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*(Acts whose publication is obligatory)*

# REGULATION (EEC) No 2893/74 OF THE COUNCIL

## of 18 November 1974

## on sparkling wines produced in the Community and specified in item 12 of Annex II to Regulation (EEC) No 816/70

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament (1);

Having regard to the Opinion of the Economic and Social Committee;

Whereas Council Regulation (EEC) No 816/70 (2) of 28 April 1970 laying down additional provisions for the common organization of the market in wine, as last amended by Regulation (EEC) No 1532/74 (3), contains rules for the preparation and marketing of table wines; whereas it is necessary to supplement these 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 sparkling quality wines psr and must therefore also satisfy Regulation (EEC) No 817/70 (4);

Whereas it is desirable to subject these sparkling wines to common rules in respect of production, marketing and controls 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 expansion in wine outlets;

Whereas it is needful that all sparkling wines, together with the grape musts and wines used in producing them, be subject to minimum quality requirements; whereas it should therefore be stipulated that the aforementioned raw materials 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 raw materials but also to the methods of preparation and the finished product; whereas it is further in the interests of both producer and consumer that appropriate packaging be laid down,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down rules supplementing those given in Regulation (EEC) No 816/70 as regards the production and marketing of sparkling wines defined in item 12 of Annex II to the above Regulation.

*Article 2*

For products manufactured in the Community the designation:

1. 'sparkling wine' shall be reserved for wines fitting the description given in item 12 of Annex II to Regulation (EEC) No 816/70 and the provisions of Titles I and II of the present Regulation.
2. 'quality sparkling wine' shall be reserved for wines fitting the description given in item 12 of Annex II to Regulation (EEC) No 816/70 and the provisions of Titles I and III of the present Regulation.

(1) OJ No C 78, 2. 8. 1971, p. 76.
(2) OJ No L 99, 5. 5. 1970, p. 1.
(3) OJ No L 166, 21. 6. 1974, p. 1.
(4) OJ No L 99, 5. 5. 1970, p. 20.

TITLE I

## General provisions for all wines referred to in Article 1

*Article 3*

For the purposes of this Regulation,

(a) cuvée shall mean :

— grape must,

— wine

or

— the product of the mixing of grape musts or wines with different characteristics,

intended for the preparation of a specific variety of the wines referred to in Article 1 ;

(b) drawn-off liquid (liquer de tirage) shall mean :

the product added to the cuvée to render it effervescent ;

(c) dose (liquer d'expédition) shall mean :

the product which is to be added to the wines referred to in Article 1 to give them special taste qualities.

*Article 4*

1. The drawn-off liquid may contain only yeast and

— grape must,

— grape must still in fermentation,

— concentrated grape must

or

— sucrose and wine.

2. The dose may contain only

— sucrose,

— grape must,

— grape must still in fermentation,

— concentrated grape must,

— wine

or

— a mixture thereof,

with the possible addition of distilled wine.

*Article 5*

1. Without prejudice to enrichment authorized pursuant to Regulation (EEC) No 816/70 and, where appropriate, Regulation (EEC) No 817/70, for the constituents of a cuvée, any enrichment of the cuvée shall be prohibited.

However, each Member State may, where climatic conditions in its territory make it 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) its 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° for a cuvée composed of constituents from wine-growing zone A, provided that the natural alcoholic strength of each constituent is at least 5° ;

however, in years when climatic conditions are exceptionally bad, the limit mentioned in the preceding subparagraph may be raised to 4·5° provided that the natural alcoholic strength of each constituent of the cuvée is at least 5° ;

— 2·5° for a cuvée composed of constituents from wine-growing zone B, provided that the natural alcoholic strength of each constituent is at least 6° ;

however, in years when climatic conditions are exceptionally bad, the limit mentioned in the preceding subparagraph may be raised to 3·5°, provided that the natural alcoholic strength of each constituent of the cuvée is at least 6° ;

— 2° for a cuvée composed of constituents from wine-growing zones C I, C II or C III, provided that the natural alcoholic strength of each constituent is at least 7°, 8° or 8·5°, respectively.

The above limits in no way prejudge the application of the second subparagraph of Article 27 (3) (a) of Regulation (EEC) No 816/70 to cuvées intended for preparation of sparkling wines and, up to 31 August 1987, to cuvées intended for preparation of quality sparkling wines other than quality sparkling wines produced in specified regions ;

(e) the method used is addition of dry sucrose or of concentrated grape musts ;

(f) enrichment by the method used is practised in the Member State concerned, either traditionally or exceptionally, in accordance with the rules existing on the date of entry into force of this Regulation.

2. The addition of drawn-off liquid and dosage shall be considered neither as enrichment nor as sweetening.

The addition of drawn-off liquid may not cause an increase in the total alcoholic strength of the cuvée of more than 1·5°.

Dosage shall be carried out in such a way as not to increase the actual alcoholic strength of the wines referred to in Article 1 by more than 0·5°.

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 816/70, 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 g/l, expressed as tartaric acid, i.e. 20 milliequivalents per litre.

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

5. Implementing rules for this Article, particularly the authorizing of 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 last subparagraph of paragraph 4, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24 (1).

*Article 6*

1. The carbon dioxide contained in the wines referred to in Article 1 may be produced only as a result of the alcoholic fermentation of the cuvée from which such wine has been 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 only result from the addition of drawn-off liquid.

It may only take place in bottles or closed vats.

3. The use of carbon dioxide in the process of transfer by counter pressure shall be authorized under supervision and provided that it does not increase the pressure of the carbon dioxide contained in the wines referred to in Article 1.

4. Implementing rules for this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

(1) OJ No 30, 20. 4. 1962, p. 989/62.

*Article 7*

1. Member States shall exercise supervision over the production and marketing of the wines referred to in Article 1.

2. Producers of the wines referred to in Article 1 shall be required to make a declaration to this effect to the competent authority of the Member State on whose territory such wine is prepared.

Without prejudice to Article 29 of Regulation (EEC) No 816/70, the producers of the wines referred to in Article 1 shall keep registers of raw materials, cuvées and processing.

3. Implementing rules for this Article, particularly as regards the nature of the supervision, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

*Article 8*

1. The wines referred to in Article 1 may be bottled only in glass bottles, and stopped with a 'mushroom' cork which has a seal and is wired to the bottle.

They shall not be kept for marketing nor placed on the market except in bottles with a label identifying them and a foil covering the whole of the cork and neck of the bottle.

2. The wines referred to in Article 1 may only bear the markings:

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| — 'brut': | if their residual sugar content is less than 15 g/l; |
| — 'extra-dry': | if their residual sugar content is between 12 g/l and 20 g/l; |
| — 'sec': | if their residual sugar content is between 17 g/l and 35 g/l; |
| — 'demi-sec': | if their residual sugar content is between 33 g/l and 50 g/l; |
| — 'doux': | if their residual sugar content is more than 50 g/l. |

3. Implementing rules for this Article and possible derogations from paragraph 1 shall be laid down in accordance with the procedure provided for in Article 7 of Regulation No 24.

*Article 9*

1. The provisions laid down in this Regulation, except those referred to in Article 7, shall not apply to dietetic sparkling wines.

2. Rules applicable to the marketing of such dietetic wines and designed to prevent confusion between the latter and the wines referred to in Article 1 shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

TITLE II

**Special provisions on sparkling wines**

*Article 10*

The total alcoholic strength of the cuvées intended for the preparation of sparkling wines shall be not less than 8·5°.

*Article 11*

Without prejudice to the second paragraph of Article 27 (3) (a) of Regulation (EEC) No 816/70, the actual alcoholic strength of sparkling wines, including the alcohol contained in the dose which may be added shall be not less than 9·5°.

*Article 12*

1. Without prejudice to more restrictive provisions that Member States may impose on sparkling wines produced within their territory, the total sulphur dioxide content of sparkling wines shall not exceed 250 mg/l.

However, until 31 August 1976 the maximum sulphur dioxide content shall be raised to 300 mg/l for sparkling wines produced in Community regions in which levels higher than that referred to in the first subparagraph are allowed on the date of entry into force of this Regulation.

2. The Council, acting on a proposal from the Commission, in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, may before 30 June 1976, extend the period referred to in the second subparagraph of paragraph 1 while taking account of the need to reduce in progressive stages the maximum sulphur dioxide content referred to in this subparagraph. This reduction shall be decided in accordance with the same procedure.

3. The implementing rules for this Article and the transitional measures for sparkling wines produced before the date of entry into force of this Regulation shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

TITLE III

**Special provisions on quality sparkling wines**

*Article 13*

The total alcoholic strength of the cuvées intended for the preparation of quality sparkling wines shall be not less than 9°.

*Article 14*

The actual alcoholic strength of quality sparkling wines, including the alcohol contained in the dose which may be added, shall be not less than 10°.

Up to 31 August 1987, this provision in no way prejudges the application of the second subparagraph of Article 27 (3) (a) of Regulation (EEC) No 816/70.

*Article 15*

1. In preparing the drawn-off liquid intended for the preparation of quality sparkling wine, only the following may be used in addition to yeasts and sucrose :

— grape must or grape must still 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.

2. Notwithstanding item 12 of Annex II to Regulation (EEC) No 816/70, quality sparkling wines, when kept at a temperature of 20 °C in closed containers, shall have an overpressure of not less than 3·5 atmospheres.

However, for quality sparkling wines kept in containers of capacity less than 25 cc, the minimum overpressure shall be 3 atmospheres.

*Article 16*

1. Without prejudice to more restrictive provisions that Member States may impose on quality sparkling wines produced within their territory, the total sulphur dioxide content of quality sparkling wines shall not exceed 200 mg/l.

However, for a period ending on 31 August 1976 and for quality sparkling wines produced in Community regions in which levels higher than that referred to in the first subparagraph are allowed on the date of entry into force of this Regulation, the maximum sulphur dioxide content shall be raised to 250 mg/l.

2. The Council, acting on a proposal from the Commission, in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, may, before 30 June 1976, extend the period referred to in the second subparagraph of paragraph 1, while taking

account of the need to reduce in progressive stages the maximum sulphur dioxide content referred to in this subparagraph. This reduction shall be decided in accordance with the same procedure.

3. The implementing rules for this Article and in particular the transitional measures for quality sparkling wines produced before the date of entry into force of this Regulation shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

*Article 17*

1. The duration of the process for making quality sparkling wines, including ageing in the production undertaking, may not be less than nine months from the start of fermentation designed to make the wines effervescent.

2. The duration of this fermentation process and of the presence of the wine on the lees may not be less than 60 days. However, if fermentation takes place in containers equipped with shaking devices, the minimum period shall be 21 days.

3. Implementing rules for this Article shall be laid down in accordance with the procedure provided for in Article 7 of Regulation No 24.

*Article 18*

1. Quality sparkling wines of the aromatic type may only be obtained from the varieties of vine listed in the Annex, and in accordance with traditional practice. Dosing shall be prohibited.

2. Notwithstanding Article 14, the actual alcoholic strength of quality sparkling wines of the aromatic type shall not be less than 6°.

The total alcoholic strength of quality sparkling wines of the aromatic type shall be not less than 10°.

3. Notwithstanding Article 15 (2), quality sparkling wines of the aromatic type, when kept at a temperature of 20 °C in closed recipients shall have an overpressure of not less than 3 atmospheres.

4. Notwithstanding Article 17, the duration of the preparation process for quality sparkling wines of the aromatic type shall 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 the quality sparkling wines referred to under this Title and produced within their territory.

TITLE IV

**Final provisions**

*Article 20*

1. The analytical methods required to implement this Regulation shall be those laid down pursuant to Regulation (EEC) No 816/70.

2. However, where no Community methods of analysis are laid down the analytical methods applicable shall be :

(a) those contained in Annex A of the International Convention for the Unification of Methods of Analysis and Appraisal of Wines of 13 October 1954,

(b) or, where no such methods are laid down in that Annex, those traditionally employed in the Member State concerned.

*Article 21*

The Member States and the Commission shall communicate to each other the data required for implementing this Regulation. The arrangements for communication and dissemination of these data shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

*Article 22*

Should it prove necessary to adopt transitional measures in order to facilitate conversion to the system introduced by this Regulation, particularly if serious difficulties are encountered in implementing this system by the prescribed date, such measures shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24. They shall apply until 31 August 1976 at the latest.

*Article 23*

1. This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

2. It shall be applicable as from 1 September 1975, with the exception of Article 22 which shall be applicable as from the date of entry into force of this Regulation.

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

Done at Brussels, 18 November 1974.

*For the Council*

*The President*

Ch. BONNET

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*ANNEX*

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

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|---|---|
| Aleatico N | Monica N |
| Clairette | Mauzac blanc and rosé |
| Gewürztraminer | Muscats (all) |
| Giro 'N | Perle |
| Huxelrebe | Prosecco |
| Malvasia (all) | Scheurebe |