

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 11 July 1975

Draft proposal for a

REGULATION (EEC) OF THE COUNCIL

amending Regulation (EEC) No 2133/74 laying down
general rules for the designation and presentation
of wines and grape musts

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM
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Council Regulation (EEC) No 2133/74 of 8 August 1974 laying down general rules for the designation and presentation of wines and grapes musts should normally enter into force from 1 September 1975. If the rules laid down in the Regulation in question are to be applied effectively, it is essential for the Commission to adopt beforehand detailed rules of application (see also the Council declaration contained in document R/2125/74 of 29 July 1974, p. 1). In view of the complex nature of this subject, the Commission was not able to adopt these detailed rules in the period laid down. Moreover, interested members of the trade require a period long enough to enable them to adapt to the new provisions. The date of application of that Regulation should therefore be deferred.

This opportunity may be seized upon to supplement or amend the Regulation in question in the light of the requirements of certain delegations and commercial practices. In addition to deferring the date of application it is proposed :

- to allow the use of a specific expression such as "vin du pays" which shall accompany the name of the production area of certain table wines thereby stressing the typically regional nature of the wines in question ;
- to provide for the alternative and not simply cumulative use of an official language of the Community other than the one laid down for certain descriptions ;
- to allow, for a transitional period, the use for the designation of table wines of the names of certain specified regions which are normally reserved for the designation of quality wines p.s.r. (see Council declaration in document R/2125/74 of 29 July 1974, p. 4 and Article 39 of the proposal for a Regulation (EEC) amending Regulations (EEC) No 816/70 and 817/70, OJ C 31 of 8 February 1971, p. 21) ;

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- to supplement the provisions relating to imported wines with a view to accepting for their designation certain ascriptions equivalent to those which may be used for Community products ;
- to create the opportunity of indicating on the label information concerning the history of the wine in question, the undertaking of the bottler or an undertaking which was involved in the commercial distribution of the wine in question ;
- to allow the use of certain expressions reserved for vineyards or groupings of these vineyards, even if the name of these groupings does not appear as bottler.

The adoption of this Regulation will have no repercussions on the Community Budget.

Draft proposal for a
REGULATION (EEC) OF THE COUNCIL

amending Regulation (EEC) No 2133/74 laying down general
rules for the designation and presentation of wines and
grape musts.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community ;

Having regard to Council Regulation (EEC) No 816/70⁽¹⁾, of 28 April 1970,
laying down additional provisions for the common organization of the market
in wine, as last amended by Regulation (EEC) No 678/75⁽²⁾, and in particular
Articles 30(1) and 39a (2) thereof ;

Having regard to Council Regulation (EEC) No 817/70⁽³⁾, of 28 April 1970,
laying down special provisions relating to quality wines produced in speci-
fied regions, as last amended by Regulation (EEC) No 2894/74⁽⁴⁾, and in
particular Article 12(3) thereof ;

Having regard to the Opinion of the Commission ;

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(1) OJ No L 99, 5 May 1970, p. 1

(2) OJ No L 72, 20 March 1975, p. 43

(3) OJ No L 99, 5 May 1970, p. 20

(4) OJ No L 310, 21 November 1974, p.7

Whereas the provisions for implementing Council Regulation (EEC) No 2133/74⁽¹⁾ of 8 August 1974, laying down general rules for the designation and presentation of wines and grape musts have not yet been adopted and whereas, in any case, their implementation requires a period of adaptation ;whereas, the implementation of the provisions of Regulation (EEC) No 2133/74 should, therefore, be deferred ; whereas this deferment should not, however, prejudice members of the trade who have already taken measures to adapt from 1 September 1975, to the provisions of the Regulation in question ;

Whereas taking into account the different customs and traditional practices in the Member States it is advisable that Member States should be permitted to be able to authorize the indication of recommendations relating to the health of the consumer ;

Whereas it would be advisable to allow producer Member States and interested non-member countries to use a specific expression to accompany the name of the production area or the geographical ascription when designating table wines and imported wines ; whereas such information aims to enable the consumer to recognize wines of a typically regional character amongst table wines on the market ;

Whereas, for certain information which should be given in one of the official languages of the Member States of origin the alternative and not simply cumulative use of another official Community language should be allowed if this is assimilated to the official language in the part in question of the territory of the producer Member State in question and when this practice is traditionally adopted there ;

Whereas, pursuant to Article 12(3), second subparagraph of Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions, as last amended by Regulation (EEC) No 2894/74 it should be admissible until 31 August 1981 for the names of specified regions referred to on a list to be adopted also to be used to designate tabl. wines if this practice has traditionally and regularly

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(1) OJ No L 227, 1, August 1974, p. 1

been in use before 1 September 1975 (*) ;

Whereas provisions relating to imported wines should be supplemented in order to allow them to be designated by ascriptions equivalent to those which may be used for Community products ;

Whereas in order to provide consumers with particular information, permission should be given for information concerning the history of the wine in question, of the undertaking of a bottler or an undertaking or a natural or legal person which was involved in the commercial distribution of the wine in question to be shown on the wine labels ;

Whereas this occasion should be used to improve certain other provisions ;

HAS ADOPTED THIS REGULATION :

Article 1

1. The following text is added under (h) to Article 2(2), under (t) to Article 12(2), under (f) to Article 27(2) and under (q) to Article 28(2) of Regulation (EEC) No 2133/74 :

"information concerning the history of the wine in question, the undertaking of the bottler or an undertaking of a natural or legal person which was involved in the commercial distribution of the wine in question".

2. The text of Article 2(2)g, the text of Article 12(2)h, the text of Article 27(2)e and the text of Article 28(2)i are completed by the following ;

"Member States may authorize a recommendation relating to health of the consumer to be indicated on the labelling of wines commercialised within their territory, especially where this related to the dietetic qualities of the wine in question".

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(*) Retention of this preamble depends on whether the Council adopts Article 39 of the proposal for Regulation (EEC) No 816/70 and Regulation (EEC) No 817/70 published in OJ No C 31 of 8 February 1975, page 3.

See also documents R/2125/74 of 31 July 1974 and S/801/75 of 6 June 1975.

3. The text of Article 2(3)(f), Article 12(2)(q) and Article 28(2)(o) of Regulation (EEC) No 2133/74 is replaced by the following :

"An indication that the wines were bottled either on the premises of the vineyard where the grapes from which the wine was obtained were harvested and turned into wine, or by an undertaking with which this vineyard is connected in a group of vineyards".

4. Article 2(3) of Regulation (EEC) No 2133/74 is supplemented by the following texts :

"(h) the word :

- "Landwein" for table wines of German origin ;
- "vin de pays" for table wines of French of Luxembourg origin ;
- "vino tipico" for table wines of Italian origin ;

where the Member States have decided on rules for the use of these designations".

"(i) For a transitional period of five years as of the date of implementation of this article for table wines of Italian origin, the description "denominazione di origine semplice", on condition that this wine is neither exported nor sent to other Member States".

5. The text of Article 2(3)(g) and Article 12(2)(m) of Regulation (EEC) No 2133/74 is replaced by the following :

"by the name of the vineyard where the wine in question was obtained or by the name of an undertaking with which such vineyards are connected in a group of vineyards, if these names are likely to increase the prestige of this wine, if this designation is governed by detailed rules of application or, in the absence of these, by the producer Member States".

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Article 2

1. The second sentence of Article 3(6)(a), second subparagraph, of Regulation (EEC) No 2133/74 is replaced by the following sentence :

"Such information may :

- furthermore be given in another official Community language when the latter is assimilated to the official language in the part in question of the territory of the Member State of origin and when this practice is traditional and customary in that Member State".

2. The second sentence of Article 13(5)(a), second subparagraph of Regulation (EEC) No 2133/74 is replaced by the following sentence :

"The information referred to in the first, third, fourth and fifth indents may

- furthermore be given in another official Community language, or,
- be given in another official Community language when the latter is assimilated to the official language in the part in question of the territory of the Member State of origin and when this practice is traditional and customary in that Member State".

Article 3

Article 4(3) of Regulation (EEC) No 2133/74 is supplemented by the following subparagraph :

"However, until 31 August 1981 it shall be permissible to use the names of the following specified regions to designate table wines :

- Moselle Luxembourgeoise
- Puglie
- Abruzzi
- Sardegna
- Romagna
- Cagliari
- Asti
- Siracusa". (*)

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(*) Retention of this Article depends on whether the Council adopts Article 39 of the proposal for Regulation (EEC) No 816/70 and Regulation (EEC) No 817/70 published in OJ C 31 of 8 February 1975, page 3. See also documents R/2125/74 of 31 July 1974 and S/801/75 of 6 June 1975.

Article 4

1. The text of Article 27(1)(a) of Regulation (EEC) No 2133/74 shall be replaced by the following :

"(a) A statement as to whether the wine is red, rosé or white".

2. Article 27(2)(a) of Regulation (EEC) No 2133/74 is deleted.

Article 5

1. Article 28(1), first subparagraph of Regulation (EEC) No 2133/74 is supplemented by the following text :

"(e) A statement as to whether the wine is red, rosé or white" ;

2. Article 28(2)(a) of Regulation (EEC) No 2133/74 is replaced by the following text :

"(a) a term which accompanies the geographical ascription stressing the typically regional nature of the imported wine in question, when the use of this term is the subject of provisions in the non-member country in question regarding marketing on the home market ; these terms shall be specified, where necessary, by detailed rules of application".

3. Article 28(2) of Regulation (EEC) No 2133/74 is supplemented by the following texts :

"(p) a reference attributed by an official body or a body officially acknowledged for this purpose to one of the persons or group of persons referred to under (h) and likely to increase the prestige of the imported wine in question, if this reference is governed by detailed rules of application or, in the absence of the latter, by provisions of the non-member country".

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Article 6

The German version of Article 41(1) of Regulation (EEC) No 2133/74 shall be replaced by the following text :

"(1) Im Sinne der Titel I und II dieser Verordnung gelten -- unbeschadet der Steuerverschriften der Mitgliedstaaten -- als Etikettierung die gesamten Bezeichnungen oder anderen Begriffe, Zeichen, Abbildungen oder Marken, die das Erzeugnis charakterisieren, auf ein- und demselben Behältnis einschliesslich seines Verschlusses mit Kapsel oder sonstiger Umhüllungen".

Article 7

The second subparagraph of Article 47 of Regulation (EEC) No 2133/74 is replaced by the following text :

"This Regulation shall be applicable from 1 September 1976. Until this date the provisions of the Member States shall continue to apply in the matters in question. However, the interested parties shall be authorized from 1 September 1975 to apply the provisions of this Regulation".

Article 8

This Regulation shall enter into force on the third day following that of 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,

For the Council,
The President,

