COUNCIL REGULATION (EEC) No 1679/77

of 19 July 1977

amending Regulations (EEC) No 816/70, (EEC) No 2893/74 and (EEC) No 817/70 as regards the maximum total sulphur dioxide content of wines other than liqueur wines

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 Article 26a 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), laid down the maximum sulphur dioxide content of wines for direct human consumption, other than sparkling wines and liqueur wines; whereas these provisions should be revised taking account of the need to reduce the said content as far as the present state of oenological knowledge of wine-making and of the preservation of wines allows;

Whereas in the case of the sparkling wines and quality sparkling wines referred to in Council Regulation (EEC) No 2893/74 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 (5), as last amended by Regulation (EEC) No 529/77 (6), and of the quality sparkling wines produced in specified regions referred to in Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions (7), as last amended by Regulation (EEC) No 529/77, the present state of oenological knowledge does not allow reduction of the total sulphur dioxide content at present laid down as a general rule for such wines, but does allow repeal of the derogations provided for in this field;

Whereas, in order to take account of the climatic conditions in certain years, it is essential to stipulate that the Member States may permit an increase in the maximum total sulphur dioxide content for wines produced within their territory; whereas, however, it is important, in the interests alike of quality and of the market, for this possibility to be subject to the limits and conditions appropriate to the types of wines concerned;

Whereas provision should be made for the possibility of reductions being made in the future in the maximum sulphur dioxide content in keeping with scientific and technical developments;

Whereas time should be allowed in order to facilitate the changeover to the levels referred to in this Regulation; whereas, therefore, the final date 28 February 1978, for the validity of the present levels, should be postponed until 31 August 1978,

HAS ADOPTED THIS REGULATION:

Article 1

Article 26a of Regulation (EEC) No 816/70 shall be replaced by the following:

'Article 26a

1. Without prejudice to any more restrictive provisions that Member States may apply to wines produced within their territory, the total sulphur dioxide content of wines, other than sparkling wines and liqueur wines, on their release to the market for direct human consumption, may not exceed:

(a) 175 milligrams per litre for red wines;

(b) 22 milligrams per litre for white and rosé wines.

2. By way of derogation from paragraph 1, the maximum sulphur dioxide content shall be raised to:

(1) OJ No C 163, 11. 7. 1977, p. 72.
(2) Opinion delivered on 22 June 1977 (not yet published in the Official Journal).
(3) OJ No L 99, 5. 5. 1970, p. 1.
(4) See page 6 of this Official Journal.
(5) OJ No L 310, 21. 11. 1974, p. 1.
(6) OJ No L 69, 16. 3. 1977, p. 2.
(7) OJ No L 99, 5. 5. 1970, p. 20.

(a) 225 milligrams per litre for red wines and 275 milligrams per litre for white and rosé wines where their residual sugar content, expressed as invert sugar, is not less than five grams per litre ;

(b) 300 milligrams per litre for wines qualifying for the description "Spätlese", in accordance with Community provisions, and quality white wines psr entitled to the registered designation of origin Bordeaux supérieur, Graves de Vayres, Côtes de Bordeaux St Marcaire, Premières Côtes de Bordeaux, Ste Foy Bordeaux ;

(c) 350 milligrams per litre for wines qualifying for the description "Auslese", in accordance with Community provisions, and white wines described as "superior wine of designated origin" in accordance with Romanian legislation and entitled to bear one of the following names : Murfatlar, Cotnari, Tîrnave, Pietroasele, Valea Călugărească ;

(d) 400 milligrams per litre for wines qualifying for the descriptions "Beerenauslese" and "Trockenbeerenauslese" in accordance with Community provisions, and quality white wines psr entitled to the registered designations of origin Sauternes, Barsac, Cadillac, Cérons, Loupiac, Sainte-Croix-du-Mont, Monbazillac, Bonnezeaux, Quarts de Chaume, Côteaux du Layon, Côteaux de l'Aubance, Graves Supérieures, Jurançon.

3. The list of wines given in paragraph 2 (b), (c) and (d) may be amended 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.

4. Where climatic conditions have made this necessary it may be decided that the Member States concerned may, in certain wine-growing areas of the Community, authorize, for wines produced within their territory, the maximum total sulphur dioxide levels of less than 300 milligrams per litre referred to in this Article to be increased by a maximum of 25 milligrams per litre.

5. By 1 September 1981 the Council, acting on a proposal from the Commission and in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall decide on reductions in the maximum total sulphur dioxide content of wines in accordance with scientific knowledge and the development of technology, with regard to the limits referred to in paragraphs 1 and 2. To this end, the Commission will present, by 1 April 1981 at the latest, a report accompanied by suitable proposals with the aim of reducing the maximum total sulphur dioxide levels in wine by at least 25 milligrams per litre in so far as scientific knowledge and technological development allow.

6. Detailed rules for application of this Article, the decision referred to in paragraph 4, and transitional measures concerning wines produced before 1 September 1978, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 2

Article 12 of Regulation (EEC) No 2893/74 shall be replaced by the following :

'*Article 12*

1. Without prejudice to any more restrictive provisions which Member States may apply to sparkling wines produced within their territory, the total sulphur dioxide content of sparkling wines shall not exceed 250 milligrams per litre.

2. Where climatic conditions have made this necessary in certain wine-growing areas of the Community, the Member States concerned may authorize the maximum total sulphur dioxide content of the wine referred to in paragraph 1 and produced within their territory to be increased by a maximum of 25 milligrams per litre on condition that wines which have benefited from such permission are not exported from the Member States in question.

3. By 1 September 1981 the Council, acting on a proposal from the Commission and in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall decide on the reduction in the maximum total sulphur dioxide content in accordance with scientific knowledge and the development of technology. To this end, the Commission will present, by 1 April 1981 at the latest, a report accompanied by suitable proposals with the aim of reducing the said maximum content by at least 25 milligrams per litre, in so far as scientific knowledge and technological development allow.

4. The detailed rules for the application of 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.'

Article 3

Article 16 of Regulation (EEC) No 2893/74 shall be replaced by the following :

'*Article 16*

1. Without prejudice to any more restrictive provisions which Member States may apply to quality sparkling wines produced within their territory, the total sulphur dioxide content of quality sparkling wines shall not exceed 200 milligrams per litre.

2. Where climatic conditions have made this necessary in certain wine-growing areas of the Community, the Member States concerned may authorize the maximum total sulphur dioxide content of the wine referred to in paragraph 1 and produced within their territory to be increased by a maximum of 25 milligrams per litre on condition that wines which have benefited from such permission are not exported from the Member States in question.

3. By 1 September 1981 the Council, acting on a proposal from the Commission and in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall decide on the reduction in the maximum total sulphur dioxide content in accordance with scientific knowledge and the development of technology. To this end, the Commission will present, by 1 April 1981 at the latest, a report accompanied by suitable proposals with the aim of reducing the said maximum content by at least 25 milligrams per litre, in so far as scientific knowledge and technological development allow.

4. The detailed rules for the application of this Article and 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 4

Article 10b of Regulation (EEC) No 817/70 shall be replaced by the following:

'*Article 10b*

1. Without prejudice to any more restrictive provisions which Member States may apply to quality sparkling wines psr produced within their territory, the total sulphur dioxide content of quality sparkling wines psr shall not exceed 200 milligrams per litre.

2. Where climatic conditions have made this necessary in certain wine-growing areas of the Community, the Member States concerned may authorize the maximum total sulphur dioxide content of quality sparkling wines psr, produced within their territory, to be increased by a maximum of 25 milligrams per litre on condition that quality sparkling wines psr which have benefited from such permission are not exported from the Member States in question.

3. By 1 September 1981 the Council, acting on a proposal from the Commission and in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall decide on the reduction in the maximum total sulphur dioxide content in accordance with scientific knowledge and the development of technology. To this end, the Commission will present, by 1 April 1981 at the latest, a report accompanied by suitable proposals with the aim of reducing the said maximum content by at least 25 milligrams per litre in so far as scientific knowledge and technological development allow.

4. The detailed rules for the application of this Article and the transitional measures for quality sparkling wines psr 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 5

The date '28 February 1978':

— in Article 26a of Regulation (EEC) No 816/70,

— in Articles 12 and 16 of Regulation (EEC) No 2893/74,

— in Article 10b of Regulation (EEC) No 817/70,

shall be replaced by '31 August 1978'.

Article 6

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 Article 5.

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