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(Acts whose publication is obligatory)

REGULATION (EEC) No 1876/74 OF THE COUNCIL

of 15 July 1974

concerning the addition of alcohol to products in the wine sector

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 1532/74 (2), and in particular Article 25 (2) thereof;

Having regard to the proposal from the Commission;

Whereas, pursuant to Article 25 (1) of Regulation (EEC) No 816/70 the addition of alcohol to the products listed in Article 1 (2) of that Regulation is prohibited, with the exception of wines fortified for distillation and liqueur wines; whereas Article 25 (2), however, permits derogations from this prohibition;

Whereas the possibility of adding alcohol to table wines and to quality wines produced in specified regions should be provided for where they are exported to third countries, either to take account of consumer habits in those countries, or to prevent climatic conditions or transport from affecting the quality of the exported wines; whereas the non-European areas of Member States are in the same situation as the third countries in question; whereas this possibility should be extended to consignments of these products to these areas; whereas, however, to enforce the prohibition on the addition of alcohol, the sale of these products should be forbidden in the European areas of the Member States; whereas to simplify control, re-dispatching to the European areas of Member States should be prohibited;

Whereas it is equally necessary to authorize the addition of alcohol in the form of a sweetener to sparkling wines and, under certain conditions, to semi-sparking wines;

Whereas the preparation of products falling within heading No 22.06 and subheading 22.07 B II of the Commom Customs Tariff requires the addition of alcohol to some of the products listed in Article 1 (2) of Regulation (EEC) No 816/70; whereas such preparation is significant enough to justify derogation from the prohibition on the addition of alcohol;

Whereas, in order to prevent frauds, in all cases the nature of the alcohol which may be added should be specified and in certain cases the permissible limits for the addition of alcohol should be fixed;

Whereas the measures concerning semi-sparking wines and products falling within heading No 22.06 of the Common Customs Tariff should be of a temporary nature, pending the adoption of provisions supplementing or harmonizing the definitions of these products; whereas such measures should therefore be laid down for a limited period;

Whereas most of the above considerations have already formed the basis of provisions contained variously in Council Regulation (EEC) No 1093/70 (3) of 8 June 1970 concerning the addition of alcohol to products in the wine sector originating in the Community, as last amended by Regulation (EEC) No 1929/73 (4), and in the previous amendments thereto; whereas, because of their number and complexity, these texts are lacking in clarity and they should therefore be consolidated in a single text,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the provisions of Article 25 (1) of Regulation (EEC) No 816/70, alcohol may, under the conditions provided in this Regulation, be added to the following products:

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 166, 21. 6. 1974, p. 1.
(3) OJ No L 128, 12. 6. 1970, p. 1.
(4) OJ No L 199, 19. 7. 1973, p. 8.

1. Table wines and quality wines psr, where climatic conditions or consumer habits necessitate an addition of alcohol and where they are exported to third countries or dispatched to the non-European areas of Member States, on condition that in this latter case they are not re-dispatched to the European areas of Member States.

2. (a) Sparkling wines in the form of a sweetener;
   (b) semi-sparkling wines in the form of a sweetener and provided that this method is traditional and permitted under the laws in force in the producer Member States.

3. (a) Grape musts and grape musts in fermentation derived exclusively from the vine varieties referred to in Article 16 of Regulation (EEC) No 816/70 and having at least the minimum natural alcoholic strength fixed for the wine-growing zone where the grapes were harvested;
   (b) table wines;
   (c) quality wines psr;
   (d) in certain cases liqueur wines, whether or not imported;
   (e) imported wines fulfilling the requirements of Article 28 (1) of Regulation (EEC) No 816/70;

   intended for the preparation of products falling within heading No 22.06 of the Common Customs Tariff.

4. Concentrated grape musts to be used in the manufacture of products falling within subheading 22.07 B II of the Common Customs Tariff.

Article 2

1. The alcohol added to the products listed in Article 1 point 1 and point 2 must be either neutral alcohol of vinous origin having an actual alcoholic strength of not less than 95°, or an unrectified product derived from the distillation of wine and having an actual alcoholic strength of not less than 52° and not more than 80°.

However, in the case of sparkling wines and semi-sparkling wines, 'esprit de Cognac' complying with the laws in force in the producer Member State may be added.

2. Alcohol added to the products listed in Article 1 point 3 and point 4 must be ethyl alcohol of agricultural origin.

Article 3

1. The quantities of alcohol added may not:

(a) increase the total alcoholic strength of the products specified in Article 1 point 1 by more than 2°;

(b) increase the total alcoholic strength of the products specified in Article 1 point 2 by more than 0·5°.

2. Member States may restrict the addition of alcohol to quality wines psr still further, or even prohibit it altogether.

Article 4

The following shall be applicable until 31 August 1975:

— Article 1 point 2 (b) and point 3;
— the second subparagraph of Article 2 (1), in so far as it refers to the products specified in Article 1 point 2 (b);
— Article 2 (2), in so far as it refers to the products specified in Article 1 point 3.

Article 5

Regulation (EEC) No 1093/70 is repealed with effect from 31 August 1974.

Article 6

This Regulation shall enter into force on 1 September 1974.

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

Done at Brussels, 15 July 1974.

For the Council

The President

Christian BONNET