

Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (repealed)

COMMISSION REGULATION (EC) No 753/2002  
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laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (repealed)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine<sup>(1)</sup>, as last amended by Regulation (EC) No 2585/2001<sup>(2)</sup>, and in particular Articles 53 and 80 thereof,

Whereas:

- (1) Chapter II of Title V and Annexes VII and VIII to Regulation (EC) No 1493/1999 lay down rules relating to the description, designation and presentation of certain products covered by that Regulation ('wine sector products') and the protection of certain particulars and terms. Detailed rules for the implementation of those provisions should therefore be adopted and the existing legislation on the subject repealed, namely Commission Regulations (EEC) No 3201/90 of 16 October 1990 laying down detailed rules for the description and presentation of wines and grape musts<sup>(3)</sup>, as last amended by Regulation (EC) No 885/2001<sup>(4)</sup>, (EEC) No 3901/91 of 18 December 1991 laying down certain detailed rules on the description and presentation of special wines<sup>(5)</sup>, (EC) No 554/95 of 13 March 1995 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines<sup>(6)</sup>, as amended by Regulation (EC) No 1915/96<sup>(7)</sup>, and (EC) No 881/98 of 24 April 1998 laying down detailed rules for the protection of the additional traditional terms used to designate certain types of quality wine produced in specified regions (quality wine psr)<sup>(8)</sup>, as last amended by Regulation (EC) No 1608/2000<sup>(9)</sup>.
- (2) Certain rules on the labelling of foodstuffs are laid down in Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain pre-packaged liquids<sup>(10)</sup>, as last amended by Directive 89/676/EEC<sup>(11)</sup>, Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs<sup>(12)</sup>, as last amended by Directive 92/11/EEC<sup>(13)</sup>, and European Parliament and Council Directive 2000/13/EC of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(14)</sup>, as amended by Commission Directive 2001/101/EC<sup>(15)</sup>. Those rules also apply to wine sector products, except where expressly excluded by the Directives concerned.

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*Status: Point in time view as at 25/11/2004.*

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- (3) The rules laid down in this Regulation should take account of the experience gained in applying the existing legislation on wine sector products as well as the rules laid down in the Directives referred to above. In particular, the rules should be simplified as far as possible and made more readable, with provisions harmonised across different product groups, whilst taking account of product diversity.
- (4) This Regulation should comply with the objectives of protecting the legitimate interests of consumers and producers, ensuring the smooth operation of the internal market and promoting the production of quality products as laid down in Article 47(1) of Regulation (EC) No 1493/1999. It should also meet the requirements of Article 77 of that Regulation so that due account may be taken, at the same time, of the objectives set out in Article 33 and in Article 131 of the Treaty, and so that regard may also be had to the obligations arising from international agreements concluded in accordance with Article 300(2) of the Treaty.
- (5) The concept of 'labelling' should be clarified in order to limit the term to those aspects of the presentation of wine sector products that concern the nature, quality or origin of the products themselves.
- (6) To assist consumers, certain mandatory information should be grouped in a single visual field on the container, tolerance limits should be set for the indication of the actual alcoholic strength and account should be taken of the specific character of the products concerned.
- (7) The existing rules on the use of codes on labelling have proved useful and should therefore be retained.
- (8) Some wine sector products may not be intended for direct human consumption. Member States should therefore be permitted to exempt such products from the labelling rules, provided that adequate control mechanisms are in force. The same should apply in the case of certain quality wines psr aged in the bottle.
- (9) Wine sector products exported from the Community may need to satisfy labelling requirements in third countries or provide information useful to consumers in those countries. Member States should therefore be able to permit the use of other languages for certain terms on the label.
- (10) Regulation (EC) No 1493/1999 harmonises the labelling for all wine sector products with the model already established for sparkling wines, by allowing the use of terms other than those expressly covered by Community legislation, provided that they are accurate. The rules for implementing this Regulation should therefore also be harmonised in the same way, using the model established for sparkling wines, while ensuring that there is no risk of these other terms being confused with the terms covered by Community legislation and that such terms may be used only if operators can prove their accuracy where there is any doubt.
- (11) In the interests of legal certainty, the existing definitions of 'bottler' and 'bottling' should remain unchanged and a definition of 'importer' should be introduced.

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- (12) The use of lead-based capsules to cover the closing devices of containers holding products covered by Regulation (EC) No 1493/1999 should be banned, in order to avoid any risk, firstly, of contamination, in particular by accidental contact with such products and, secondly, of environmental pollution from waste containing lead from such capsules.
- (13) The use of certain types of bottle for certain products is a long-established practice in the Community and third countries. Such bottles can evoke certain characteristics or a certain origin of products in the minds of consumers due to their long-established use. Such bottles should therefore be reserved for the wines in question.
- (14) To ensure the traceability and control of wine sector products, certain particulars on the labelling should be repeated in registers and on the accompanying documents, provided for by Commission Regulation (EC) No 884/2001 of 24 April 2001 laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector<sup>(16)</sup>.
- (15) Regulation (EC) No 1493/1999 provides for conditions to be laid down for the use of certain terms. For some of these terms, Community rules are necessary for the smooth functioning of the internal market. Such rules should, in general, be based on existing provisions. For other terms, the Member States should lay down the rules for wine produced in their territory — which should be compatible with Community law — so that policy can be developed as close as possible to the producer. The transparency of such rules should nevertheless be assured.
- (16) As regards the obligatory indication of the name or company name of the bottler or the consignor and the voluntary indication of the name, address and occupation of one or more of the persons involved in marketing, in order to ensure the smooth operation of the internal market and to ensure that the consumer is not misled, it should become compulsory to indicate the activity of those persons by the use of terms such as ‘wine-grower’, ‘harvested by’, ‘merchant’, ‘distributed by’, ‘importer’, ‘imported by’, and other similar terms.
- (17) Terms referring to the organic production of grapes are governed solely by Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs<sup>(17)</sup>, as last amended by Commission Regulation (EC) No 473/2002<sup>(18)</sup>, which means that they may be used for all wine sector products. The provisions of this Regulation on particulars concerning the production method do not therefore cover those terms.
- (18) The use and regulation of certain terms (other than designations of origin) to describe quality wine sector products is a long-established practice in the Community. Such traditional expressions can evoke in the minds of consumers a production or ageing method or a quality, colour or type of wine or a particular event linked to the history of the wine. So as to ensure fair competition and avoid misleading consumers, a common framework should be laid down for registering and protecting such traditional expressions.

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- (19) In the interests of simplicity and clarity, the labelling of liqueur wines and semi-sparkling wines should be harmonised as far as possible, taking due account of product diversity, using the approach laid down in Regulation (EC) No 1493/1999 for still wines. The approach for labelling other wine sector products should be similarly harmonised, although the specific nature of these products and their markets requires a greater degree of differentiation, in particular as regards mandatory information.
- (20) The rules for labelling third-country wine sector products circulating on the Community market should also be harmonised as far as possible with the approach laid down for Community wine sector products in order to avoid misleading consumers and unfair competition for producers. However, consideration should be given to the differences in production conditions, winemaking traditions and legislation in third countries.
- (21) The provisions of this Regulation should be without prejudice to any specific rules negotiated under agreements with third countries concluded under the procedure provided for in Article 133 of the Treaty.
- (22) Specific and detailed rules on the labelling of sparkling wines are already laid down in Annex VIII to Regulation (EC) No 1493/1999. However, certain additional implementing rules should be laid down.
- (23) Wherever possible, the rules for aerated semi-sparkling wines should match those laid down in Regulation (EC) No 1493/1999 for aerated sparkling wines, taking due account of product diversity.
- (24) Article 80 of Regulation (EC) No 1493/1999 provides for measures to be adopted to ease the transition from the previous wine sector legislation to that Regulation. So as to avoid unnecessary burdens on operators, provisions should be enacted to ensure that products labelled in accordance with the existing rules may continue to be marketed, and that labels printed in accordance with those rules may be used during a transitional period.
- (25) Article 81 of Regulation (EC) No 1493/1999 repeals the existing Council legislation in the wine sector, including that dealing with aspects covered by this Regulation. In order to allow a smooth transition and the continuity of the applicable arrangements pending the finalisation and adoption of implementing measures, Regulation (EC) No 1608/2000, as last amended by Regulation (EC) No 699/2002<sup>(19)</sup>, provides for some of the Council provisions repealed by Article 81 to remain in force for a brief transitional period. The changes made by this Regulation to the existing rules will require the Member States to adopt a number of implementing measures. So as to allow a reasonable period for those measures to be adopted and for operators to adapt to the new rules, some of the Council provisions repealed by Article 81 of Regulation (EC) No 1493/1999 should remain in force for a further brief transitional period. Regulation (EC) No 1608/2000 should therefore be repealed.
- (26) The measures provided in this Regulation should apply only to the products referred to in Article 1(2) of Regulation (EC) No 1493/1999, without prejudice to the provisions of that Regulation that apply to other products, in particular Article 52(2), (3) and (4) thereof and Annexes VII(C) and VIII(I)(3) thereto.

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(27) The Management Committee for Wine has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 179, 14.7.1999, p. 1.
- (2) OJ L 345, 29.12.2001, p. 10.
- (3) OJ L 309, 8.11.1990, p. 1.
- (4) OJ L 128, 10.5.2001, p. 54.
- (5) OJ L 368, 31.12.1991, p. 15.
- (6) OJ L 56, 14.3.1995, p. 3.
- (7) OJ L 252, 4.10.1996, p. 10.
- (8) OJ L 124, 25.4.1998, p. 22.
- (9) OJ L 185, 25.7.2000, p. 24.
- (10) OJ L 42, 15.2.1975, p. 1.
- (11) OJ L 398, 30.12.1989, p. 18.
- (12) OJ L 186, 30.6.1989, p. 21.
- (13) OJ L 65, 11.3.1992, p. 32.
- (14) OJ L 109, 6.5.2000, p. 29.
- (15) OJ L 310, 28.11.2001, p. 19.
- (16) OJ L 128, 10.5.2001, p. 32.
- (17) OJ L 198, 22.7.1991, p. 1.
- (18) OJ L 75, 16.3.2002, p. 21.
- (19) OJ L 109, 25.4.2002, p. 20.

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