

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(EC) No 1493/1999 and establishing a Community code of oenological practices and processes (Codified version) (repealed)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

OENOLOGICAL PRACTICES

CHAPTER I

Enrichment

Article 26

Authorisation to use sucrose

The wine-growing regions where the use of sucrose is authorised pursuant to point D(3) of Annex V to Regulation (EC) No 1493/1999 shall be as follows:

- (a) wine-growing zone A;
- (b) wine-growing zone B;
- (c) wine-growing zone C, with the exception of vineyards in Italy, Greece, Spain and Portugal and vineyards in the French departments under jurisdiction of the courts of appeal of:
 - Aix-en-Provence,
 - Nîmes,
 - Montpellier,
 - Toulouse,
 - Agen,
 - Pau,
 - Bordeaux,
 - Bastia.

However, enrichment by dry sugaring may be authorised by the national authorities as an exception in the French departments referred to in point (c). France shall notify the Commission and the other Member States forthwith of any such authorisations.

Article 27

Enrichment in the event of exceptionally unfavourable weather conditions

The years during which an increase in the alcoholic strength by volume as referred to in point C(3) of Annex V to Regulation (EC) No 1493/1999 may be authorised in accordance with the procedure referred to in Article 75(2) of that Regulation because of exceptionally unfavourable weather conditions in accordance with point C(4) of that

Annex, and the wine-growing zones, geographical regions and varieties concerned, where applicable, shall be as set out in Annex XVII hereto.

Article 28

Enrichment of the cuvée for sparkling wines

In accordance with point H(4) and point I(5) of Annex V and point K(11) of Annex VI to Regulation (EC) No 1493/1999, each Member State may authorise the enrichment of the cuvée at the place of preparation of 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 enrichment is carried out in a single operation;
- (d) the following limits are not exceeded:
 - (i) 3,5 % vol. for a cuvée comprising constituents from wine-growing zone A, provided that the natural alcoholic strength by volume of each constituent is at least 5 % vol.;
 - (ii) 2,5 % vol. for a cuvée comprising constituents from wine-growing zone B, provided that the natural alcoholic strength by volume of each constituent is at least 6 % vol.;
 - (iii) 2 % vol. for a cuvée comprising constituents from wine-growing zones C I a, C I b, C II and C III, provided that the natural alcoholic strength by volume of each constituent is at least 7,5 % vol., 8 % vol., 8,5 % vol. and 9 % vol. respectively;
- (e) the method used is the addition of sucrose, of concentrated grape must or of rectified concentrated grape must.

The limits referred to in point (d) of the first paragraph shall be without prejudice to the application of Article 44(3) of Regulation (EC) No 1493/1999 to cuvées intended for the preparation of sparkling wines as referred to in point 15 of Annex I to that Regulation.

Article 29

Administrative rules applicable to enrichment

1 Notifications as referred to in point G(5) of Annex V to Regulation (EC) No 1493/1999 relating to operations to increase alcoholic strength shall be made by the natural or legal persons carrying out the operations concerned and in compliance with suitable time limits and control conditions set by the competent authority of the Member State on whose territory the operation takes place.

2 Notifications as referred to in paragraph 1 shall be made in writing and shall include the following information:

- a the name and address of the person making the notification;
- b the place where the operation is to be carried out;
- c the date and time when the operation is to commence;

- d the description of the product undergoing the operation;
- e the process used for the operation, with details of the type of product to be used.

3 Member States may allow prior notifications covering several operations or a specified period to be sent to the competent authorities. Such notifications shall be accepted only if the person making the notification keeps a written record of each enrichment operation as provided for in paragraph 6 and of the information required by paragraph 2.

4 Where the person concerned is prevented by reasons of *force majeure* from carrying out the notified operation in due time, Member States shall specify the conditions under which that person is to submit a new notification to the competent authority so that the necessary checks can be carried out.

They shall notify such provisions in writing to the Commission.

5 Notifications as referred to in paragraph 1 shall not be required in Luxembourg.

6 The particulars relating to operations to increase alcoholic strength shall be entered in the records immediately after the operation is completed, in accordance with the provisions adopted pursuant to Article 70 of Regulation (EC) No 1493/1999.

In cases where prior notifications covering several operations do not indicate the date and time when the operations are to commence, an entry must also be made in the records before each operation commences.

CHAPTER II

Acidification and deacidification

Article 30

Administrative rules applicable to acidification and deacidification

1 In the case of acidification and deacidification, operators shall make notifications as referred to in point G(5) of Annex V to Regulation (EC) No 1493/1999 not later than the second day following the first operation carried out in any wine year. Such notifications shall be valid for all operations in that wine year.

2 Notifications as referred to in paragraph 1 shall be made in writing and shall include the following information:

- a the name and address of the person making the notification;
- b the type of operation involved;
- c the place where the operation took place.

3 The particulars relating to each acidification and deacidification operation shall be entered in the records in accordance with the provisions adopted pursuant to Article 70 of Regulation (EC) No 1493/1999.

CHAPTER III

Common rules applicable to enrichment, acidification and deacidification

Article 31

Acidification and enrichment of one and the same product

The cases where acidification and enrichment of one and the same product within the meaning of Annex I to Regulation (EC) No 1493/1999 are permitted in accordance with point E(7) of Annex V thereto shall be decided in accordance with the procedure referred to in Article 75(2) of that Regulation and shall be as set out in Annex XVIII hereto.

Article 32

General rules applicable to enrichment, acidification and deacidification of products other than wine

The processes referred to in point G(1) of Annex V to Regulation (EC) No 1493/1999 must be carried out in a single operation. However, Member States may permit some of these processes to be carried out in more than one operation where this improves the vinification of the products concerned. In such cases, the limits laid down in Annex V to Regulation (EC) No 1493/1999 shall apply to the whole operation concerned.

Article 33

Derogation from the dates laid down for enrichment, acidification and deacidification

Notwithstanding the dates laid down in point G(7) of Annex V to Regulation (EC) No 1493/1999, enrichment, acidification and deacidification operations may be carried out before the dates set out in Annex XIX hereto.

CHAPTER IV

Sweetening

Article 34

Technical rules applicable to sweetening

The sweetening of table wines and quality wines psr shall be authorised only at the production and wholesale stages.

Article 35

Administrative rules applicable to sweetening

1 Any natural or legal person intending to carry out a sweetening operation shall notify the competent authority of the Member State on whose territory the operation is to take place.

2 Notifications shall be made in writing and must reach the competent authority at least 48 hours before the day on which the operation is to take place.

However, where an undertaking frequently or continuously carries out sweetening operations, Member States may allow a notification covering several operations or a specified period to be sent to the competent authorities. Such notification shall be accepted only on condition that the undertaking keeps a written record of each sweetening operation and records the information required by paragraph 3.

3 Notifications shall include the following information:

- a for sweetening operations carried out in accordance with point F(1)(a) of Annex V and point G(2) of Annex VI to Regulation (EC) No 1493/1999:
 - (i) the quantity and the total and actual alcoholic strengths of the table wine or the quality wine psr to be sweetened;
 - (ii) the quantity and the total and actual alcoholic strengths of the grape must to be added;
 - (iii) the total and actual alcoholic strengths of the table wine or quality wine psr after sweetening;
- b for sweetening operations carried out in accordance with point F(1)(b) of Annex V and point G(2) of Annex VI to Regulation (EC) No 1493/1999:
 - (i) the quantity and the total and actual alcoholic strengths of the table wine or the quality wine psr to be sweetened;
 - (ii) the quantity and the total and actual alcoholic strengths of the grape must or the quantity and density of the concentrated grape must to be added, as the case may be;
 - (iii) the total and actual alcoholic strengths of the table wine or quality wine psr after sweetening.

4 The persons referred to in paragraph 1 shall keep goods inwards and outwards registers showing the quantities of grape must or concentrated grape must which they are holding for sweetening operations.

Article 36

Sweetening of certain imported wines

The sweetening of imported wines as referred to in point F(3) of Annex V to Regulation (EC) No 1493/1999 shall be subject to the conditions laid down in Articles 34 and 35 of this Regulation.

Article 37

Specific rules applicable to the sweetening of liqueur wines

1 Sweetening under the conditions laid down in the second indent of point J(6)(a) of Annex V to Regulation (EC) No 1493/1999 shall be authorised for ‘vino generoso de licor’ as defined in point L(11) of Annex VI to that Regulation.

2 Sweetening under the conditions laid down in the third indent of point J(6)(a) of Annex V to Regulation (EC) No 1493/1999 shall be authorised for Madeira quality liqueur wine psr.

CHAPTER V

Coupage

Article 38

Definition

1 ‘*Coupage*’ within the meaning of Article 46(2)(b) of Regulation (EC) No 1493/1999 shall mean: the mixing together of wines or musts coming from:

- a different States;
- b different wine-growing zones in the Community within the meaning of Annex III to Regulation (EC) No 1493/1999 or different production zones in a third country;
- c the same wine-growing zone in the Community or the same production zone in a third country but being of different geographical origins, vine varieties, or harvest years provided that these origins, varieties or years are specified or required to be specified in the description of the product concerned; or
- d different categories of wines or musts.

2 The following shall be regarded as different categories of wine or must:

- a red wine, white wine and the musts or wines suitable for yielding one of these categories of wine;
- b table wine, quality wine psr and the musts or wines suitable for yielding one of these categories of wine.

For the purposes of this paragraph, rosé wine shall be regarded as red wine.

3 The following processes shall not be regarded as *coupage*:

- a the addition of concentrated grape must or of rectified concentrated grape must to increase the natural alcoholic strength of the product concerned;
- b the sweetening:
 - (i) of a table wine;
 - (ii) of a quality wine psr where the sweetener comes from the specified region whose name it bears or is rectified concentrated grape must;
- c the production of a quality wine psr in accordance with traditional practices as referred to in point D(2) of Annex VI to Regulation (EC) No 1493/1999.

Article 39

General rules applicable to *coupage*

1 *Coupage* or blending of the following products shall be prohibited if any of the ingredients do not comply with Regulation (EC) No 1493/1999 or with this Regulation:

- a table wines with each other; or
- b wines suitable for yielding table wines with each other or with table wines; or

c quality wines psr with each other.

2 The result of mixing fresh grapes, grape must, grape must in fermentation or new wine still in fermentation, where any of those products does not possess the required characteristics for obtaining table wine or wine suitable for yielding table wine, with products suitable for yielding such wines or with table wine, shall not be considered to be table wine or wine suitable for yielding table wine.

3 Where *coupage* takes place and subject to the following paragraphs, the only products which may be considered to be table wines shall be those resulting from *coupage* of table wines with each other or *coupage* of table wines with wines suitable for yielding table wines, provided that such wines suitable for yielding table wines have a total natural alcoholic strength by volume not exceeding 17 % vol.

4 Without prejudice to Article 44(7) of Regulation (EC) No 1493/1999, *coupage* of a wine suitable for yielding a table wine with:

- a a table wine may yield a table wine only if the operation is carried out in the wine-growing zone where the wine suitable for yielding a table wine has been produced;
- b another wine suitable for yielding a table wine may yield a table wine only if:
 - (i) the second wine suitable for yielding a table wine has been produced in the same wine-growing zone; and
 - (ii) the operation is carried out in the same wine-growing zone.

5 *Coupage* of a grape must or a table wine which has undergone the oenological practice referred to in point 1(n) of Annex IV to Regulation (EC) No 1493/1999 with a grape must or a wine which has not undergone that practice shall be prohibited.

CHAPTER VI

Addition of other products

Article 40

Addition of distillate to liqueur wines and certain quality liqueur wines psr

The characteristics of wine distillate and dried-grape distillate which may be added to liqueur wines and certain quality liqueur wines psr in accordance with the second indent of point J(2)(a)(i) of Annex V to Regulation (EC) No 1493/1999 shall be as laid down in Annex XX hereto.

Article 41

Addition of other products to, and use of grape must in the preparation of, certain quality liqueur wines psr

1 The list of quality liqueur wines psr the preparation of which involves the use of grape must or a mixture thereof with wine in accordance with point J(1) of Annex V to Regulation (EC) No 1493/1999 shall be as set out in Part A of Annex XXI hereto.

2 The list of quality liqueur wines psr to which the products referred to in point J(2) (b) of Annex V to Regulation (EC) No 1493/1999 may be added shall be as set out in Annex XXI(B) hereto.

Article 42

Addition of alcohol to semi-sparkling wine

Pursuant to Article 42(3) of Regulation (EC) No 1493/1999, the addition of alcohol to semi-sparkling wine shall not lead to an increase of more than 0,5 % vol. in the total alcoholic strength by volume of the semi-sparkling wine. Alcohol may only be added in the form of expedition liqueur and provided that such a method is allowed under the regulations in force in the producer Member State and that such regulations have been communicated to the Commission and to the other Member States.

CHAPTER VII

Requirements applicable to ageing

Article 43

Ageing of certain liqueur wines

Ageing under the conditions laid down in point J(6)(c) of Annex V to Regulation (EC) No 1493/1999 shall be authorised for 'Madeira' quality liqueur wine psr.