

**REGULATION (EEC) No 817/70 OF THE COUNCIL  
of 28 April 1970**

**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 Regulation No 24<sup>1</sup> on the progressive establishment of a common organisation of the market in wine, and in particular Article 4 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas Council Regulation (EEC) No 816/70<sup>2</sup> of 28 April 1970 laying down additional provisions for the common organisation of the market in wine sets up a system which, in so far as its scope is not restricted to other products, applies also to quality wines produced in specified regions; whereas that system embraces in particular certain common rules on production;

Whereas the development of a policy of encouraging quality production in agriculture and especially in wine growing is bound to contribute to the improvement of conditions on the market and, as a result, to an increase in outlets; whereas the adoption of additional common rules in line with Regulation (EEC) No 816/70 which concern the production and control of quality wines produced in specified regions falls within the framework of this policy and can contribute towards the attainment of these objectives;

Whereas Article 4 (2) of Regulation No 24 lists some of the factors which must be taken into account when adopting Community provisions; whereas it is

essential for the nature and scope of those factors to be defined;

Whereas, even though it is necessary to take into account traditional conditions of production, a common attempt to harmonise quality requirements must nevertheless be made;

Whereas the elements which enable each of the quality wines produced in specified regions to be recognised must be listed and defined;

Whereas until Community methods for testing those elements are adopted, reference should be made, when this Regulation enters into force, to the methods of analysis laid down in Annex A to the International Convention for the Unification of Methods for the Analysis and Appraisal of Wines of 13 October 1954; whereas, furthermore, where that Annex does not provide for methods of testing these elements, the methods traditionally used in each of the Member States must remain applicable;

Whereas, in order to protect producers from unfair competition and consumers from error and fraud, the expression 'quality wine produced in a specified region' must be reserved for wines which comply with Community provisions, while not excluding the use of traditional specific designations;

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down special provisions for quality wines produced in specified regions.

'Quality wines produced in specified regions' (hereinafter called 'quality wines p.s.r.') means wines which satisfy the provisions of this Regulation, and those adopted in application thereof, and are defined by national rules.

<sup>1</sup> OJ No 30, 20.4.1962, p. 989/62.

<sup>2</sup> OJ No L 99, 5.5.1970, p. 1.

### Article 2

1. 'Specified region' means a wine-growing area or combination of wine growing areas which produces wine possessing special quality characteristics and whose name is used to designate those of its wines which are defined in Article 1.

2. Each specified region shall be precisely demarcated so far as possible on the basis of the individual vineyard or vineyard plot. Such demarcation shall be effected by each of the Member States concerned and shall take into account the factors which contribute towards the quality of the wines produced in those regions, such as the nature of the soil and subsoil, the climate and the situation of the individual vineyard or vineyard plot.

### Article 3

1. Each Member State shall draw up a list of vine varieties suitable for producing each of the quality wines p.s.r. produced in its territory. These vine varieties may be only of the species *vitis vinifera* and must belong to the recommended or authorised categories referred to in Article 16 of Regulation (EEC) No 816/70.

2. The provisions of paragraph 1 may be revised later 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.

3. Vine varieties which do not appear on the list referred to in paragraph 1 shall be removed from the vineyards or vineyard plots intended for the production of quality wines p.s.r.

However, by way of derogation from the preceding paragraph, the presence of vine varieties which do not appear on the list may be permitted by Member States for a period of three years from:

- the entry into force of this Regulation in respect of specified regions for which demarcation has already taken effect on that date;
- the date on which the demarcation of the specified region in question comes into effect where the said demarcation has not been made by the time this Regulation enters into force;

provided that such vine varieties belong to the species *vitis vinifera* and that they do not represent more than 20% of the vine varieties on the vineyard or vineyard plot.

4. By the end of the period laid down in paragraph 3, any vineyard or vineyard plot intended for the production of quality wines p.s.r. may consist only of

vine varieties appearing in the list provided for in paragraph 1. Where this provision is not observed, none of the wines obtained from grapes harvested within the vineyard or vineyard plot shall be entitled to the designation 'quality wine p.s.r.'

### Article 4

Each Member State concerned shall lay down the provisions regarding wine growing methods which are required in order to ensure the best possible quality for quality wines p.s.r.

Irrigation within a wine growing zone may be carried out only to the extent that the Member State concerned authorises it. Such authorisation may be granted only where ecological conditions justify it.

### Article 5

1. (a) Quality wines p.s.r. may be obtained only from grapes of vine varieties which have been harvested within the specified region and which appear in the list provided for in Article 3 (1).

This provision shall not prevent quality wines p.s.r. from being obtained under the conditions specified in Article 3 (3) or produced according to traditional practices.

(b) Any natural or legal person who has both grapes or grape musts which satisfy the conditions laid down for obtaining quality wines p.s.r. and other grapes or grape musts at his disposal shall ensure a separate wine-making process for the former; otherwise, the wine obtained may not be considered as quality wine p.s.r.

2. The processing of the grapes referred to in paragraph 1 (a) into must and from must into wine shall be carried out within the specified region where the grapes were harvested.

However, subject to adequate provisions as regards control, such processing may take place outside that region, where the rules of the producer Member State permit it.

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

They shall cover in particular:

- provisions by which Member States may authorise derogations from the rules which lay down that the processing of grapes into must and

of must into wine should take place within the specified region;

- the list of quality wines p.s.r. which may be produced according to the traditional practices referred to in paragraph 1.

#### Article 6

1. Each Member State shall fix a minimum natural alcoholic strength for each of the quality wines p.s.r. obtained in its territory. When this natural alcoholic strength is being determined account shall be taken in particular of the alcoholic strengths which have been recorded over the ten preceding years. Only satisfactory harvests from the most representative soils of the specified region shall be considered.

2. Except for derogations to be decided in accordance with the procedure provided for in Article 7 of Regulation No 24, the alcoholic strengths referred to in paragraph 1 may not be less than:

- 6° in zone A,
- 7° in zone B,
- 8° in zone C I,
- 9° in zone C II,
- 9.5° in zone C III.

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

#### Article 7

1. The specific wine-making methods used for obtaining quality wines p.s.r. shall be defined for each of those wines by each 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 authorise 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 p.s.r.

This increase may not exceed the limits laid down in Article 18 of Regulation (EEC) No 816/70 and may be made only according to the methods and conditions mentioned in Article 19 of that Regulation, excluding paragraph 6.

However, the addition of sucrose in water to increase the natural alcoholic strength may not be made after 30 June 1979 and may not increase by more than 10% the volume of the product to be possessed.

3. No wine with a total alcoholic strength of less than 9° may be considered a quality wine p.s.r.

#### 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 are those laid down in Article 20 of Regulation (EEC) No 816/70.

2. Conditions and limits for sweetening quality wines p.s.r. are those laid down in Article 21 of Regulation (EEC) No 816/70.

#### Article 9

None of the operations referred to in Article 7 and 8 shall be authorised unless they are 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 regions where the fresh grapes used have been harvested.

#### Article 10

1. A yield per hectare expressed in quantities of grapes, must or wine shall be fixed for each of the quality wines p.s.r. by the Member State concerned.

When this yield is being fixed, particular account shall be taken of the yields obtained over the ten preceding years. Only satisfactory harvests from the most representative soils of the specified region shall be considered.

This yield may be altered by the Member State concerned.

2. Except where derogations are provided by the rules in force in the Member States, the use of the claimed designation shall be prohibited for the entire harvest if the yield referred to in paragraph 1 is exceeded.

#### Article 11

1. Producers shall be obliged to submit wines which are likely to be designated 'quality wine p.s.r.' 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 p.s.r. 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 p.s.r.;

(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. Until such time as Community methods are adopted:

— the methods of analysis laid down in Annex A to the International Convention for the Unification of Methods for the Analysis and Appraisal of Wines of 13 October 1954 shall be used for testing the elements referred to in paragraph 1 and for all other cases made necessary by this Regulation;

— where that Annex does not provide a method for testing certain of the elements referred to in paragraph 1, the methods traditionally used in each of the Member States shall remain applicable.

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 12

1. The Community expression 'quality wine p.s.r.', 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';

— however, from 20 July 1971, the traditional descriptions mentioned above shall be replaced by 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', 'Beerenauslese' or 'Trockenbeerenauslese';

(b) France:

'Appellation 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'.

3. Without prejudice to the provisions of Article 30 (2) of Regulation (EEC) No 816/70, the name of a specified region may be used to describe a wine only if it is a quality wine p.s.r.

4. A quality wine p.s.r. 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 p.s.r.', or without one of the specific expressions traditionally used which are referred to in paragraphs 1 and 2.

It shall be compulsory for the expression 'quality wine p.s.r.' to appear on the accompanying document referred to in Article 29 (1) of Regulation (EEC) No 816/70.

5. The downgrading of a quality wine p.s.r. 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 p.s.r. in question have deteriorated 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 p.s.r. and the conditions governing such use, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

*Article 13*

1. Each Member State shall be responsible for the control and protection of the quality wines p.s.r. marketed in accordance with this Regulation.

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

*Article 14*

1. The quantities of quality wines p.s.r. and of grapes, musts and wines suitable for yielding quality wines p.s.r. shall be declared separately in the harvest and stock declarations provided for in pursuance of Article 2 of Regulation No 24.

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

*Article 15*

In addition to the provisions laid down in this Regulation, producer Member States may, taking into account fair and traditional practices, define any

additional or more stringent characteristics or conditions of production and movement for the quality wines produced in specified regions within their territory.

*Article 16*

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

*Article 17*

Should transitional measures be necessary to facilitate the transition to the system established by this Regulation, in particular if the introduction of that system on the date provided would give rise to substantial difficulties, such measures shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24. They shall be applicable until 31 August 1971 at the latest.

*Article 18*

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 June 1970.

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

Done at Brussels, 28 April 1970.

*For the Council*

*The President*

Ch. HÉGER

## ANNEX

List of elements which enable the quality wines produced in specified regions to be recognised and may be selected for testing under Article 11

## A. Organoleptic test:

1. Colour
2. Clarity and deposit
3. Smell and taste

## B. Tests on wine behaviour:

4. Behaviour in air
5. Behaviour in cold

## C. Microbiological test:

6. Behaviour in incubator
7. Appearance of wine and of deposit

## D. Physical and chemical analysis:

8. Density
9. Degree of alcohol
10. Total dry extract (obtained by densimetry)
11. Reducing sugars
12. Sucrose
13. Ash
14. Alkalinity of ash
15. Total acidity
16. Volatile acidity
17. Fixed acidity
18. pH
19. Free sulphur dioxide
20. Total sulphur dioxide

## E. Additional analysis:

21. Carbon dioxide (semi-sparkling and sparkling wines, atm at 20 °C)
-