measures taken to assist tourism by increasing knowledge of its characteristics, components and development.

This will be carried out by means of the following measures:

- (a) development of Community statistics on tourism;
- (b) detailed studies aimed at improving knowledge of tourism as an activity, assessment of the impact of current Community policies to assist tourism, forward analysis of new types of tourism, and the preparation of strategies adapted to keep pace with demand;
- (c) consultation of tourism professionals within the Community.

2. Staggering of holidays

Community action is designed to promote a better seasonal distribution of tourism.

This will be carried out by means of the following measures:

- (a) support for the setting-up of an international framework whose purpose would be to exchange information and monitor the activities of governments and the tourist industry;
- (b) support for measures aimed at coordinating actions and strategies to encourage the use of tourism infrastructure and facilities outside the peak season.

3. Transnational measures

Community action is designed to promote transnational tourist development initiatives covering many different specialist sectors of the industry.

This will be carried out by means of the following measures:

- (a) support for cooperation between border regions;
- (b) support for transnational initiatives contributing to the improvement of tourist information, in particular those using new technology;
- (c) development of tourist cooperation with Central and Eastern Europe and the Maghreb through the transfer of know-how on training and the implementation of strategies for promotion, as well as on marketing and the creation of small and medium-sized tourist enterprises;
- (d) support for tourist and technical cooperation in the context of partnerships between towns;
- (e) support for pilot projects aimed at cooperation between the public and private sectors for the development of traditional tourist regions in decline as well as less developed rural regions.

4. Tourists as consumers

Community action aims to support initiatives which improve the information of tourists and their protection, in areas such as existing classification systems, signposting symbols, time-share arrangements, over-booking and procedures for redress.

5. Cultural tourism

Community action is designed both to highlight the importance of the cultural heritage for tourism and to promote a greater knowledge of the cultures, traditions and ways of life of Europeans.

This will be carried out by means of the following measures:

- (a) support for initiatives to develop new European cultural tourism routes, in cooperation with the Member States, regions and local authorities concerned, and to disseminate information on these routes by means of brochures and publications;
- (b) support for the exchange of experience in the field of visitor management techniques;
- (c) promotion and assistance in the use of European networks enabling tourist operators and cultural institutions to exchange experience, especially as regards highlighting the value of cultural heritage.

6. Tourism and the environment

The aim of Community action in the area of the interaction between tourism and the environment is to ensure that the environment is more fully taken into account.

This will be carried out by means of the following measures:

- (a) support for initiatives aimed at informing and increasing the awareness of tourists and suppliers of services about the interaction between tourism and the environment and in particular through the creation of a European environmental prize;
- (b) support for innovative pilot projects to reconcile tourism and nature protection at local or regional level, in particular coastal and mountain areas, nature parks and reserves, e.g. by measures for the guidance of visitors;
- (c) support for the development of networks involving transnational exchanges of experience, including experience of environmental problems and their possible solution through visitor management at sites;
- (d) support for initiatives encouraging forms of environment-friendly tourism.

7. Rural tourism

Community action in this field is designed to develop tourist activities in a rural environment, notably farm tourism, small family-run hotels or facilities set up by associations or local authorities.

This will be carried out by means of the following measures:

- (a) support for partnership initiatives between operators at local, regional, national or European level, to facilitate exchanges of experience and the transfer of good practice through the organization of visits, seminars, exchanges of experts and the development of transnational pilot schemes, in particular in the field of vocational training;
- (b) improved information for rural operators and better access for them to the various Community aid schemes available for rural tourism, in particular through the publication of documents for mass circulation and the publication of an operators' manual;
- (c) encouragement for improving the quality of rural tourism supply and support for measures to facilitate access to tourism in a rural environment.

8. Social tourism

Community activity in this field seeks to facilitate access to tourism by groups of people who, for various reasons, but especially for social or health reasons, have difficulty in taking holidays.

This will be carried out by means of the following measures:

- (a) shared information at Community level between public and private sector partners concerning the various methods used in the Member States to encourage holiday-taking by certain categories of tourists;
- (b) support for the coordination between Member States of measures aimed at eliminating barriers to the development of tourism for the disabled, and for the exchange of information in this field.

9. Youth tourism

Community action in this field is, through support for existing Community policies, aimed both at promoting young people's knowledge of cultures and lifestyles in the various Member States and at making it easier for young people to take holidays.

This will be carried out by means of the following measures:

- (a) a feasibility study into establishing links between 'youth cards';
- (b) support for research into the need to create a network of exchanges with regard to 'European classes' (school travel for pupils from several Member States).

10. Training

Community action in this field is aimed, through support for existing Community policies, at making the tourist industry in the Community more competitive through support for increased professionalism in Community tourism.

This will be carried out by means of the following measures:

- (a) dissemination of information among young people on tourist resources and profession;
- (b) support for ongoing measures to draw up professional profiles for the industry and improvement of mutual information on the qualifications attained in the various Member States;
- (c) encouragement of the participation of tourist businesses and their employees in existing Community training programmes and measures;
- (d) support for transnational cooperation projects between universities, tourism schools, tourism professionals, or the authorities concerned, especially for training in the fields of rural, cultural and environmental tourism;
- (e) support for networks aimed at improving the quality of vocational training so as to raise the quality of tourism services.

11. Promotion in third countries

Community action in this field is directed at making Europe a more attractive destination for tourists from distant countries.

This will be carried out by means of measures confined to pilot projects to promote Europe as a tourist destination on the markets of distant countries, particularly North America and Japan, whose growth is likely to have an impact on tourism within the Community.

II. TIMETABLE OF PRIORITIES

When implementing measures in accordance with the procedure laid down in Article 3, priority will be given for 1993 to the following measures.

These priorities may be modified for the financial years 1994/95 according to the procedure referred to in Article 3 (2).

Priority measures for 1993:

1. Improving knowledge of the tourist industry and ensuring greater consistency of Community measures:

- (a) development of Community statistics on tourism;
- (b) detailed studies aimed at improving knowledge of tourism as an activity, assessment of the impact of current Community policies to assist tourism, forward analysis of new types of tourism and the preparation of strategies adapted to keep pace with demand;
- (c) consultation of tourism professionals within the Community.

2. Staggering of holidays:

- (a) support for the setting-up of an international framework whose purpose would be to exchange information and monitor the activities of governments and the tourist industry.

3. Transnational measures:

- (a) support of cooperation between border regions;
- (b) support for transnational initiatives contributing to the improvement of tourist information, in particular those using new technology;
- (c) development of tourist cooperation with Central and Eastern Europe and the Maghreb through the transfer of know-how on training and the implementation of strategies for promotion, as well as on marketing and the creation of small and medium-sized tourist businesses.

5. Cultural tourism:

- (a) support for initiatives to develop new European cultural tourism routes, in cooperation with the Member States, regions and local authorities concerned, and to disseminate information on these routes by means of brochures and publications;
- (b) support for the exchange of experience in the field of visitor management techniques;

6. Tourism and the environment:

- (a) support for initiatives aimed at informing and increasing the awareness of tourists and suppliers of services about the interaction between tourism and the environment and in particular through the creation of a European environmental prize;
- (b) support for innovative pilot projects to reconcile tourism and nature protection at local or regional level, in particular coastal and mountain areas, nature parks and reserves, e.g. by measures for the guidance of visitors;
- (c) support for the development of networks involving transnational exchanges of experience, including experience of environmental problems and their possible solution through visitor management at sites;
- (d) support for initiatives encouraging forms of environment-friendly tourism.

7. Rural tourism:

- (b) improved information for rural operators and better access for them to the various Community aid schemes available for rural tourism, in particular through the publication of documents for mass circulation and the publication of an operators's manual;
- (c) encouragement for improving the quality of rural tourism supply and support for measures to facilitate access to tourism in a rural environment.

8. Social tourism:

- (b) support for the coordination between Member States of measures aimed at eliminating barriers to the development of tourism for the disabled, and for the exchange of information in this field.

10. Training:

- (b) support for ongoing measures to draw up professional profiles for the industry and improvement of mutual information on the qualifications attained in the various Member States;
- (c) encouragement of the participation of tourist businesses and their employees in existing Community training programmes and measures;
- (d) support for transnational cooperation projects between universities, tourism schools, tourism professionals, or the authorities concerned, especially for training in the fields of rural, cultural and environmental tourism.

11. Promotion in third countries:

Pilot projects to promote Europe as a tourist destination on the markets of distant countries, particularly North America and Japan, whose growth is likely to have an impact on tourism within the Community.
