

Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (repealed)

TITLE III

REGULATORY MEASURES

CHAPTER I

General rules

Article 24

Classification of wine grape varieties

1 Subject to paragraph 2, Member States shall classify which wine grape varieties may be planted, replanted or grafted on their territories for the purpose of wine production.

Only wine grape varieties meeting the following conditions may be classified by Member States:

- a the variety concerned belongs to the *Vitis vinifera* or comes from a cross between the species *Vitis vinifera* and other species of the genus *Vitis*;
- b the variety is not one of the following: Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont.

Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing-up of this variety shall take place within 15 years of its deletion.

2 Member States whose wine production does not exceed 50 000 hectolitres per wine year, calculated on the basis of the average production during the latest five wine years, shall be exempted from the classification obligation referred to in paragraph 1.

However, also in the Member States referred to in the first subparagraph only wine grape varieties complying with paragraph 1(a) and (b) may be planted, replanted or grafted for the purpose of wine production.

3 By way of derogation from the first and second subparagraphs of paragraph 1 and the second subparagraph of paragraph 2, the planting, replanting or grafting of the following wine grape varieties shall be allowed for scientific research and experimental purposes:

- a wine grape varieties which are not classified as far as Member States referred to in paragraph 1 are concerned;
- b wine grape varieties which do not comply with paragraph 1(a) and (b) as far as Member States referred to in paragraph 2 are concerned.

4 Areas planted with wine grape varieties for the purpose of wine production planted in contravention of paragraphs 1 to 3 shall be grubbed up.

However, there shall be no obligation to grub up such areas where the relevant production is intended exclusively for consumption by the wine-producers' households.

5 Member States shall take the necessary measures to check compliance by producers with paragraphs 1 to 4.

Article 25

Production and marketing

1 Products listed in Annex IV and produced in the Community shall be made from wine grape varieties classifiable according to Article 24(1).

2 A designation for a category of a grapevine product as provided for in Annex IV may be used in the Community only for the marketing of a product which conforms to the corresponding conditions laid down in that Annex.

However, notwithstanding Article 59(1)(a), Member States may allow the use of the term 'wine' if:

- a it is accompanied by the name of a fruit in the form of a composite name to market products obtained by the fermentation of fruit other than grapes; or
- b it is part of a composite name.

Any confusion with products corresponding to the wine categories in Annex IV shall be avoided.

3 Categories of grapevine products listed in Annex IV may be modified in accordance with the procedure referred to in Article 113(2).

4 Except for bottled wine in respect of which there is evidence that bottling was performed before 1 September 1971, wine produced from wine grape varieties listed in the classifications drawn up in accordance with the first subparagraph of Article 24(1) but not conforming to one of the categories laid down in Annex IV shall be used only for consumption by individual wine-producers' households, for the production of wine vinegar or for distillation.