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**REGULATION (EEC) No 1388/70 OF THE COUNCIL**  
**of 13 July 1970**  
**on general rules for the classification of vine varieties**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 816/70<sup>1</sup> of 28 April 1970 laying down additional provisions for the common organisation of the market in wine, as amended by Regulation (EEC) No 1253/70,<sup>2</sup> and in particular Article 16 (1) thereof;

Having regard to the proposal from the Commission;

Whereas Article 16 of Regulation (EEC) No 816/70 provides that the Council shall adopt general rules for the classification of vine varieties approved for cultivation in the Community; whereas these rules must, in particular, provide a classification of such vine varieties, by administrative units or parts thereof, into recommended vine varieties, authorised vine varieties and provisionally authorised vine varieties;

Whereas such classification is particularly useful in the direction of Community wine-growers towards high-quality production by guiding their choice of varieties to plant; whereas the classification of vine varieties according to the quality of wine produced promotes the planting of varieties which give wine recognised to be of good quality, for which market demand is steady or expanding; whereas in this way a classification of vine varieties helps in the long run to prevent structural surpluses on the wine market;

Whereas in classifying the varieties of vine a distinction should be made between the uses to which the grapes obtained from them are put; whereas in classifying administrative units account should be taken of any special production conditions;

Whereas, however, the fact that grapes of a vine variety can also be used for purposes other than

those indicated in the classification of the vine variety from which they originate, and in particular that grapes of a table variety can be used for wine-making, should not prevent that vine variety from being classified according to its main use;

Whereas identification of the vine varieties cultivated in the Community is essential for checking that Community and national provisions concerning the cultivation of vine varieties are complied with; whereas for that reason the classification may contain only those vine varieties of which the propagation material is accepted in at least one Member State, in accordance with Community provisions, for certification or control as standard propagation material;

Whereas, among the wine grape varieties cultivated at present in the Community for the production of wine intended for direct human consumption, the vine varieties derived from interspecific crossing have not given complete satisfaction; whereas, therefore, they should not be classified as being recommended; whereas it is not justifiable to exclude *a priori* from classification among the recommended varieties wine grape varieties which may be obtained from interspecific crossing after the entry into force of this Regulation and which might be found to be satisfactory for cultivation; whereas, however, no distinction need be made with regard to stock origins if the varieties of wine grapes are to be classified as authorised or provisionally authorised;

Whereas, since table grapes may also be used for wine making, the classification should be extended to cover the vine varieties which come within the common quality standards for table grapes laid down pursuant to Regulation No 23<sup>3</sup> on the progressive establishment of a common organisation of the market in fruit and vegetables, as last amended by Regulation (EEC) No 2512/69<sup>4</sup>; whereas the

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

<sup>2</sup> OJ No L 143, 1.7.1970, p. 1.

<sup>3</sup> OJ No 30, 20.4.1962, p. 965/62.

<sup>4</sup> OJ No L 318, 18.12.1969, p. 4.

suitability of those varieties for their normal use is a determining factor in their classification;

Whereas the inclusion of root stock varieties in the classification is desirable for reasons of control; whereas, in view of their limited number, these varieties and the grape varieties for special uses may be classified on a Community-wide basis;

Whereas, as regards the later addition of a vine variety to the classification, the suitability of that variety for cultivation should be decided on the basis of the information obtained by the Member State concerned from tests which include cultivation trials;

HAS ADOPTED THIS REGULATION:

#### Article 1

The classification of vine varieties shall include all vine varieties of the genus *Vitus* L, including those derived from interspecific crossings, which are authorised for cultivation in the Community and intended for the production of grapes or of vegetative propagation material for vines.

#### Article 2

1. Vine varieties shall be classified according to the uses to which the grapes obtained from them are normally put.

2. For the purposes of this Regulation:

(a) 'wine grape variety' means a vine variety normally cultivated for the production of fresh grapes for making wine for direct human consumption;

(b) 'table grape variety' means a vine variety which comes within the common quality standards for table grapes adopted under Regulation No 23, normally cultivated for the production of:

- grapes for consumption when fresh;
- grapes for the canning industry;

(c) 'grape variety for special use' means a vine variety normally cultivated for purposes other than those referred to under (a) and (b), such as:

- the preparation of grape spirits;
- the preparation of grape juice;

(d) 'root stock variety' means a vine variety cultivated for the production of vegetative vine propagation material and providing that part of the plant which is below ground.

#### Article 3

1. Wine grape varieties and table grape varieties shall be classified for each of the administrative units or parts of administrative units covered by the viticultural land register.

2. Grape varieties for special use and root stock varieties shall be classified on a Community-wide basis.

However, part of all of these varieties may be classified, at the request of a Member State, for one or more administrative units of that Member State.

#### Article 4

1. One and the same wine grape variety may be classified differently in different administrative units or parts of administrative units.

2. One and the same variety may, exceptionally, be included in both table grape varieties and wine grape varieties.

3. One and the same variety may be classified differently according to whether it is used for the making of:

- table wine,
- quality wine p.s.r.,
- sparkling wine, quality sparkling wine or quality sparkling wine produced in a specified region,
- grape spirits,
- grape juice;

#### Article 5

1. For each of the administrative units or parts of administrative units or, as appropriate, on a Community-wide basis, vine varieties shall be listed under one of the following categories: recommended vine varieties, authorised vine varieties and provisionally authorised vine varieties.

2. Vine varieties shall be included in the classification only if their propagation material is accepted for certification or control as standard propagation material in at least one Member State, in accordance with the provisions of the Council Directive of 9 April 1968<sup>1</sup> on the marketing of material for the vegetative propagation of the vine.

<sup>1</sup> OJ No L 93, 17.4.1968, p. 15.

### Article 6

1. With regard to wine grape varieties:
- (a) recommended vine varieties shall include varieties which:
- are already cultivated in the Community and which belong to the species *Vitis vinifera* L, or
  - are obtained for interspecific crossings the cultivation suitability of which is recognised, after the entry into force of this Regulation, as being satisfactory in accordance with Article 10 (2),

and which normally provide wines recognised to be of good quality;

- (b) authorised vine varieties shall include varieties which normally provide sound and marketable wine of a quality which, while reaching an acceptable standard, is lower than that of the wine referred to under (a);
- (c) provisionally authorised vine varieties shall include varieties:
- which do not meet the criteria stated under (a) and (b) but which nevertheless are of some economic importance to the administrative unit or part thereof concerned; or
  - which have shortcomings as regards their cultivation.

2. Quality shall be assessed where appropriate, on the results of tests on the cultivation suitability of the vine varieties in question, together with the results of analytical and organoleptic tests on the wine in question.

### Article 7

With regard to table grape varieties:

- (a) recommended vine varieties shall include the varieties cultivated for the production of table grapes for which there is considerable market demand;
- (b) authorised vine varieties shall include the varieties:
- providing grapes of a quality which, while of an acceptable standard, is lower than that of the grapes referred to under (a); or
  - which have shortcomings as regards their cultivation;

- (c) provisionally authorised vine varieties shall include the varieties:

- yielding grapes which should cease to be put on the market because of their poor quality; or
- which have serious shortcomings as regards their cultivation.

### Article 8

1. With regard to the grape varieties for special uses:

- (a) recommended vine varieties shall include the varieties belonging to the species *Vitis vinifera* L or derived from interspecific crossings, if those vine varieties are normally well suited to the uses in question;
- (b) authorised vine varieties shall include the varieties:
- yielding products the quality of which, while being of an acceptable standard, is lower than that of the products obtained from the vine varieties referred to under (a); or
  - yielding grapes which are less suitable for the uses in question than the vine varieties referred to under (a);

- (c) provisionally authorised vine varieties shall include the varieties:

- which do not conform to the criteria stated in (a) and (b) but which nevertheless are of some economic importance to the Community as a whole or to the administrative unit or units concerned; or
- which have shortcomings as regards their cultivation.

2. Quality shall be assessed, where appropriate, on the results of tests on the cultivation suitability of the vine varieties in question, together with the results of analytical and organoleptic tests on the finished products in question.

### Article 9

With regard to root stock varieties:

- (a) recommended vine varieties shall include the varieties cultivated for the purpose of obtaining vegetative vine propagation material which has

been proved by experience to be satisfactory for cultivation;

- (b) provisionally authorised vine varieties shall include varieties which have been found to be unsatisfactory for cultivation.

#### Article 10

1. The classification may be altered:
  - by the addition of vine varieties to the category of recommended vine varieties,
  - by the elimination of vine varieties,
  - by regrading vine varieties.
2. The classification of vine varieties may be altered by the addition of vine varieties to the category of recommended vine varieties only if the cultivation suitability of the varieties in question is recognised as being satisfactory for an administrative unit or part thereof or, where appropriate, for the Community as a whole.

The cultivation suitability of a vine variety shall be determined, in accordance with the procedure provided for in Article 7 of Regulation No 24<sup>1</sup> on the progressive establishment of a common organisation of the market in wine, as last amended by Regulation (EEC) No 816/70, on the basis of information obtained by the Member State concerned from examination of the cultivation trials carried out, where appropriate, in the administrative units or parts thereof concerned or in neighbouring administrative units.

3. The cultivation suitability of a vine variety may not be recognised as being satisfactory unless, in comparison with the other vine varieties listed in the classification for at least one administrative unit or part thereof, its overall quality characteristics constitute a distinct improvement with regard to cultivation or to use of the grapes or propagation material obtained from it.

4. After consultation with the Management Committee for Wine the Commission may ask the Member State concerned to carry out a further examination on the cultivation suitability of the vine variety in question.

5. Measures for testing cultivation suitability shall be adopted, as necessary, in accordance with the procedure provided for in Article 7 of Regulation No 24.

#### Article 11

1. Planting, even for the purpose of replacing failures, grafting *in situ* and overgrafting:
  - of vine varieties not listed in the classification, or
  - of provisionally authorised vine varieties.

shall be prohibited from 1 September 1971.

2. Member States may, however, permit derogations from the provisions of the first indent of paragraph 1 for the following purposes:
  - testing of the cultivation suitability of a vine variety which is not listed in the classification for the administrative unit or part thereof concerned or for the Community as a whole;
  - scientific research;
  - selection or crossing studies.

— testing of the cultivation suitability of a vine variety which is not listed in the classification for the administrative unit or part thereof concerned or for the Community as a whole;

— scientific research;

— selection or crossing studies.

3. If a Member State permits the derogations referred to in paragraph 2, that State shall carry out a systematic inspection each year of the vines which have been authorised for planting and shall ensure that any distribution of propagation material is limited to the purposes referred to above. Individual cultivation contracts shall be concluded between the authorities designated by the Member States and any natural or legal person intending to cultivate a vine variety which is not included in the classification for the administrative unit or part thereof concerned, or for the Community as a whole.

4. Products derived from a vine variety undergoing cultivation suitability tests, scientific research or the selection or crossing studies referred to in paragraph 2 shall be considered as products obtained from authorised vine varieties.

#### Article 12

Member States shall inform the Commission before 1 August 1970 of the vine varieties which they recommend for inclusion in the categories referred to in Article 5. Information shall be forwarded by

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

category, according to the uses referred to in Article 2 and according to the administrative units or parts thereof referred to in Article 3 or, in the case referred to in the first subparagraph of Article 3 (2), for the territory of the Member State concerned.

*Article 13*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 13 July 1970.

*For the Council*

*The President*

J. ERTL

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