

Commission Regulation (EC) No 423/2008 of 8 May 2008 on laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 and establishing a Community code of oenological practices and processes (Codified version) (repealed)

COMMISSION REGULATION (EC) No 423/2008

of 8 May 2008

on laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 and establishing a Community code of oenological practices and processes

(Codified version) (repealed)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>, and in particular Articles 46 and 80 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1622/2000 of 24 July 2000 on laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes<sup>(2)</sup> has been substantially amended several times<sup>(3)</sup>. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Chapter I of Title V of Regulation (EC) No 1493/1999 and several of the Annexes thereto lay down general rules on oenological practices and processes and refer for the rest to detailed implementing rules to be adopted by the Commission.
- (3) In the interests of both economic operators in the Community and the authorities responsible for applying Community rules, all those provisions should be collated in a Community code of oenological practices and processes.
- (4) The Community Code should thus be established to include only the detailed implementing rules explicitly referred to by the Council in Regulation (EC) No 1493/1999. For the rest, the rules under Articles 28 et seq. of the Treaty should suffice to ensure free movement of wine-sector products where oenological processes and practices are concerned.
- (5) It should also be specified that the code is to apply without prejudice to specific provisions in other fields, in particular, rules already existing or to be adopted in the future for foodstuffs.
- (6) Article 42(5) of Regulation (EC) No 1493/1999 permits grapes other than those of the wine-grape varieties listed in the classification established in accordance with Article 19 of that Regulation, or products derived therefrom, to be used in the Community for

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the manufacture of the products listed in Article 42(5). A list should be drawn up of the varieties to which such derogations may apply.

- (7) Pursuant to Annex V to Regulation (EC) No 1493/1999 a list should be drawn up of quality liqueur wines produced in specified regions (quality liqueur wines psr) for which special rules of preparation are allowed. To enable products to be more easily identified and to facilitate intra-Community trade, reference should be made to the descriptions of products as established by Community rules or, where appropriate, by national legislation.
- (8) Limits on the use of certain substances should also be fixed, pursuant to Annex IV to Regulation (EC) No 1493/1999, and conditions should be laid down for the use of some of them.
- (9) Experiments concerning the use of lysozyme in winemaking carried out by two Member States have shown that the addition of this substance is of significant benefit for the stabilisation of wines and permits the production of quality wines with a reduced sulphur dioxide content. Its use should therefore be permitted and maximum doses laid down in line with the technological requirements revealed in the experiments.
- (10) Article 44 of Council Regulation (EEC) No 337/79<sup>(4)</sup>, as amended by Regulation (EEC) No 3307/85<sup>(5)</sup>, reduced the maximum total sulphur dioxide content of wines other than sparkling and liqueur wines and certain quality wines by 15 mg per litre, with effect from 1 September 1986. To avoid difficulty in disposing of wine as a result of this change in the production rules, wine produced before that date in the Community, with the exception of Portugal, was allowed to be offered for direct human consumption after that date. That authorisation also applied, for a transitional period of one year from that date, to wine originating in third countries or in Portugal, provided that its total sulphur dioxide content complied with the Community rules or, where applicable, the Spanish rules in force before 1 September 1986. Since there might still be stocks of such wine, the measure in question should be extended.
- (11) Articles 12 and 16 of Council Regulation (EEC) No 358/79 of 5 February 1979 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79<sup>(6)</sup> reduced the maximum total sulphur dioxide content of sparkling wines, quality sparkling wines and quality sparkling wines produced in specified regions by 15 milligrams per litre with effect from 1 September 1986. In the case of sparkling wines originating in the Community, with the exception of Portugal, Article 22(1) of Regulation (EEC) No 358/79 allowed such products to be disposed of until stocks were exhausted provided that they had been prepared in accordance with that Regulation as it applied before 1 September 1986. Transitional provisions should be laid down for imported sparkling wines and sparkling wines produced in Spain and Portugal before 1 September 1986 in order to avoid difficulties in disposing of such products. Those products should therefore be permitted to be offered for sale for a transitional period after that date, provided that their total sulphur dioxide content complies with the Community provisions in force before 1 September 1986.
- (12) Point B(1) of Annex V to Regulation (EC) No 1493/1999 fixes the maximum volatile acid content of wine. Provision may be made for derogations for certain quality wines

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produced in specified regions (quality wines psr) and certain table wines described by means of a geographical indication or having an alcoholic strength of 13 % or more. Some German, Spanish, French, Italian, Austrian and United Kingdom wines in these categories normally have a volatile acidity higher than that provided for in abovementioned Annex V owing to the special methods by which they are prepared and their high alcoholic strength. In order that those wines may continue to be prepared by the customary methods whereby they acquire their characteristic properties, provision should be made for a derogation from the abovementioned point B(1) of Annex V in their case.

- (13) In accordance with point D(3) of Annex V to Regulation (EC) No 1493/1999, the wine-growing regions where the addition of sucrose was traditionally practised in accordance with legislation in force on 8 May 1970 should be specified.
- (14) The small size of the wine-growing sector of Luxembourg means that the competent authorities can carry out systematic analytical checks of all batches of products turned into wine. Declarations of intention to enrich wine are not indispensable so long as those conditions continue to apply.
- (15) In accordance with point G(5) of Annex V to Regulation (EC) No 1493/1999, all enrichment, acidification and deacidification operations must be notified to the competent authorities. This also holds for quantities of sugar, concentrated grape must and rectified concentrated grape must held by the natural or legal persons undertaking such operations. The purpose of such notification is to allow the operations in question to be monitored. Notifications must therefore be addressed to the competent authority of the Member State on whose territory the operation is to take place and must be as accurate as possible. Where an increase in alcoholic strength is involved, the competent authority must be notified in sufficient time to carry out an effective check. In the case of acidification and deacidification, a check after the operation is sufficient. For that reason and to simplify administrative procedures, it must therefore be possible to make such notification, except for the first notification in the wine year, by updating records regularly verified by the competent authority.
- (16) Point F(1) of Annex V to Regulation (EC) No 1493/1999 lays down certain rules for the sweetening of wines. That provision refers primarily to table wine but also applies to quality wines psr by virtue of point G(2) of Annex VI to that Regulation.
- (17) Sweetening must not lead to enrichment in excess of the limits set in point C of Annex V to Regulation (EC) No 1493/1999. Special provision has been made to that end in point F(1) of Annex V to that Regulation. In addition, checks are essential to ensure compliance with the provisions in question.
- (18) In order in particular to help make checks effective, sweetening should be carried out only at the production stage or another stage as close to production as possible. It should therefore be restricted to the production and wholesale stages.
- (19) The supervisory authorities must be informed of all impending sweetening operations. Anyone intending to carry out a sweetening operation should therefore be required to

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notify the supervisory authorities in writing. However, this procedure may be simplified when an undertaking carries out sweetening frequently or continuously.

- (20) The purpose of such notifications is to allow the operations in question to be monitored. Notifications must therefore be addressed to the competent authority of the Member State on whose territory the operation is to take place, be as accurate as possible and reach the competent authority prior to the operation.
- (21) For checks to be effective, the quantities of grape must or concentrated grape must held by the party concerned before the sweetening operation must be declared. However, such declarations are of no value unless there is also an obligation to keep inwards and outwards registers of products used in sweetening operations.
- (22) In order to prevent sucrose from being used to sweeten liqueur wines, the use of rectified concentrated grape must, in addition to concentrated grape must, should be permitted.
- (23) ‘*Coupage*’ is a widespread oenological practice and, in view of its possible consequences, its use must be regulated in order to prevent abuse.
- (24) Indication of geographical origin or vine variety is of great importance for the commercial value of wines or musts originating in the same wine-growing zone of the Community or in the same production area of a third country. The mixing of wines or grape musts from the same zone, but from different geographical areas within that zone, or from different vine varieties or harvest years should therefore also be regarded as *coupage* where the description of the resulting product mentions the geographical origin, wine variety or harvest year.
- (25) The Member States should be allowed to authorise the use, for a limited time for experimental purposes, of oenological practices and processes not provided for in Regulation (EC) No 1493/1999.
- (26) Under Article 46(3) of Regulation (EC) No 1493/1999 methods of analysis must be adopted for establishing the composition of the products covered by Article 1 of that Regulation and rules must be laid down for establishing whether those products have undergone processes contrary to authorised oenological practices.
- (27) Point J(1) of Annex VI to Regulation (EC) No 1493/1999 provides for an analytical test which is at least to measure the factors, among those listed in point J(3) of that Annex, enabling the quality wine psr concerned to be distinguished.
- (28) Uniform methods of analysis must be introduced to ensure that the particulars on documents relating to the products in question are accurate and comparable for verification purposes. Such methods must therefore be compulsory for all commercial transactions and verification procedures. However, in view of the control requirements and the trade's limited facilities, a small number of usual procedures should continue to be allowed for a limited period so that the requisite factors can be determined rapidly and with reasonable accuracy.
- (29) The Community methods for the analysis of wines were laid down by Commission Regulation (EEC) No 2676/90<sup>(7)</sup>. Since the methods described therein are valid, that

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Regulation should remain in force, with the exception of the usual methods which will ultimately no longer be described.

- (30) The Management Committee for Wines 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](#). Regulation as last amended by Regulation (EC) No 1791/2006 ([OJ L 363, 20.12.2006, p. 1](#)).
- (2) [OJ L 194, 31.7.2000, p. 1](#). Regulation as last amended by Regulation (EC) No 1300/2007 ([OJ L 289, 7.11.2007, p. 8](#)).
- (3) See Annex XXII.
- (4) [OJ L 54, 5.3.1979, p. 1](#).
- (5) [OJ L 367, 31.12.1985, p. 39](#).
- (6) [OJ L 54, 5.3.1979, p. 130](#).
- (7) [OJ L 272, 3.10.1990, p. 1](#). Regulation as last amended by Regulation (EC) No 1293/2005 ([OJ L 205, 6.8.2005, p. 12](#)).

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