COUNCIL REGULATION (EEC) No 1161/76

of 17 May 1976

amending Regulation (EEC) No 817/70 laying down special provisions relating to quality wines produced in specified regions

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 (2),

Whereas Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions (3), as last amended by Regulation (EEC) No 2894/74 (4), should be amended in the light of experience gained on the market in quality wines produced in specified regions;

Whereas the natural alcoholic strength of grapes at the time of harvest is a factor in assessing their degree of ripeness; whereas it appears necessary to fix the minimum natural alcoholic strength in quality wines psr in the various wine-growing regions at a level such as to ensure, even in poor years, that the grapes used in their manufacture had reached a satisfactory degree of ripeness; whereas the natural alcoholic strength of quality wines psr should therefore be increased by 0·5° in each wine-growing zone;

Whereas it may prove necessary, in order to preserve the quality of quality wines psr, to permit the increase in alcoholic strength provided for in exceptional circumstances in Article 18 (2) of Council Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine (5), as last amended by Regulation (EEC) No 1160/76 (6), in respect only of table wines and not of quality wines psr; whereas table wines should therefore be dissociated from quality wines psr as regards the possibility of authorizing such exceptional increase in alcoholic strength in the wine-growing area concerned;

Whereas, in order to preserve as far as possible the specific character bestowed by its origin on each quality wine psr and to simplify the work of the inspection agencies, such wine may, except in certain cases to be determined, be sweetened only within the specified region in question and solely by means of products originating in the same region in accordance with rules to be laid down within certain limits by the Member States;

Whereas, in order to ensure uniform application of the provisions relating to quality wines psr, provision should be made for the possibility of establishing methods of analysis to deal with specific cases;

Whereas, in order to make Article 12 (3) of Regulation (EEC) No 817/70 as clear as possible, the phrase, 'without prejudice to the provisions of Article 30 (2) and (3) of Regulation (EEC) No 816/70' should be deleted; whereas, however, in order to enable the Member States to comply gradually with the principle laid down in that provision, they should be permitted in certain exceptional cases to depart from that principle during a transitional period of five years;

Whereas certain mistakes concerning Article 9 (1) and the German text of Article 11 (1) of Regulation (EEC) No 817/70 should be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Article 6 of Regulation (EEC) No 817/70 shall be replaced by the following:

'*Article 6*

1. Each Member State shall fix a minimum natural alcoholic strength for each of the quality wines psr obtained in its territory. When this

(1) OJ No C 179, 6, 8. 1975, p. 36.
(2) OJ No C 108, 15. 5. 1975, p. 65.
(3) OJ No L 99, 5. 5. 1970, p. 20.
(4) OJ No L 310, 21. 11. 1974, p. 7.
(5) OJ No L 99, 5. 5. 1970, p. 1.
(6) See page 1 of this Official Journal.

natural alcoholic strength is being determined account shall be taken in particular of the alcoholic strengths which have been recorded over the 10 preceding years. Only satisfactory harvests from the most representative soils of the specified region shall be considered.

2. Subject to any derogation granted in accordance with the procedure laid down in Article 7 of Regulation No 24, the alcoholic strengths provided for in paragraph 1 may not be less than the following:

— 6·5° in zone A,

— 7·5° in zone B,

— 8·5° in zone C Ia,

— 9° in zone C Ib,

— 9·5° in zone C II,

— 10° in zone C III.

The zones referred to above are those laid down in Annex III to Regulation (EEC) No 816/70.'

Article 2

Article 7 of Regulation (EEC) No 817/70 shall be replaced by the following:

'*Article 7*

1. The specific wine-making and preparation methods used for obtaining quality wines psr and quality sparkling wines psr shall be defined for each of those wines by each producer Member State concerned.

2. Where climatic conditions in one of the wine-growing zones referred to in Article 6 have rendered it necessary, the Member States concerned may authorize an increase in the actual or potential natural alcoholic strength of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine suitable for yielding quality wine psr.

This increase may not exceed the limits laid down in Article 18 (1) of Regulation (EEC) No 816/70.

In years when climatic conditions have been exceptionally unfavourable, the increase in alcoholic strength provided for in the first subparagraph may, in accordance with the procedure laid down in Article 7 of Regulation No 24, attain the limits laid down in Article 18 (2) of Regulation (EEC) No 816/70. Such authorization shall not prejudice the possibility of a similar authorization for table wines as provided for in that Article.

The increase provided for in this paragraph may be effected only according to the methods and conditions mentioned in Article 19 of Regulation (EEC) No 816/70 excluding the second subparagraph of paragraph 3 and paragraph 6 thereof.

However, until 30 June 1979, sucrose may be added in aqueous solution in wine-growing zone A, provided that the volume of the product to which the solution is added is not thereby increased by more than 10 %.

3. Article 5 of Regulation (EEC) No 2893/74 shall apply as regards the enrichment of cuvées intended for the preparation of quality sparkling wines psr.

4. The total alcoholic strength of quality wines psr shall not be less than 9°. However, for certain white quality wines psr that have been subject to no enrichment the minimum total alcoholic strength shall be 8·5°.

The actual alcoholic strength of quality sparkling wines psr, including the alcohol contained in any dose added, shall be not less than 10°. However, for quality sparkling wines psr of the aromatic type, the minimum actual strength shall be 6°.

5. The total alcoholic strength of cuvées intended for the preparation of quality sparkling wines psr shall be not less than 9·5° in wine-growing zone C III and 9° in the other wine-growing zones.

However, cuvées intended for the preparation of certain quality sparkling wines psr whose designation refers to the variety of vine may have a total alcoholic strength below that stipulated in the preceding subparagraph in respect of the wine-growing zone concerned.

6. A list of the quality wines psr referred to in the second sentence of the first subparagraph of paragraph 4 shall be drawn up according to the procedure provided for in Article 7 of Regulation No 24.

A list of the quality sparkling wines psr referred to in the second subparagraph of paragraph 5 and of the minimum total alcoholic strength of their respective cuvées shall be drawn up according to the same procedure.'

Article 3

Article 8 of Regulation (EEC) No 817/70 shall be replaced by the following:

'*Article 8*

1. Conditions and limits for the acidification and deacidification of fresh grapes, grape must,

grape must in fermentation and new wine still in fermentation and the procedure for granting derogations shall be those laid down in Article 20 of Regulation (EEC) No 816/70.

Article 5 of Regulation (EEC) No 2893/74 shall apply as regards the acidification and deacidification of cuvées intended for the preparation of quality sparkling wines psr.

2. The sweetening of a quality wine psr may be authorized by a Member State only if it is carried out:

— in compliance with the conditions and limits stipulated in Article 21 of Regulation (EEC) No 816/70,

— within the specified region in which the wine was produced, or within a region bordering directly on it, except in certain cases to be determined,

— using grape must or concentrated grape must originating in the same specified region as the wine in question, provided that this concentrated grape must has been notified in accordance with the third subparagraph of Article 22 (1) of Regulation (EEC) No 816/70.

The regions bordering directly on the specified region and the exceptions referred to in the preceding paragraph shall be determined in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 4

Article 9 of Regulation (EEC) No 817/70 shall be replaced by the following:

'*Article 9*

Each of the enrichment, acidification and deacidification methods referred to in Articles 7 and 8 (1) shall be authorized only if carried out under the conditions laid down in Article 22 of Regulation (EEC) No 816/70.

Subject to the provisions of Article 5 (2), such operations may be carried out only in the specified region where the fresh grapes used have been harvested.'

Article 5

Article 11 of Regulation (EEC) No 817/70 shall be replaced by the following:

'*Article 11*

1. Producers shall be obliged to submit wines which are likely to be designated "quality wine psr" to an analytical test and to an organoleptic test:

(a) The analytical test shall at least include an assessment of the characteristic elements of the quality wine psr in question, as listed in the Annex to this Regulation.

The upper and lower limits for those elements shall be laid down by the producer Member State in respect of each of the quality wines psr.

(b) The organoleptic test shall concern colour, clarity, smell and taste.

2. Until appropriate provisions relating to their systematic and general application are adopted by the Council, acting in accordance with the voting procedure provided for in Article 43 (2) of the Treaty on a proposal from the Commission, the tests provided for in paragraph 1 may be carried out on samples taken by the competent agency designated by each of the Member States.

3. Where this Regulation requires for its implementation the use of methods of analysis other than those referred to in Article 39 of Regulation (EEC) No 816/70, such methods shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

4. Detailed rules for the application of paragraph 1, in particular for the use made of wines which do not satisfy the requirements of the tests in question or the conditions governing such use, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 6

Article 12 of Regulation (EEC) No 817/70 shall be replaced by the following:

'*Article 12*

1. The Community expression "quality wine psr" or any specific expression traditionally used in Member States to designate particular wines, may be used only for wines which comply with the provisions of this Regulation and with those adopted in application thereof.

2. Without prejudice to any additional expressions which may be allowed by national laws, and subject to national provisions on the wines in question being observed, the specific expressions traditionally used which are referred to in paragraph 1 shall be the following:

(a) Germany:

— until 19 July 1971, descriptions stating the origin of the wines, accompanied by the expression "Naturwein", "Originalabfüllung", "Spätlese", "Auslese", "Beerenauslese" or "Trockenbeerenauslese",

— from 20 July 1971, an indication of the origin of the wine, accompanied by the expression "Qualitätswein", or by the expression "Qualitätswein mit Prädikat", together with one of the following expressions "Kabinett", "Spätlese", "Auslese", "Berenauslese" or "Trockenbeerenauslese";

(b) France:

"Appelation d'origine contrôlée", "Appellation contrôlée", "Champagne" and "Vin délimité de qualité supérieure";

(c) Italy:

"Denominazione di origine controllata" and "Denominazione di origine controllata e garantita";

(d) Luxembourg:

"Marque nationale du vin luxembourgeois."

2a. The Community term "quality sparkling wines, psr" or any traditionally equivalent specific term may be used only for quality sparkling wines psr.

A quality sparkling wine psr which has undergone the process rendering it effervescent outside a specified region may only bear the name of that region:

— if the conditions referred to in the third subparagraph of Article 5 (2) are fulfilled, and

— if such a designation is allowed under the laws of the Member State in whose territory the grapes were harvested.

3. The name of a specified region may be used to describe a wine only if it is a quality wine psr.

However, the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, may authorize, for a transitional period which expires on 31 August 1981, the use subject to conditions to be determined of the names of certain specified regions to describe table wines for which such names are traditionally used.

4. A quality wine psr shall be sold under the name of the specified region granted it by the producer Member State.

No wine which satisfies the provisions of this Regulation and those adopted in application thereof may be sold without the expression "quality wine psr", or without one of the specific expressions traditionally used which are referred to in paragraphs 1 and 2. However, a quality sparkling wine psr may not be sold without being marked "quality sparkling wine psr" or without a traditionally equivalent specific term as referred to in paragraph 2a.

The term "quality wine psr" or "quality sparkling wine psr", whichever is appropriate, together with the name of the specified region concerned must appear on the accompanying document referred to in Article 29 (1) of Regulation (EEC) No 816/70.

5. The downgrading of a quality wine psr may be effected at the production stage under conditions laid down by national rules; it may be effected at the marketing stage only where the properties of the quality wine psr in question have deteriorated or changes as a result of a change noted during maturing, storage or transport.

6. Detailed rules for the application of this Article, in particular for the use given to downgraded quality wines psr and the conditions governing such use, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 7

Article 15 of Regulation (EEC) No 817/70 shall be replaced by the following:

'*Article 15*

In addition to the provisions laid down in this Regulation, producer Member States may, taking into account fair and traditional practices, lay down any additional or more stringent characteristics or conditions of production and movement for the quality wines produced in specified regions within their territory.

They may, in particular, impose limits on the maximum residual sugar content of a quality

wine psr, especially on the ratio between the actual alcoholic strength and the residual sugar.'

Article 8

Article 17 of Regulation (EEC) No 817/70 is hereby repealed.

Article 9

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

This Regulation shall apply from 1 September 1976.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS