

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (76) 409 final

Brussels, 16th July 1976.

PROPOSAL FOR A REGULATION (EEC) OF THE COUNCIL

laying down general rules for the import of wines, grape juice
and grape must

(Submitted by the Commission to the Council)

COM (76) 409 final

EXPLANATORY MEMORANDUM

Council Regulation (EEC) No 1160/76 amended Articles 28 and 28a of Regulation (EEC) No 816/70 in order to submit liqueur wines, sparkling wines, wines for industrial use, grape must and grape juice originating in non-member countries to the same import rules which had until then applied to the import of wine for direct human consumption. These amendments also created a legal basis for the importation, by way of exception, of wine obtained by oenological practices not allowed by Community rules. It is therefore necessary to draw up the new rules on the import of wine, grape must and grape juice before 1 September 1976 by repealing Regulation (EEC) No 1599/71, although some of its provisions are retained in this proposal.

Proposal for

REGULATION (EEC) No

OF THE COUNCIL

of

laying down general rules for the import of wines, grape juice and grape must.

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 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (1), as last amended by Regulation (EEC) No 1167/76 (2), and in particular Articles 28 (1a) and 28a (1) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 1599/71 of 20 July 1971 (3), as last amended by Regulation (EEC) No 679/75 (4), lays down additional conditions to be met by imported wines for direct human consumption ; whereas Council Regulation (EEC) No 1160/76 of 17 May 1976 (5) amended Article 28 of Regulation (EEC) No 816/70 by including in this Article certain provisions of Regulation (EEC) No 1599/71 and by extending its field of application to all wines and grape must ; whereas Regulation (EEC) No 1599/71 should therefore be amended ;

Whereas, for the sake of clarity, it should be stated that references to Regulation (EEC) No 1599/71, repealed by this Regulation, are to be taken as references to this Regulation, and in particular those contained in Council Regulation (EEC) No 2133/74 of 8 August 1974 laying down general rules for the description and presentation of wines and grape must (6), as last amended by Regulation (EEC) No 1168/76 (7) ;

Whereas Article 28 of Regulation (EEC) No 816/70 provides that the imported products covered by this Article must be accompanied by a certificate and an analysis report issued by a body or service designated by the non-member country in which the product originates ; whereas the conditions which the analysis report must meet should be laid down ;

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- (1) OJ No L 99, 5 May 1970, p. 1
 - (2) OJ No L 135, 24 May 1976, p. 42
 - (3) OJ No L 168, 27 July 1971, p.3
 - (4) OJ No L 72, 20 March 1975, p. 45
 - (5) OJ No L 135, 24 May 1976, p. 1.
 - (6) OJ No L 227, 17 August 1974, p. 1
 - (7) OJ No L 135, 24 May 1976, p. 46

Whereas provision should be made pursuant to sub-paragraph (b) of Article 28 (1a) of Regulation (EEC) No 816/70 for dispensing with the certificate and analysis report in the case of certain products which are imported in limited quantities and packed in small containers ; whereas, to simplify controls, the conditions as to quantity may be considered as fulfilled in the case of imports from non-member countries whose total annual exports to the Community are already very small ; whereas, in this case, to avoid deflection of trade, the wines must not only originate in these countries but must be imported from them :

Whereas Article 28a (1) of Regulation (EEC) No 816/70 permits derogation from the prohibition on offering or disposing of, for direct human consumption, products falling within heading 22.05 which have undergone oenological practices not allowed by Community rules ; whereas this derogation should not be used to prevent the import of these products more than is necessary ; whereas, however, such a dispensation should be limited to practices which do not give rise to objections from the public health point of view ;

HAS ADOPTED THIS REGULATION :

Article 1

The analysis report mentioned in the second indent of sub-paragraph (a) of Article 28 (1) of Regulation (EEC) No 816/70 shall be :

1. drawn up by an official laboratory recognised by the non-member country in which the wine originates and included in a list to be prepared.
2. give the following information :
 - a) in the case of wines :
 - the total alcoholic strength,
 - the actual alcoholic strength,
 - b) in the case of grape must and grape juice :
 - the density
 - c) in the case of wines, grape must and grape juice :
 - the total dry extract
 - the total acidity
 - the volatile acid content
 - the citric acid content
 - the total sulphur dioxide content
 - the presence of varieties obtained from inter-specific crossings (direct producer hybrids or other varieties not belonging to the *Vitis vinifera* species.

Article 2

1. No certificate or analysis report shall be required for wines imported from non-member countries put up in containers of 2 litres or less and forming part of consignments of less than 60 litres.

2. Moreover, the certificate and the analysis report shall be dispensed with for wines put up in containers of 2 litres or less imported from non-member countries whose total annual exports to the Community are less than 1000 hectoliters.
3. The non-member countries mentioned in paragraph 2 shall be listed in the implementing rules.

Article 3

By way of derogation from Article 28a (1) of Regulation (EEC) No 816/70, imported wines which have undergone oenological practices not allowed by Community rules or by the rules of the Member States but included in a list to be prepared may be offered or disposed of for direct human consumption in the Community, provided that :

- a) these oenological practices are considered compatible with the legislation of the Member States on public health ;
- b) the oenological practices do not change the intrinsic character of the wine concerned.

Article 4

1. Council Regulation (EEC) No 1599/71 is hereby repealed.
2. References to the Regulation repealed by paragraph 1, and in particular those contained in Articles 27(1), 28 (1) (d) and 35 (1) (c) of Regulation (EEC) No 2133/74, shall be taken as references to this Regulation.

Article 5

This Regulation shall enter into force on 1 September 1976.

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

Done at Brussels,

For the Council
The President

