

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 14 July 1976

Proposal for a
COUNCIL REGULATION (EEC) No

laying down the conditions for coupage and wine-
making in the free zones within the Community
for wine products originating in third
countries

(submitted by the Commission to the Council)

EXPLANATORY MEMORANDUM

The Council has by Regulation (EEC) N° 1160/70 amended the first subparagraph of Article 26 (4) and the first subparagraph of Article 28 (2) of Regulation (EEC) N° 816/70 by prohibiting, within the geographical territory of the Community, except where derogations are provided the coupage of a wine originating in a non-member country with a Community wine and also the coupage between wines originating in non-member countries, the making of wine from imported basic products and the addition of these products to wine. However, as an exception to this rule, the Council has authorized the above-cited operations in the free zones, provided that the wine so obtained is intended for consignment to a non-member country.

This proposal for a Regulation contains the implementing rules on coupage, making into wine, and addition of the basic products of imported wine to wine in the free zones, which have to be adopted by the Council before 1 September 1976. It is important that these implementing rules establish an effective control over these operations in the free zones and rules for designation of wines obtained by those operations.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 the third subparagraph of Article 26(4) and the third
subparagraph of Article 28(2) thereof,

Having regard to the proposal from the Commission,

Whereas the first subparagraph of each of Articles 26(4) and 28(2) of the
said Regulation prohibit in the geographical territory of the Community,
except in the case of a derogation, coupage of a wine originating in a
third country with a Community wine and coupage between wines originating
in third countries, the making of wine from imported basic products and
the addition of those products to wine, whereas, however, as an exception
to that rule, these operations are authorized in the free zones provided
that the wine so obtained is intended for dispatch to a third country;

Whereas the third subparagraph of each of the said Articles 26(4) and
28(2) requires that provisions for the application of these operations and
the rules concerning the description of the wine obtained in the free zones
shall be adopted before 1 September 1976;

(1) OJ No L 99, 5.5.1970, p. 1

(2) OJ No L 135, 25.4.1976, p. 42

Whereas, in order to ensure the effective supervision of operations in the free zones, it is necessary to provide for the prior authorization thereof by the Member State concerned and the setting up of means for supervising the movements of the products concerned;

Whereas, in order to prevent abusive practices, the products used for such operations must have been produced, as appropriate, either in accordance with the provisions of the third country or in accordance with Community provisions or those of the Member State concerned;

Whereas, save as otherwise provided, the Council Directive 69/75/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action relating to free zones⁽¹⁾ applies; whereas however, for the avoidance of doubt, mention should be made of certain provisions the applicability of which is compatible with the provisions of this Regulation;

Whereas the rules concerning the description of the wines produced in the free zones must be such as to avoid any confusion with Community wines, whereas, furthermore, a distinction should be drawn between mandatory information necessary to identify the wines and optional information designed to indicate the special properties of the wines or to characterize them,

HAS ADOPTED THIS REGULATION:

Article 1

1. Without prejudice to Articles 2(2)(b) and 4(1) of Council Directive 69/75/EEC of 4 March 1969, any natural or legal persons intending to effect in a free zone one of the following operations:
 - (a) coupage of wines originating in a third country with Community wines,
 - (b) coupage between wines originating in third countries,

(1) OJ No L 58, 8.2.1969, p. 11

- (c) the making of wine from fresh grapes, grape must, grape must in fermentation, concentrated grape must, grape must with fermentation arrested by the addition of alcohol, grape juice and concentrated grape juice originating in third countries, or
- (d) the addition of the products listed in (c) to wine shall obtain authorization from the competent authorities appointed by the Member States to applying the measures taken under Article 29 of Regulation (EEC) No 816/70.

2. The products resulting from the operations referred to in paragraph 1 shall not be placed in free circulation in the Community. All persons concerned shall keep entry and exit registers enabling the movements of those products and of the products referred to in paragraph 1 to be supervised.

Article 2

1. Only the following shall be used for the operations referred to in Article 1(1):
 - products originating in a third country which have been produced in accordance with the provisions applicable therein to domestic trade and
 - Community products which have been produced in accordance with Community provisions or, where appropriate, with the provisions of the Member State concerned.
2. The wine-making referred to in Article 1(1)(c) may only be permitted by the authorities referred to in Article 1(1) if the third countries in which the products for wine-making originate have declared their agreement in principle after being consulted by the Commission.

The increasing of the alcoholic strength of the product concerned by any method other than coupage and also acidification and deacidification shall be prohibited.

Article 3

1. The description of a wine resulting from one of the operations referred to in Article 1(1) shall include the following information:
 - (a) the term "wine" with or without a statement as to whether the wine is red, rosé or white;
 - (b) the nominal volume of the wine;
 - (c) in the case of:
 - containers with a nominal volume of 60 litres or less: the name or business name of the bottler and the local administrative area or part thereof in which the bottling took place
 - other containers: the name or business name of the consignor who carried out the operation concerned and the local administrative area or part thereof in which the containers were filled
 - (d) the third country of origin if all the products used in the operation originate in that country.

2. The description of the wines may be supplemented by the following information:
 - (a) a brand name in accordance with the conditions laid down in Article 34 of Regulation (EEC) No 2133/74;
 - (b) the actual and/or total alcoholic strength;
 - (c) a recommendation to the consumer as to the use of the wine.

3. Only the information specified in paragraphs 1 and 2 shall be permitted for the description of wines resulting from coupage as referred to in Article 1(1) and (b).

Nevertheless, additional information may be provided for in accordance with the procedure laid down in Article 7 of Regulation No 24 to the extent required by the laws of the third countries to which the wine will be dispatched.

Article 4

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

It shall apply with effect from 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