

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(EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (repealed)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 II

Oenological practices and restrictions

Article 26

Scope

This Chapter concerns the authorised oenological practices and the applicable restrictions applying to the production and commercialisation of products covered by this Regulation as well as the procedure for deciding on those practices and restrictions.

Article 27

Oenological practices and restrictions

1 Only oenological practices authorised under Community law as laid down in Annex V or decided upon in accordance with Articles 28 and 29 shall be used in the production and conservation in the Community of products covered by this Regulation.

The first subparagraph shall not apply to:

- a grape juice and concentrated grape juice;
- b grape must and concentrated grape must intended for the preparation of grape juice.

2 Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper preservation or proper refinement of the product.

3 Products covered by this Regulation shall be produced in the Community in accordance with the relevant restrictions laid down in Annex VI.

4 Products covered by this Regulation, which have undergone unauthorised Community oenological practices or, where applicable, unauthorised national oenological practices or which contravene the restrictions laid down in Annex VI, shall not be marketed in the Community.

Article 28

Stricter rules decided by Member States

Member States may limit or exclude the use of certain oenological practices and provide for more stringent restrictions for wines authorised under Community law produced in

their territory with a view to reinforcing the preservation of the essential characteristics of wines with a protected designation of origin or protected geographical indication and of sparkling wines and liqueur wines.

Member States shall communicate those limitations, exclusions and restrictions to the Commission, which shall bring them to the attention of the other Member States.

Article 29

Authorisation of oenological practices and restrictions

1 Except for the oenological practices concerning enrichment, acidification and de-acidification laid down in Annex V for the specific products covered therein as well as the restrictions listed in Annex VI, the authorisation of oenological practices and restrictions as regards the production and conservation of products covered by this Regulation shall be decided in accordance with the procedure referred to in Article 113(2).

2 Member States may allow the experimental use of unauthorised oenological practices under conditions to be determined in accordance with the procedure referred to in Article 113(2).

Article 30

Authorisation criteria

When authorising oenological practices in accordance with the procedure referred to in Article 113(2), the Commission shall:

- (a) base itself on the oenological practises recommended and published by the International organisation of vine and wine (OIV) as well as on the results of experimental use of as yet unauthorised oenological practices;
- (b) take into account the protection of human health;
- (c) take into account possible risks of consumers being misled due to their established expectations and perceptions, having regard to the availability and feasibility of informational means to exclude such risks;
- (d) allow the preservation of the natural and essential characteristics of the wine and not cause a substantial change in the composition of the product concerned;
- (e) ensure an acceptable minimum level of environmental care;
- (f) respect the general rules concerning oenological practices and restrictions laid down respectively in Annexes V and VI.

Article 31

Methods of analysis

The methods of analysis for determining the composition of the products covered by this Regulation and the rules whereby it may be established whether these products have undergone processes contrary to the authorised oenological practices shall be those recommended and published by the OIV.

Where there are no methods and rules recommended and published by the OIV, corresponding methods and rules shall be adopted in accordance with the procedure referred to in Article 113(2).

Pending the adoption of such rules, such methods and rules to be used shall be the ones allowed by the Member State concerned.

Article 32

Implementing measures

The measures necessary for the implementation of this Chapter and Annexes V and VI, save as otherwise provided in these Annexes, shall be adopted in accordance with the procedure referred to in Article 113(2).

Those measures may include, in particular:

- (a) provisions to the effect that the Community oenological practices listed in Annex IV to Regulation (EC) No 1493/1999 are considered authorised oenological practices;
- (b) authorised oenological practices and restrictions including enrichment, acidification and de-acidification concerning sparkling wines, quality sparkling wines and quality aromatic sparkling wines;
- (c) authorised oenological practices and restrictions concerning liqueur wines;
- (d) subject to point C of Annex VI, provisions regulating the blending and coupage of musts and wines;
- (e) where Community rules on that matter do not exist, the purity and identification, specification of substances used in oenological practices;
- (f) administrative rules for carrying out the oenological practices authorised;
- (g) the conditions governing the holding, circulation and the use of products not complying with Article 27 and possible exemptions from the requirements of that Article, as well as the establishment of criteria for the purpose of avoiding hardship in individual cases;
- (h) the conditions under which Member States may authorise the holding, circulation and use of products not complying with this Chapter other than Article 27, or with provisions implementing this Chapter.