COUNCIL REGULATION (EEC) No 1678/77

of 19 July 1977

supplementing Regulation (EEC) No 816/70 by introducing new provisions relating to oenological practices and processes

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 Title IV of Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (3), as last amended by Regulation (EEC) No 1677/77 (4), lays down rules relating to certain oenological processes ;

Whereas, in order to improve the functioning of the common organization of the market in wine and thus facilitate the free circulation of wines in the Community, whether they originate in Member States or non-member countries, it is essential to draw up additional common rules consisting, in particular, in defining on a Community level the oenological practices and processes which, for the majority of the products, are the only ones authorized ; whereas, in order to guarantee a certain quality level, it should be laid down that these practices and processes can only be used for the purpose of ensuring proper vinification and/or preservation ; whereas the Member States should be allowed to authorize for experimental purposes for a determined period certain oenological practices and processes not laid down in this Regulation ;

Whereas, in order to ease the transition to the new system laid down by this Regulation, transitional provisions should be laid down and the possibility of transitional measures provided for,

HAS ADOPTED THIS REGULATION :

Article 1

The following Article shall be added to Regulation (EEC) No 816/70 :

'*Article 26b*

1. The volatile acid content may not exceed :

— 18 milliequivalents for partially fermented grape must,

— 18 milliequivalents for white wines,

— 20 milliequivalents for red wines.

2. The levels referred to in paragraph 1 shall apply :

— to products produced from grapes harvested within the Community, at the production stage and at all stages of marketing,

— to partially fermented grape must and wines originating in third countries, at all stages following their entry into the geographical territory of the Community.

3. Provision may be made for exceptions to paragraph 1 as regards :

(a) certain quality wines psr and certain table wines designated pursuant to Article 30 (2) when they :

— have matured over a period of at least two years, or

— have been produced according to particular methods ;

(b) wines with a total alcoholic strength of at least 13 °.

4. The detailed rules for the application of this Article, and in particular the exceptions referred to in paragraph 3, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 2

The following Article shall be added to Regulation (EEC) No 816/70 :

'*Article 26c*

1. Only those oenological practices and processes referred to in this Regulation, and in particular in Annex IIa or in other Community rules applicable to the wine sector, shall be authorized for the products defined under points 1 to 4, 7 to 10 and 12 of Annex II and for concentrated

(1) OJ No C 23, 8. 3. 1974, p. 33.
(2) OJ No C 101, 23. 11. 1973, p. 1.
(3) OJ No L 99, 5. 5. 1970, p. 1.
(4) See page 6 of this Official Journal.

grape must and sparkling wines as defined in Article 2 of Council Regulation (EEC) No 948/70 of 26 May 1970 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries (1), as last amended by Regulation (EEC) No 681/75 (2).

The practices and processes referred to in the first subparagraph may only be applied for the purpose of ensuring proper vinification and/or preservation of the products concerned ; in particular, blending or coupage shall be prohibited :

— of table wines with each other, or
— of wines suitable for producing table wines with each other or with table wines, or
— of quality wines psr with each other, or
— of imported wines with each other,

if one of the ingredients does not comply with the requirements of this Regulation or with those adopted pursuant to this Regulation.

The purity and identification specifications, for the oenological substances referred to in Annex IIa, shall be those laid down by the relevant provision of Community law or, failing this, those specifications which are in conformity with national law.

2. By way of derogation from the first subparagraph of paragraph 1 Member States may, in respect of the oenological practices and processes referred to in Annex IIa, impose stricter conditions to ensure the preservation of the essential characteristics of quality wines psr and table wines designated pursuant to Article 30 (2), produced in their territory.

Member States shall notify the Commission of the provisions adopted pursuant to the first subparagraph.

The Commission shall take the necessary steps to bring such provisions to the attention of the other Member States.

3. The use of oenocyanin, as referred to in point 2 (t) of Annex IIa, for the purpose of obtaining the correct colouring of red wines only, shall be authorized until 31 August 1980 solely in respect of producers and in wine regions where such use is customary or exceptional, in accordance with the laws in force on 1 June 1970.

The use of sodium-based cation exchange resins, as referred to in point 2 (u) of Annex IIa, for the purpose of preventing precipitating of excess calcium when the wine is marketed, shall be authorized until 31 August 1980 in Member States where the practice was allowed as at 1 September 1977, provided that the products obtained are not sent out of the Member States concerned.

The use of silver chloride, as referred to in point 2 (w) of Annex IIa, for the purpose of eliminating defects in the taste or smell of wine, shall be authorized until 31 August 1979 in Member States where the practice was allowed as at 1 September 1977, provided that the products obtained are not sent out of the Member States concerned.

Member States may authorize the use of copper sulphate, as referred to in point 2 (x) of Annex IIa, for the purpose of eliminating defects in the taste or smell of wine in production regions where copper sulphate has not been used for the treatment of the vines.

The use of silver chloride and copper sulphate for one and the same wine shall be prohibited.

4. Except as otherwise provided for by the Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, the addition of water to the products referred to in Article 1 shall be prohibited. However, the dissolving of certain oenological substances in water shall be tolerated if it is an essential condition of their use.

5. 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 restrict or prohibit the use of the oenological practices and processes referred to in Annex IIa in respect of the products referred to in paragraph 1.

6. The following shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24 :

— detailed rules on the comparability of certain oenological practices and processes employed in third countries with those specified in Annex IIa,
— the other detailed rules for the application of this Article.'

Article 3

The following Article shall be added to Regulation (EEC) No 816/70 :

'Article 26d

1. For experimental purposes, each Member State may authorize, for a maximum period of three years, the use of certain oenological practices or processes not provided for in this Regulation, on condition that :

(1) OJ No L 114, 27. 5. 1970, p. 6.
(2) OJ No L 72, 20. 3. 1975, p. 48.

— the quantities to which any practices or processes apply do not exceed a maximum of 50 000 hectolitres per annum for any one experiment,

— the products obtained are not sent outside the Member State on whose territory the experiment was conducted.

2. Before the expiry of the period referred to in paragraph 1, the Member State concerned shall send the Commission a report on the experiment authorized. The Commission shall notify the other Member States of the results of the experiment. Depending on these results, the Member State concerned may submit to the Commission a request for authorization to continue the experiment, possibly with a larger quantity than in the initial experiment, for a further maximum period of three years. The Member State concerned shall forward the appropriate documentation in support of its request.

3. The Commission, acting in accordance with the procedure laid down in Article 7 of Regulation No 24, shall take a decision on the request referred to in paragraph 2. At the same time it may decide that the experiment may be carried out under the same conditions in other Member States.

4. After gathering all the information on the experiment the Commission may, at the end of the period referred to in paragraph 1 and, where applicable, at the end of the period referred to in paragraph 2, submit to the Council a proposal for definitive authorization of the oenological practice or process covered by the experiment. In that case, the Council shall act in accordance with the voting procedure laid down in Article 43 (2) of the Treaty.

5. The detailed rules for the application of this Article shall, if necessary, be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 4

The following Annex shall be added to Regulation (EEC) No 816/70 :

'ANNEX IIa

1. Oenological practices and processes which may be applied to fresh grapes, grape must, partially fermented grape must, concentrated grape must and new wine still in fermentation :

(a) aeration ;

(b) thermal treatment ;

(c) centrifuging and filtration, with or without an added inert filtering agent on condition that no undesirable residue is left in the product so treated ;

(d) use of carbon dioxide or nitrogen either alone or combined so as to create an inert atmosphere ;

(e) use of yeasts for wine production ;

(f) addition of diammonium phosphate or of ammonium sulphate up to 0·3 g/l respectively and of thiamin up to 0·6 mg/l, to encourage the growth of yeasts ;

(g) use of sulphur dioxide or potassium metabisulphite which may also be called potassium disulphite or potassium pyrosulphite ;

(h) elimination of sulphur dioxide by physical processes ;

(i) treatment of white must and new white wines still in fermentation with charcoal for oenological use, up to a maximum of 100 g of dry product per hectolitre ;

(j) clarification by means of one or more of the following substances for oenological use :

— edible gelatines,
— isinglass,
— casein and potassium caseinate,
— animal albumin (egg albumin and dried blood powder),
— bentonite,
— silicon dioxide as a gel or colloidal solution,
— kaolin,
— tannin,
— pectinolytic enzymes ;

(k) use of sorbic acid ;

(l) use of tartaric acid for acidification purposes under the conditions laid down in Articles 20 (1), (2) and 22 ;

(m) use of one of the following substances for deacidification purposes under the conditions laid down in Articles 20 (1) and 22 :

— neutral potassium tartrate,

— potassium bicarbonate,

— calcium carbonate, which may contain small quantities of the double calcium salt of L (+) tartaric and L (—) malic acids.

2. Processes and oenological practices which may be applied to partially fermented grape must intended for direct human consumption in its natural state, wine suitable for producing table wine, table wine, sparkling wine :

(a) use in dry wines, and in quantities not exceeding 5 % of fresh lees which are sound and undiluted and contain yeasts resulting from the recent vinification of dry wines ;

(b) aeration ;

(c) thermal treatment ;

(d) centrifuging and filtration, with or without an added inert filtering agent on condition that no undesirable residue is left in the product so treated ;

(e) use of carbon dioxide or nitrogen, either alone or combined, to create an inert atmosphere. The carbon dioxide content of wine preserved in this way may not exceed 2 g/l ;

(f) addition of carbon dioxide, provided that the carbon dioxide content of wine so treated does not exceed 2 g/l ;

(g) use, as laid down in Community rules, of sulphur dioxide or potassium metabisulphite which may also be called potassium disulphite or potassium pyrosulphite ;

(h) addition of sorbic acid or potassium sorbate expressed as sorbic acid, provided that the final content of the treated product on its release to the market for direct human consumption does not exceed 200 mg/l ;

(i) addition of up to 150 mg/l of L (—) ascorbic acid ;

(j) addition of citric acid for wine stabilization purposes, provided that the final content in the treated wine does not exceed 1 g/l ;

(m) clarification by means of one or more of the following substances for oenological use :

— edible gelatines,
— isinglass,
— casein and potassium caseinate,
— animal albumin (egg albumin and dried blood powder),
— bentonite,
— silicon dioxide as a gel or colloidal solution,
— kaolin ;

(n) addition of tannin ;

(o) treatment of white wines with charcoal for oenological use, up to 100 mg/l ;

(p) treatment with potassium ferrocyanide under conditions to be laid down ;

(q) addition of up to 100 mg/l of metatartaric acid ;

(r) use of acacia ;

(s) use of DL tartaric acid, under conditions to be laid down, for precipitating excess calcium ;

(t) use of oenocyanin under the conditions laid down in Article 26c (3) ;

(u) use of sodium-based cation exchange resins under the conditions referred to in Article 26c (3) ;

(v) use of discs of pure paraffin impregnated with allyl isothiocyanate to create a sterile atmosphere, solely in Member States where it is traditional and in so far as it is not forbidden by national law, provided that they are used only in containers holding more than 20 litres and that there is no trace of allyl isothiocyanate in the wine ;

(w) treatment by silver chloride under the conditions laid down in Article 26c (3) provided that the silver content of the product so treated is not more than 0·1 mg/l ;

(x) treatment by up to 20 mg/l of copper sulphate under the conditions laid down in Article 26c (3) and provided that the copper content of the product so treated is not more than 1 mg/l.'

Article 5

In Article 39 of Regulation (EEC) No 816/70 'of Annexes I and II' shall be replaced by 'of Annexes I, II and IIa'.

Article 6

The transitional measures necessary to facilitate the changeover to the arrangements provided for in this Regulation, in particular regarding the products referred to in Article 1 of Regulation (EEC) No 816/70 which, whether imported or not, are of the 1977 harvest and of previous harvests, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

Article 7

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

It shall apply from 1 September 1978 with the exception of the provisions thereof introducing into Regulation (EEC) No 816/70 :

— Article 26c (3), and

— Annex IIa (2), in so far as Article 26c (3) refers thereto,

which shall apply from 1 September 1977.

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

Done at Brussels, 19 July 1977.

For the Council

The President

A. HUMBLET