

EUROPEAN PARLIAMENT

Working Documents

1983-1984

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DOCUMENT 1-1371/83

Report

drawn up on behalf of the Committee on Agriculture

on the proposals from the Commission of the European Communities to the Council (Doc. 1-212/83 - COM(83) 155 final) for:

- I. a regulation amending Regulation (EEC) No. 358/79 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No. 337/79
- II. a regulation laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

Rapporteur: Mr J. DALSASS

By letter of 8 April 1983, the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Article 43 of the EEC Treaty, on the proposals from the Commission of the European Communities to the Council for

- I. a regulation amending Regulation (EEC) No. 358/79 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No. 337/79
- II. a regulation laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines.

On 16 May 1983, the President of the European Parliament referred these proposals to the Committee on Agriculture as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection for an opinion.

At its meeting of 19/20 April 1983, the Committee on Agriculture appointed Mr DALSASS rapporteur.

The Committee on Agriculture considered the Commission proposals and the draft report at its meetings of 22/23 November 1983 and 1/2 February 1984.

At this last meeting, the committee decided by 24 votes to 0 with 5 abstentions to recommend that Parliament should adopt the Commission proposals subject to the following amendments.

The Commission did not comment on these amendments.

The Committee on Agriculture then adopted the motion for a resolution as a whole by 24 votes to 0 with 5 abstentions.

The following took part in the vote: Mr Curry, chairman; Mr Früh, Mr Colleselli and Mr Delatte, vice-chairmen; Mr Dalsass, rapporteur; Mr Barbagli (deputizing for Mr Diana), Mr Bocklet, Mr Cottrell (deputizing for Mr Battersby), Mr Gatto, Mr Gautier, Mr Goerens (deputizing for Mrs Martin), Mr Helms, Mrs Herklotz, Mr Hord, Mr Kaloyannis, Mr Kaspereit, Mr Kirk, Mr Ligios, Mr Maffre-Baugé, Mr Marck, Mr Mertens, Mr Nielsen, Mr d'Ormesson, Mr Papapietro, Mr Provan, Ms Quin, Mr Simmonds, Mr Sutra and Mr Vitale.

The opinion of the Committee on the Environment, Public Health and Consumer Protection is attached to this report.

The report was tabled on 2 February 1984.

The deadline for tabling amendments to this report is given in the draft agenda for the part-session at which it will be considered.

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The Committee on Agriculture hereby submits to the European Parliament the following amendments to the Commission's proposals and motion for a resolution, together with explanatory statement:

- I. Proposal for a Council regulation (EEC) amending Regulation (EEC) No. 358/79 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No. 337/79 (no amendment);
- II. Proposal for a Council regulation (EEC) laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines:

PROPOSAL No. 1

Amendments tabled by the
Committee on Agriculture

Text proposed by the Commission of
the European Communities

Preamble and recital unchanged

Amendment no. 1

Complete Article 1 as follows:

Article 1

1. Article 8 of Regulation (EEC) No. 358/79 is hereby deleted

Article 1

1. Article 8 of Regulation (EEC) No. 358/79 is hereby deleted

2. The text of Article 18(1) of Regulation (EEC) No. 358/79 is replaced by the following text:

1. 'Quality sparkling wines of the aromatic type may be obtained only from the varieties of vine listed in the Annex and produced in accordance with traditional practice from grape must or partially fermented grape must. The addition of expedition liqueur shall be prohibited.'

These wines may also be designated as quality sparkling wines of the aromatic type or simply as quality sparkling wines g.t.

By way of derogation from the first paragraph, wine produced from the Prosecco vine variety harvested in the Triveneto production region may also be used to produce sparkling wine."

Article 2 unchanged

PROPOSAL No. II

Amendments tabled by the
Committee on Agriculture

Text proposed by the Commission of
the European Communities

Preamble and recitals unchanged

Article I unchanged

Article 2

1. unchanged
2. In the case of the products referred to in Article 1(1)(a) and (b), the description on the labelling shall include, in addition to the information specified in paragraph 1, the name or business name of the producer and the names of the commune and Member State in which the producer's head office is situated, in accordance with Article 4(6).
(the rest unchanged)

Amendment No. 2

Complete Article 2(2) as follows:

'Furthermore, the label may also show, after the information about the producer, similar information about a vendor established in the Community.'

3. unchanged

Article 3 unchanged

Article 4

1. unchanged
2. unchanged
3. unchanged

4. The residual sugar content of the product as referred to in Article 2(1) (d), shall be indicated by the term:
 - 'extra brut': if the residual sugar content is between 0 and 6 g/L,
 - 'brut': if the residual sugar content is less than 15 g/L,
 - 'extra dry': if the residual sugar content is between 12 and 20 g/L,
 - 'dry': if the residual sugar content is between 17 and 35 g/L,
 - 'semi-dry': if the residual sugar content is between 33 and 55 g/L,
 - 'sweet': if the residual sugar content is more than 50 g/L.

Amendment No. 3

At the end of the first paragraph of Article 4(4), add:

With regard to quality sparkling wines of the aromatic type, the residual sugar content may be indicated instead of one of the terms referred to in the preceding paragraph.

5. unchanged
6. First and second subparagraphs unchanged.

Where the product has been produced on behalf of a producer, the name or business name of the person who has actually carried out production, and the names of the commune and Member State or non-member country where production has taken place, if indicated, may be given in full on one line or in code.

Amendment No. 4

Complete Article 4(6) third subparagraph as follows:

'For sparkling wine produced by the Champagne method, the producer may also identify himself solely as a natural or legal person, or as an association of such persons engaged in the disgorging operation and the following stages'

7. unchanged

Article 5

1. unchanged (apart from (c))
(c) all the grapes from which the product was obtained came from that geographical unit.

Amendment No. 5

Replace the text of Article 5(1)(c) by the following:

(c) 'at least 85% of the grapes from which the product was obtained came from that geographical unit, apart from those in the products containing "liqueur de tirage" or "liqueur d'expédition";'

2. The name of a vine variety may be used only to supplement the description of:
 - a quality sparkling wine p.s.r.,
 - a quality sparkling wine whose description contains the name of a geographical unit,

Amendment No. 6

In the second indent of Article 5(2) first subparagraph, delete the words 'whose description contains the name of a geographical unit'

Amendment No. 7

At the end of the first subparagraph of Article 5(2), add the following new indent:

" - a sparkling wine"

- a sparkling wine originating in a non-member country whose description contains the names of a geographical unit.
(the rest unchanged)

3. unchanged
4. unchanged
5. unchanged
6. unchanged
7. unchanged
8. unchanged
9. unchanged

Articles 6 to 13 unchanged

Article 14

Transitional arrangements shall be adopted in the implementing provisions concerning:

- the putting on the market of products whose description and presentation do not conform to the provisions of this Regulation,
- the use of stocks of labels or other labelling accessories printed or manufactured before the date of entry into force of this Regulation.

Amendment No. 8

Add the following paragraph:

Nevertheless, these transitional arrangements shall not remain in force for more than three years after the date when the present regulation becomes applicable.

Article 15 unchanged

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposals from the Commission of the European Communities to the Council for:

- I. a regulation amending Regulation (EEC) No. 358/79 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No. 337/79;
- II. a regulation laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council (COM(83) 155 final)¹,
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 1-212/83),
 - having regard to the report of the Committee on Agriculture and the opinion of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-1371/83),
 - having regard to the result of the votes on the Commission's proposals,
- A) whereas the Commission's proposals will benefit both producers and consumers of sparkling wines,
 - B) whereas certain points should be clarified or simplified,
1. Calls on the Commission to adopt the European Parliament's amendments;
 2. Urges the Commission to review its position on the need to indicate on the labelling the ingredients listed in Article 4(5) of its proposal laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines, as it is not certain that this information will really help consumers;
 3. Requests, with regard to this latter proposal for a regulation, that the transitional period referred to in Article 14 should not exceed three years from the date when the regulation concerned comes into force;
 4. Approves the Commission's proposals, subject to the reservations stated above;
 5. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposals as voted by Parliament and the corresponding resolution.

¹OJ No. C 120 of 5 May 1983, p. 3

EXPLANATORY STATEMENTI. INTRODUCTION

1. The sparkling wine sector is important for the Community's economy because it represents more than half of world production.

In 1979, the main producers of sparkling wine were:

- FRG	:	268 million bottles	25.4 %	of world production
- USSR	:	173 "	16.4 %	"
- France ¹	:	160 "	15.2 %	"
- Italy	:	128 "	12.1 %	"
- USA	:	111 "	10.5 %	"
- Spain	:	90 "	8.5 %	"
- Australia	:	36 "	3.4 %	"

Yugoslavia, Rumania, Portugal, Austria and Luxembourg are also sparkling wine producers, but to a lesser extent. The first seven countries in fact accounted for 91.5% of world production in 1979.

2. A brief analysis is given below of the output of the main producing countries in the European Community (Germany, France and Italy) and of the structure of Community consumption, not only in the producing countries, but also in the United Kingdom, Belgium and Luxembourg, because these are major markets for sparkling wines.

II. BRIEF ANALYSIS OF THE COMMUNITY'S SPARKLING WINE MARKETFrance

3. The sparkling wines produced in France can be divided into three categories according to the method of production:

(a) Sparkling wines produced in a pressure tank (Charmat method)

As production costs with this method are lower than with others, production is markedly increasing. In 1981-82, 70 million bottles of sparkling white wine and 20 million bottles of the Muscat type were produced by this method.

¹ Champagne production amounting to 185 million bottles should be added onto this figure for France.

(b) Sparkling wines produced by the transfer method

The technology used is similar to that in the Champagne method but the wines do not remain in their original bottle and are transferred to a vat where they undergo the necessary processing. The wines produced are quality sparkling wines (of the Krier and Café de Paris type, etc.). In 1980, production amounted to 15 million bottles.

(c) Sparkling wines produced by the Champagne method

This is the oldest method and the one that entails the highest production costs. The sparkling wines produced in this way are generally designated wines.

In 1980, production was 299,083 hectolitres, or 39.9 million bottles. The non-designated wines produced by the Champagne method represent 4 - 5 million bottles.

4. In general it can be said that half of the French production is exported and the other half is consumed locally.
French imports total 22,560 hectolitres, 82.4% of which comes from Italy.

Italy

5. Italian production of sparkling wines can be broken down as follows:

	1980	1981
Total production in millions of bottles of which:	134.4	165.7
- Asti spumante	69.0	85.0
- sparkling wines produced by Champagne method	9.4	10.7

These sparkling wines are produced by 233 companies, the large majority of which are in the North: Piemonte - 75; Lombardia - 59; Veneto - 39. Of the total, 131 firms specialize in the production of sparkling wines by the champagne method: 59 in Lombardia, 21 in Piemonte and 15 in Veneto.

6. Italian consumption of sparkling wines was put at 59.6 million bottles in 1980 and 68.6 million in 1981. There is a strong seasonal variation. Exports, which are high (2,636,373 hectolitres in 1981), are steadily increasing on foreign markets (+ 144.8% for classified controlled origin wines and + 511.9% for the others between 1977 and 1981). Imports, however, have fallen. In 1981, they were 53,270 hectolitres for Champagne and 26,578 hectolitres for other sparkling wines (- 21.3% and - 38.3% compared with 1978).

FRG

7. In 1981, German production amounted to 293.4 million bottles (83% of which were 0.75 litre bottles and 15.9% of which were 0.25 litre bottles).

Almost all German production is by the pressure tank method (about 95% of production). Only about twelve small houses use the Champagne or the transfer method.

Almost all German production is made up of quality sparkling wines (Sekt) with a minimum preparation period of nine months.

8. Consumption is tending to increase (333.3 million bottles in 1978, 371.6 million in 1981). Imports of sparkling wine, which stood at 421,954 hectolitres in 1977, came to 682,584 hectolitres in 1981. Of this last figure, 172,647 hectolitres came from France (- 29.5% compared with 1977) and 474,650 from Italy (+ 203.3% compared with 1977). There are also considerable imports of pearl wines (276,286 hectolitres, 99.6% of which are from Italy).

German exports of sparkling wines are rising fairly rapidly (38,325 hectolitres in 1977, 65,966 hectolitres in 1981, which is an increase of 72%), and imports of pearl wines are increasing even more rapidly (13,251 hectolitres in 1977 to 90,962 hectolitres in 1981, an increase of 586%). The main markets for sparkling wines are in order: the United Kingdom, Canada, the United States, Switzerland and the BLEU. For pearl wines, they are the Netherlands and the United States.

United Kingdom

9. British consumption of sparkling wines and Champagne doubled between 1970 and 1980. This rise is however mainly due to a 164% increase in sparkling wine consumption in ten years, whereas Champagne consumption rose only by 30%.

Present British consumption is around 200,000 hectolitres, which is 0.36 litre per capita per year. This is still very low and could increase considerably in the next few years because of sparkling wines' success among young people. They would be even more successful if wine taxes were not so high in the United Kingdom.

Belgium and Luxembourg

10. The consumption of sparkling wines and champagne is low in Belgium and Luxembourg. There has been no increase for five years and it is still around 81,000 hectolitres (0.81 litres per capita per year). Because of the economic crisis, a decline in the Champagne market has been observed (- 31% between 1977 and 1981) while the consumption of other sparkling wines increased during the same period (+ 75.8%), which indicates substitution.

It should be recalled that Luxembourg is a producer of sparkling wines.

III. ANALYSIS OF THE COMMISSION'S PROPOSALS

11. The purpose of the two proposals for regulations submitted for Parliament's consideration is:
- (a) to lay down general rules for the description and presentation of sparkling wines and aerated sparkling wines,
 - (b) consequently to drop Article 8 of Regulation (EEC) No. 358/79 on sparkling wines produced in the Community¹, which laid down rules on their presentation, so as to leave only the provisions on preparing sparkling wines in the regulation.
12. The purpose of these two proposals is to clarify Community legislation. Consequently the deletion of Article 8 of Regulation (EEC) No. 358/79 can immediately be approved.

Nevertheless, for a more precise definition of sparkling wines of the aromatic type, Article 18(1) of this regulation should state that these wines can also be obtained in accordance with traditional methods using grape must or partially fermented grape must. We must also take account of sparkling wine from Prosecco vines which is produced using traditional methods. Provisions must also be made for these wines to be labelled 'q.t.' This is the thinking behind Amendment No. 1.

13. A favourable view can be taken of the proposal for a regulation on the description and presentation of sparkling wines because its intention is to provide better consumer protection, particularly by its provisions on labelling.
14. This proposal for a resolution lays down the following rules for sparkling wines:
- (a) sparkling wines produced by natural fermentation, including quality sparkling wines and quality sparkling wines produced in specified regions (psr),
 - (b) aerated sparkling wines originating in the Community,
 - (c) sparkling wines produced by natural fermentation, originating in third countries,
 - (d) aerated sparkling wines originating in third countries.
15. The Commission's proposal makes provision for rules on describing these products (indicated on the label) and on the presentation of the bottles.

In general, the Commission's proposal can be endorsed.

Nevertheless, in order to take certain characteristics of the sparkling wine market into account, some points ought to be amended.

- (a) Thus amendment no. 2 relates to well established traditions by which some buyers, such as hotels, like to provide their clients with sparkling wines under their own names. The proposed addition would make it possible to reconcile the Commission's proposal with this kind of practice.

¹OJ No. L 54 of 5.3.1979, p. 132

- (b) The aim of amendment no. 3, which relates to the residual sugar content of sparkling wines as indicated by such terms as 'extra brut', 'brut', etc., is to allow for these labels to be replaced by a figure representing the residual sugar content for sparkling wines of the aromatic type only.
 - (c) Amendment no. 4, which deals with the presentation of sparkling wines, is also intended to take account of certain traditional practices in bottling these wines.
 - (d) The purpose of amendment no. 5 is to allow the use (up to 15%) of wine varieties other than those from a specific geographic area in the preparation of quality sparkling wines and quality sparkling wines p.s.r., seeing that this practice will not adulterate the quality of the wines in question.
 - (e) Amendment no. 6 is justified by the fact that there is not necessarily a connection between a wine variety and a particular geographic area. Nevertheless, to retain some control in the matter, this simplification should be limited to quality sparkling wines produced in the Community.
 - (f) The aim of amendment No. 7 which seeks to insert the general term 'sparkling wines' in Article 5(2), is to make provision for traditional methods used in some Member States which involve using the name of the vines to describe sparkling wines.
 - (g) Amendment no. 8 is a response to the following concern: the Commission is aware that this regulation can only be fully implemented after a transition period, whose length has not yet been settled (Article 14). This means that producers of sparkling wine must be allowed sufficient time to adapt to the new Community legislation. As the Commission has not fixed a time limit, the Committee on Agriculture considers that the transition period should not exceed three years.
16. The Committee on Agriculture would also like to express its concern at the need to list the ingredients given in Article 4(5) on the labelling. It wonders whether this list will really help the consumer in his purchase. For this reason the Committee on Agriculture calls on the Commission to come back to this question and take the advice of sparkling wine producers and Community consumer organizations.
17. The Commission's proposal takes account of particularly high quality sparkling wines (such as certain vintage champagnes or 'spumante classico') since Article 5(7) lays down conditions for them and in particular takes into account regulations on these types of sparkling wines currently in force in the Member States.

In response to the concern expressed over 'Sekt', this product is dealt with in Regulation (EEC) No. 358/79. It is therefore unnecessary to make special provisions for this type of sparkling wine in the context of the Commission proposal.

18. Before concluding, the Committee on Agriculture would like to point out an error in the German text of the Commission's proposal, from which a second indent 'a quality sparkling wine' is missing in Article 5(6).
19. In conclusion, it is the Commission's intention to facilitate the free movement of these products within the Community by guaranteeing equal consumer protection everywhere, whereas the existing protection provided by the 'Cassis de Dijon' judgment was incomplete. In Article 13 of the proposal provision is even made for sanctions if manufacturers do not comply with the provisions of the future regulation.

V. CONCLUSIONS

20. The Commission's proposal laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines complements the proposal on the definition, description and presentation of spirituous beverages and of vermouths and wines flavoured with aromatic substances¹ and the proposal on liqueur wines². This proposal, like the previous ones, is intended for consumer protection. Such a measure can only be beneficial to the entire wine sector in the sense that better informed consumers will encourage the industry to keep improving the quality of their products and thus build up confidence in them. Furthermore, a policy based on quality will help Community exports.
21. For all the reasons given above and subject to certain reservations, the Committee on Agriculture approves the two Commission proposals submitted to it for its consideration.

¹ COM(82) 328 final - see also working documents PE 81.056 and PE 83.415

² COM(79) 310 final - Doc. 1-259/79. See Mr Sutra's report, Doc. 1-142/80

Opinion of the Committee on the Environment, Public Health
and Consumer Protection

Draftsman: Mr J. PROVAN

At its meeting of 23 June 1983 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Provan, draftsman.

It considered the draft opinion at its meeting of 29 September 1983 and adopted it unanimously.

Took part in the vote: Mr Collins, chairman; Mr Ryan, vice-chairman; Mr Provan, draftsman; Mr Ghergo, Mrs van Hemeldonck, Mrs Pruvot, Mrs Schleicher, Mrs Seibel-Emmerling, Dr Sherlock and Mrs Spaak.

1. The Commission has forwarded two proposals to the European Parliament. The first is purely formal, deleting Article 8 of Regulation EEC 358/79 on sparkling wines produced in the Community. The provisions of this article will in future be contained in the Regulation which is the subject of the second proposal.
2. The second proposal lays down general rules for the description and presentation of sparkling wines and aerated sparkling wines whether they originate in the Community or in a non-Member State.
3. The second Regulation is being proposed in order to ensure that potential buyers and public bodies responsible for organizing and supervising the marketing of the products concerned receive sufficiently clear and accurate information as to the nature of the product.
4. Title I of the Regulation concerns the description of sparkling wines and lays down rules as to the information allowed to appear on the labelling, together with the definition of various terms such as "bottle fermented", "Champagne method", etc.
5. A distinction is made in the proposed Regulation between mandatory and optional information. Article 3 allows a certain latitude to producers by stipulating that the description on the labelling may be supplemented by other particulars provided that these particulars are not liable to mislead the persons for whom the information is intended. The inclusion of such particulars is however governed by Article 5 which allows the use of certain terms under certain conditions.
6. Article 4 specifies that the mandatory information should appear within the same visual field on the container and "shall be presented in clear, legible and indelible characters which are large enough to stand out well from the background on which they are printed and to be distinguished clearly from other written or pictorial matter". However, Article 9, paragraph 3 provides

that as labelling is not governed by this regulation, implementing provisions may be introduced particularly as regards:

- (a) the positioning of labels on containers
- (b) the minimum size of labels
- (c) the arrangement on labels of the various items comprising the description
- (d) the size of the characters on labels
- (e) the use of symbols, illustrations and brand names.

7. From the consumer's point of view Article 4 would be acceptable only in the short-term as it allows for an essentially subjective appreciation of what is "clear", legible", etc. Directive 79/112/EEC already deals with labelling of foodstuffs and it would be logical if the Commission were to use this Directive as a basis for whatever implementing provisions would be necessary.

8. Title II deals with the presentation of sparkling wines and Article 9 provides, inter alia, that the glass bottles in which the products must be presented should be closed with mushroom-shaped stoppers. While it is true that sparkling wines are traditionally presented in a particular way and that one of the distinguishing features of these products is the shape of the stopper, the Committee fails to see why the use of such a stopper should be made compulsory. This would result in the prohibition of the use of all other closures which might prove to be equally efficient.

9. Under Title III, Article 13, paragraph 2, provision is made for steps to be taken in the case of products whose description or presentation does not conform to the provisions of this Regulation. Such steps may include:

- authorization to hold the product in question for sale, to put it on the market in the Community or to export it, provided that its description or presentation is changed to conform to the provisions referred to in paragraph 1;

- directions to deliver the product in question for distillation, vinegar-making or other industrial uses;
- directions to return the product to the consignor;
- directions to destroy the product in question.

The Committee is of the opinion that the responsibility for changing the description or presentation or for delivering the product for distillation, vinegar-making, etc. should lie with the consignor or producer. The procedure provided for in the Regulation would result in the national authorities being burdened with what seem to be unnecessary, cumbersome and expensive formalities. It is proposed therefore to delete the first two indents, allowing the authority either to return the product or to destroy it.

CONCLUSIONS

The Committee on the Environment, Public Health and Consumer Protection

10. Approves the first proposal on the understanding that the deleted article of Regulation E.C 358/79 will be incorporated in the Regulation laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines.

11. Considers that the provisions on labelling should be adopted as soon as possible and that Article 4 is not sufficiently clear in this respect.

12. Calls on the committee responsible to incorporate the following two amendments in its report:

- subparagraph (b) of Article 9, paragraph 1 should be deleted as the Committee fails to see the necessity of making the use of mushroom-shaped stoppers compulsory;
- Article 13, paragraph 2, second subparagraph should read:
"Such decisions and measures to be taken by the authority referred to in the preceding subparagraph may include:
 - directions to return the product to the consignor,
 - directions to destroy the product in question."
 (first two indents deleted).

