

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(EC) No 1493/1999 and establishing a Community code of oenological practices and processes (Codified version) (repealed)

TITLE II

OENOLOGICAL PRACTICES AND PROCESSES

CHAPTER I

Restrictions and requirements pertaining to the use of certain substances authorised for oenological purposes

Article 5

Restrictions on the use of certain substances

The substances authorised for oenological purposes listed in Annex IV to Regulation (EC) No 1493/1999 may be used only subject to the limits laid down in Annex IV hereto.

Article 6

The purity and identification specifications of substances used in oenological practices

The purity and identification specifications of substances used in oenological practices referred to in Article 46(2)(c) of Regulation (EC) No 1493/1999 shall be those laid down in Commission Directive 96/77/EC⁽¹⁾. Where necessary, those purity criteria shall be supplemented by the specific requirements provided for in this Regulation.

Article 7

Calcium tartrate

Calcium tartrate, the use of which in assisting the precipitation of tartar is provided for in point 3(v) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements set out in Annex V hereto.

Article 8

Tartaric acid

1 Tartaric acid, the use of which for deacidification purposes is provided for in point 1(m) of Annex IV and point 3(l) of Annex IV to Regulation (EC) No 1493/1999, may be used only for products that:

- a are from the Elbling and Riesling vine varieties; and

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b are obtained from grapes harvested in the following wine-growing regions in the northern part of wine-growing zone A:

- Ahr,
- Rheingau,
- Mittelrhein,
- Mosel-Saar-Ruwer,
- Nahe,
- Rheinhessen,
- Pfalz,
- Moselle luxembourgeoise.

2 Tartaric acid, the use of which is provided for in points 1(l) and (m) and points 3(k) and (l) of Annex IV to Regulation (EC) No 1493/1999, also called L-tartaric acid, must be of agricultural origin and extracted specifically from wine products. It must also comply with the purity criteria laid down in Directive 96/77/EC.

Article 9

Aleppo pine resin

1 Aleppo pine resin, the use of which is provided for in point 1(n) of Annex IV to Regulation (EC) No 1493/1999, may be used only to produce 'retsina' table wine. This oenological practice may be carried out only:

- a in the geographical territory of Greece;
- b using grape must from grape varieties, areas of production and wine-making areas as specified in the Greek provisions in force at 31 December 1980;
- c by adding 1 000 grams or less of resin per hectolitre of the product used, before fermentation or, where the actual alcoholic strength by volume does not exceed one third of the overall alcoholic strength by volume, during fermentation.

2 Greece shall notify the Commission in advance if it intends to amend the provisions referred to in paragraph 1(b). If the Commission does not respond within two months of such notification, Greece may implement the planned amendments.

Article 10

Beta-glucanase

Beta-glucanase, the use of which is provided for in point 1(j) and point 3(m) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements set out in Annex VI hereto.

Article 11

Lactic bacteria

Lactic bacteria, the use of which is provided for in point 1(q) and point 3(z) of Annex IV to Regulation (EC) No 1493/1999, may be used only if they meet the requirements set out in Annex VII hereto.

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Article 12

Lysozyme

Lysozyme, the use of which is provided for in point 1(r) and point 3(zb) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements set out in Annex VIII hereto.

Article 13

Ion exchange resins

The ion exchange resins which may be used in accordance with point 2(h) of Annex IV to Regulation (EC) No 1493/1999 shall be styrene and divinylbenzene copolymers containing sulphonic acid or ammonium groups. They must comply with the requirements laid down in Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁽²⁾ and Community and national provisions adopted in implementation thereof. In addition, when tested by the method of analysis laid down in Annex IX hereto, they must not lose more than 1 mg/l of organic matter into any of the solvents listed. They must be regenerated with substances permitted for use in the preparation of foodstuffs.

These resins may be used only under the supervision of an oenologist or technician and in installations approved by the authorities of the Member States on whose territory they are used. Such authorities shall lay down the duties and responsibility incumbent on approved oenologists and technicians.

Article 14

Potassium ferrocyanide

Potassium ferrocyanide, the use of which is provided for in point 3(p) of Annex IV to Regulation (EC) No 1493/1999, may be used only under the supervision of an oenologist or technician officially approved by the authorities of the Member State in whose territory the process is carried out, the extent of whose responsibility shall be fixed, if necessary, by the Member State concerned.

After treatment with potassium ferrocyanide, the wine must contain traces of iron.

Supervision of the use of the product covered by this Article shall be governed by the provisions adopted by the Member States.

Article 15

Calcium phytate

Calcium phytate, the use of which is provided for in point 3(p) of Annex IV to Regulation (EC) No 1493/1999, may be used only under the supervision of an oenologist or technician officially approved by the authorities of the Member State in whose territory the process is carried out, the extent of whose responsibility shall be fixed, if necessary, by the Member State concerned.

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After treatment, wine must contain traces of iron.

Supervision of the use of the product referred to in the first paragraph shall be governed by the provisions adopted by the Member States.

Article 16

DL-tartaric acid

DL-tartaric acid, the use of which is provided for in point 3(s) of Annex IV to Regulation (EC) No 1493/1999, may be used only under the supervision of an oenologist or technician officially approved by the authorities of the Member State in whose territory the process is carried out, the extent of whose responsibility shall be fixed, if necessary, by the Member State concerned.

Supervision of the use of the product covered by this Article shall be governed by the provisions adopted by the Member States.

Article 17

Dimethyldicarbonate

The addition of dimethyldicarbonate provided for in of point 3(zc) of Annex IV to Regulation (EC) No 1493/1999 may be carried out only within the limits laid down in Annex IV hereto and where it meets the requirements of Annex X hereto.

Article 18

Electrodialysis treatment

Electrodialysis treatment, the use of which to ensure the tartaric stabilisation of wine is provided for in point 4(b) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements set out in Annex XI hereto.

Article 19

Urease

Urease, the use of which to reduce the level of urea in wine is provided for in point 4(c) of Annex IV to Regulation (EC) No 1493/1999, may be used only if it meets the requirements and purity criteria set out in Annex XII hereto.

Article 20

Addition of oxygen

The addition of oxygen, which is provided for in point 4(a) of Annex IV to Regulation (EC) No 1493/1999, must be carried out using pure gaseous oxygen.

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Article 21

Pouring of wine or grape must to lees or grape marc or pressed 'aszú' pulp

The pouring of wine or grape must to lees or grape marc or pressed 'aszú' pulp, provided for in point 4(d) of Annex IV to Regulation (EC) No 1493/1999, shall be carried out as follows, in accordance with the Hungarian provisions in force on 1 May 2004:

- (a) the 'Tokaji fordítás' shall be prepared by pouring must or wine on the pressed 'aszú' pulp;
- (b) the 'Tokaji másolás' shall be prepared by pouring must or wine on the lees of 'szamorodni' or 'aszú'.

Article 22

Use of pieces of oak wood

The usage of pieces of oak wood provided for in point 4(e) of Annex IV to Regulation (EC) No 1493/1999 may be carried out only where it meets the requirements set out in Annex XIII hereto.

CHAPTER II

Specific restrictions and requirements

Article 23

Sulphur dioxide content

1 The amendments to the lists of wines in point A(2) of Annex V to Regulation (EC) No 1493/1999 shall be as set out in Annex XIV hereto.

2 The following may be offered for direct human consumption until stocks are exhausted:

- wine, other than liqueur wines and sparkling wines, produced in the Community, with the exception of Portugal, before 1 September 1986, and
- wine, other than liqueur wines and sparkling wines, originating in third countries or in Portugal and imported into the Community before 1 September 1987,

provided that their total sulphur dioxide content on release to the market for direct human consumption does not exceed:

- (a) 175 milligrams per litre for red wines;
- (b) 225 milligrams per litre for white and rosé wines;
- (c) notwithstanding points (a) and (b), for wines with a residual sugar content expressed as invert sugar of not less than five grams per litre, 225 milligrams per litre for red wines and 275 milligrams per litre for white and rosé wines.

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In addition, the following may be offered for direct human consumption in the country of production and for export to third countries until stocks are exhausted:

- wine produced in Spain before 1 September 1986, the total sulphur dioxide content of which does not exceed the maximum laid down by the Spanish provisions in force before that date, and
- wine produced in Portugal before 1 January 1991, the total sulphur dioxide content of which does not exceed the maximum laid down by the Portuguese provisions in force before that date.

3 Sparkling wines originating in third countries and Portugal and imported into the Community before 1 September 1987 may be offered for direct human consumption until stocks are exhausted provided that their total sulphur dioxide content does not exceed:

- 250 milligrams per litre for sparkling wines, and
- 200 milligrams per litre for quality sparkling wines.

In addition, the following may be offered for direct human consumption in the country of production and for export to third countries until stocks are exhausted:

- wine produced in Spain before 1 September 1986, the total sulphur dioxide content of which does not exceed the maximum laid down by the Spanish provisions in force before that date, and
- wine produced in Portugal before 1 January 1991, the total sulphur dioxide content of which does not exceed the maximum laid down by the Portuguese provisions in force before that date.

4 The cases where the Member States may authorise, because of weather conditions, that the maximum total sulphur dioxide content of wine, which is set at less than 300 milligrams per litre in point A of Annex V to Regulation (EC) No 1493/1999, be increased by a maximum of 40 milligrams per litre for certain wines produced in certain wine-growing zones within their territory shall be as listed in Annex XV hereto.

Article 24

Volatile acid content

The wines covered by exceptions regarding the maximum volatile acid content in accordance with point B(3) of Annex V to Regulation (EC) No 1493/1999 shall be as set out in Annex XVI hereto.

Article 25

Use of calcium sulphate in certain liqueur wines

Derogations regarding the use of calcium sulphate as referred to in point J(4)(b) of Annex V to Regulation (EC) No 1493/1999 may be granted only for the following Spanish wines:

- (a) ‘*Vino generoso*’ as defined in point L(8) of Annex VI to Regulation (EC) No 1493/1999;
- (b) ‘*Vino generoso de licor*’ as defined in point L(11) of Annex VI to Regulation (EC) No 1493/1999.

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- (1) OJ L 339, 30.12.1996, p. 1.
- (2) OJ L 338, 13.11.2004, p. 4.

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