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Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine 1
- ★ Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions 48
- ★ Council Regulation (EEC) No 339/79 of 5 February 1979 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries 57
- ★ Council Regulation (EEC) No 340/79 of 5 February 1979 determining the types of table wines 60
- ★ Council Regulation (EEC) No 341/79 of 5 February 1979 fixing the guide prices for wine for the period 16 December 1978 to 15 December 1979 61
- ★ Council Regulation (EEC) No 342/79 of 5 February 1979 fixing the activating prices for table wines for the period 16 December 1978 to 15 December 1979 62
- ★ Council Regulation (EEC) No 343/79 of 5 February 1979 laying down general rules governing certain distillation operations in the wine sector 64
- ★ Council Regulation (EEC) No 344/79 of 5 February 1979 laying down general rules for fixing the reference price and levying the countervailing charge for wine 67
- ★ Council Regulation (EEC) No 345/79 of 5 February 1979 laying down general rules for granting export refunds on wine and criteria for fixing the amount of such refunds..... 69

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(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

★ Council Regulation (EEC) No 346/79 of 5 February 1979 laying down conditions for applying protective measures in the market in wine	72
★ Council Regulation (EEC) No 347/79 of 5 February 1979 on general rules for the classification of vine varieties	75
★ Council Regulation (EEC) No 348/79 of 5 February 1979 on measures designed to adjust wine-growing potential to market requirements	81
★ Council Regulation (EEC) No 349/79 of 5 February 1979 on the distillation of the by-products of wine making	84
★ Council Regulation (EEC) No 350/79 of 5 February 1979 determining for the 1978/79 wine-growing year the prices to be paid under the compulsory distillation of the by-products of wine making and the maximum amount of the contribution from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund	88
★ Council Regulation (EEC) No 351/79 of 5 February 1979 concerning the addition of alcohol to products in the wine sector	90
★ Council Regulation (EEC) No 352/79 of 5 February 1979 authorizing the coupage of German red wines with imported red wines	93
★ Council Regulation (EEC) No 353/79 of 5 February 1979 laying down the conditions for coupage and wine making in the free zones on Community territory for wine products originating in third countries	94
★ Council Regulation (EEC) No 354/79 of 5 February 1979 laying down general rules for the import of wines, grape juice and grape must	97
★ Council Regulation (EEC) No 355/79 of 5 February 1979 laying down general rules for the description and presentation of wines and grape musts.....	99
★ Council Regulation (EEC) No 356/79 of 5 February 1979 on general rules governing the special distillation of table wines referred to in Article 58 of Regulation (EEC) No 337/79	121
★ Council Regulation (EEC) No 357/79 of 5 February 1979 on statistical surveys of areas under vines	124
★ Council Regulation (EEC) No 358/79 of 5 February 1979 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79	130
★ Council Regulation (EEC) No 359/79 of 5 February 1979 on direct cooperation between the bodies designated by Member States to verify compliance with Community and national provisions in the wine sector	136

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 337/79

of 5 February 1979

on the common organization of the market in wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas, since their adoption, the basic provisions concerning the organization of the market in wine have been amended a number of times; whereas, by reason of their number, their complexity and their dispersal among various Official Journals, the relevant texts are difficult to use and thus lack the clarity which should be an essential feature of all legislation; whereas they should therefore be consolidated;

Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of agricultural markets which may take various forms depending on the product;

Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty and, in particular in the wine sector, to stabilize markets and ensure a fair standard of living for the agricultural community concerned; whereas these objectives may be attained by adjusting resources to needs, in particular through the pursuit of a policy of quality;

Whereas determination of the measures required to achieve this adjustment depends on knowing the

production potential and on having an estimate of the volume of grape must and wine available each year;

Whereas the preparation of a viticultural land register, the introduction of a system of harvest and stock declarations and the compilation of an annual forward estimate should enable the statistical information essential for a knowledge of the markets to be obtained;

Whereas the manner of implementing these measures must be such that the information obtained is comparable at Community level while taking account of the situation peculiar to each Member State;

Whereas it is important to have effective instruments available for intervention on the market; whereas aid for the private storage of table wines and grape musts and the distillation of these wines meet this requirement; whereas to apply such measures for the short and long term particular provision should be made, in respect of each type of table wine representative of Community production, for fixing a guide price and, derived therefrom, an activating threshold price for intervention, on the basis of which intervention measures may be taken; whereas, independently of such measures, it should be possible for intervention to take place at the beginning of the wine-growing year on the basis of the forward estimate in order to ensure an overall balance during that year;

Whereas it is advisable to make provision for aid to be granted for the re-storage of table wines which, since they are the subject of a storage contract, may not be marketed and thus might create storage difficulties for wines of the new harvest;

Whereas to complete the system of market support, provision should be made under certain conditions for preventive distillation at a buying in price which is not such as to encourage production of wine of insufficient quality; whereas, furthermore, it has proved necessary

⁽¹⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽²⁾ OJ No C 296, 11. 12. 1978, p. 58.

to provide for additional measures applicable to holders of long-term storage contracts in order to maintain prices at a level higher than the activating price; whereas, in order to be effective, these additional measures may consist, in particular, of storage of the wines in question for a period to be determined, of distillation of these wines, or of both these measures;

Whereas, in order to encourage an improvement in the quality of wine it would seem advisable to exclude from the scope of the intervention measures, with the exception of preventive distillation and the distillation of wines suitable for the production of certain spirits of registered designation of origin, those wines not reaching a certain degree of actual alcoholic strength;

Whereas the creation of a single Community market for wine involves the introduction of a single trading system at the external frontiers of the Community; whereas the competent authorities must be in a position to keep in touch at all times with trade movements in order to assess market trends and, where required, take the measures provided for in this Regulation; whereas, to that end, provision should be made for the issue of import or export licences subject to the provision of a security to ensure that the transactions for which the licences are requested are carried out;

Whereas, furthermore, application of the duties in the Common Customs Tariff should suffice, as a general rule, to stabilize the Community market by preventing price levels and price fluctuations in third countries from affecting prices obtaining within the Community;

Whereas, however, it is necessary to avoid disturbances on the Community market caused by offers made on the world market at abnormal prices; whereas to that end reference prices should be fixed for certain products and customs duties should be increased by a countervailing charge when free-at-frontier offer prices plus customs duties are lower than reference prices;

Whereas certain agreements with third countries similarly make provision for preferential tariff concessions provided the reference price is observed; whereas in such cases measures should be taken to ensure that the system operates properly so that the purpose of the import arrangements laid down by the common organization of the market in wine is not frustrated;

Whereas provision should be made in particular for the measures which are necessary to enable the customs

authorities of the Member States to apply the Agreements with third countries; whereas it is also necessary to specify, for purposes of implementing these Agreements, the conditions and the procedure for withdrawal of the tariff concession where the reference price is not observed; whereas withdrawal may, depending on the case, be combined with reintroduction of the countervailing charge;

Whereas, in order to ensure that withdrawal of the tariff concession, or reintroduction of the countervailing charge, is not applied for longer than is strictly necessary to ensure the proper functioning of the system, it is advisable to provide for a monthly review of the situation;

Whereas the requirement that wine must be accompanied by a document from an exporting country can be a useful means of checking the observance of the reference price where such country has undertaken to take the measures necessary to ensure such observance;

Whereas, in order to avoid disturbances on the Community market, provision should also be made for the charging of an import levy on imports of certain juices and musts from third countries and for the granting of a refund on the export of the said products to the said countries, both designed to compensate for the difference between prices obtaining within and outside the Community;

Whereas, in addition to the system described above, and to the extent necessary for its proper operation, provision should be made for controlling inward processing arrangements and, where the market situation so requires, for a total or partial prohibition on recourse thereto; whereas, however, this mechanism may in exceptional circumstances prove defective; whereas, so as not to leave the Community market without defence against disturbances which may arise as a result, the Community should be enabled to take all necessary measures without delay;

Whereas the establishment of a single market in wine calls for rules concerning production and the control of plantings; whereas, therefore, the cultivation of provisionally authorized vine varieties should ultimately be prohibited in order to improve the quality of the wines obtained in the Community; whereas provision should be made for certain derogations from the principle that only varieties included in the classification may be cultivated, in order to allow Member States to investigate the suitability of a vine variety for its environment, to undertake scientific research, selective crossing and hybridization and the production of material for the vegetative propagation of grape vines reserved for export;

Whereas in certain years it may be necessary to permit the enrichment of products suitable for yielding table wine; whereas, however, it is important, in the interests alike of the quality and of the market, that such enrichment be subject to certain conditions and limits and that it be applied only to produce of certain vine varieties and of a minimum potential natural alcoholic strength; whereas, since production conditions vary considerably between one wine-growing zone of the Community and another, it is essential that account be taken of such variations, in particular in respect of enrichment procedures;

Whereas, moreover, acidity is an element in assessing the quality and a factor affecting the behaviour of wine; whereas it has proved necessary to fix an upper limit of acidification;

Whereas sweetening should be controlled in order to avoid excessive enrichment of wine;

Whereas, in view of the poor quality of wines obtained from overpressing, to prevent this practice provision should be made for the compulsory distillation of marcs and lees; whereas, to that end, for the distillation of these products a basic level should be fixed and provision made for the subsequent fixing of an additional level on the basis of the data in the forward estimate; whereas, however, in order to take into account production conditions in certain wine-growing regions, derogations from this measure may be provided for;

Whereas, in order to strengthen the obligation to distil the by-products of wine-making, producers who are subject to that obligation and who have not complied therewith should not qualify for intervention measures;

Whereas wines made from table grapes belonging to varieties not listed as wine grapes in the classification of vine varieties are frequently of insufficient quality; whereas it is therefore advisable to prohibit the circulation of such wines and to provide for their compulsory distillation;

Whereas it may be appropriate, for the making of certain wines, to authorize the addition of alcohol; whereas, however, that practice must be strictly controlled;

Whereas coupage is a widespread oenological practice; whereas, in view of its possible consequences, its control is necessary in order to prevent abuse;

Whereas provision should be made, during a transitional period, for an appropriate sulphur dioxide

content for certain wines intended for direct human consumption other than sparkling wines and liqueur wines;

Whereas it is also advisable to draw up common rules consisting, in particular, in defining on a Community level the oenological practices and processes which, for the majority of the products, are the only ones authorized; whereas, in order to guarantee a certain quality level, it should be laid down that these practices and processes may only be used for the purpose of ensuring proper vinification and/or preservation; whereas the Member States should be allowed to authorize for experimental purposes for a specific period certain oenological practices and processes not provided for in this Regulation;

Whereas a precise definition of products, in particular of table wine, which come within the scope of this Regulation is indispensable for the effective operation thereof; whereas, since compliance with the conditions laid down for the production of table wine is controllable only within the Community, the description 'table wine' should be reserved for Community-grown wine;

Whereas, in order to strengthen the provisions concerning vine-stock selection, it is important that fresh grapes other than table grapes, grape must, partially fermented grape must and new wines still in fermentation from vine varieties not included in the classification or obtained from vines planted in violation of Community or national provisions concerning new planting or replanting of vineyards should not enter into circulation within the Community;

Whereas in the light of experience it appears that the fermentation of grape juice and concentrated grape juice should be prohibited except for the purpose of obtaining certain products falling within heading No 22.07 of the Common Customs Tariff; whereas in this connection the putting on the market of wines suitable for yielding table wine which does not have the minimum actual alcoholic strength for table wine should also be prohibited;

Whereas, with a view to maintaining a certain level of quality in the products of the wine sector and in order to discourage trade in products derived from vine varieties not included in the classification, provision should be made that only grapes from recommended or authorized vine varieties may be used for the production of grape must with fermentation arrested by the addition of alcohol, concentrated grape must, wine suitable for yielding table wine, table wine, quality wines produced in specified regions (hereinafter called 'quality wines psr') and liqueur wine; whereas for a transitional period it is however justifiable for grapes of varieties classified as temporarily authorized and

varieties obtained from interspecific crossings (direct producer hybrids) to be regarded as suitable for yielding the products listed;

Whereas products covered by this Regulation which are imported from third countries must be subject to rules which ensure a measure of harmony with existing arrangements for Community wines; whereas it appears necessary to provide that certain imported wines intended for direct human consumption must have a minimum actual alcoholic strength by volume corresponding to that of table wines, other than those from zones A and B; whereas, however, delivery for direct human consumption should be allowed in respect of certain wines originating in third countries and bearing a geographical ascription, where the actual alcoholic strength by volume of such wines is at least 8.5 % vol;

Whereas, since oenological practices in certain third countries differ from those followed in the Community, provision should be made for exceptions from the principle that only those products which have been subject to oenological practices allowed under Community rules, or, where such rules do not exist, under national rules, may be offered or delivered for direct human consumption in the Community;

Whereas, bearing in mind the interests of consumers and the desirability of obtaining equivalent treatment for quality wines *psr* in third countries, provision should be made, where reciprocal arrangements can be established, whereby imported wines for direct human consumption bearing a geographical ascription and marketed in the Community may, in certain circumstances, be controlled and protected as provided for in respect of quality wines *psr*;

Whereas it should be provided that all the products specified in Article 1 must be furnished with an accompanying document when circulating within the Community; whereas for these products also the rules on designation and presentation should be adapted;

Whereas the establishment of a single market in the wine sector entails the removal at the internal frontiers of the Community of all obstacles to the free movement of the goods in question;

Whereas there should be provision for adopting suitable measures to ensure the stability of the market when

prices on the Community market appreciably exceed the guide price;

Whereas, if the volume of supplies available in the Community including imports of wine from certain third countries receiving preferential treatment for their imports of wine into the Community, is such as to disturb the Community market, measures should be taken to ensure that producers' incomes are unaffected; whereas to that end it may be necessary to decide on a special distillation of the wine;

Whereas the establishment of a single market based on a common price system would be jeopardized by the granting of certain aid; whereas, therefore, the provisions of the Treaty which allow the assessment of aid granted by Member States and the prohibition of aid which is incompatible with the common market should be made to apply to the wine sector;

Whereas transitional measures may prove necessary to facilitate the transition from one marketing year to another;

Whereas it is advisable, in order to facilitate intra-Community trade and to supplement accordingly the common import arrangements, to provide for the establishment not only of the methods of analysis required to give effect to the provisions of Annexes I and II to this Regulation, but also of all those required for determining the composition of the products specified in Article 1;

Whereas fraud and misrepresentation must be punished effectively and speedily; whereas the increased volume of intra-Community trade makes it more difficult for the specialized authorities in the Member States to perform their functions; whereas arrangements should be made for closer cooperation between the authorities concerned in the Member States in order to prevent or detect any infringement of Community provisions in the wine sector;

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close cooperation between Member States and the Commission within a Management Committee;

Whereas the common organization of the market in wine must take appropriate account, at the same time,

of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas certain expenditure incurred by the Member States as a result of the obligations arising out of the application of this Regulation shall be financed by the Community in accordance with Articles 2 and 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2788/72 ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The common organization of the market in wine shall comprise a price and intervention system, a system of trade with third countries, rules concerning production and for controlling planting and rules concerning oenological processes and conditions for release to the market.

2. It shall apply to the following products:

CCT heading No	Description
(a) 20.07 A I B I a) 1 B I b) 1	Grape juice (including grape must), whether or not containing added sugar, but unfermented and not containing spirit
(b) 22.04 22.05	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol (including mistelle)
(c) 08.04 A II 22.10 A	Fresh grapes other than table grapes Wine vinegar
(d) 22.07 A 23.05 A 23.06 A I	Piquette Wine lees Grape marc

3. As regards Title IV, only Articles 48 to 54 shall apply to grape juice and concentrated grape juice and, if

intended for the preparation of grape juice, to grape must and concentrated grape must.

4. (a) Definitions of alcoholic strengths shall be as set out in Annex I;

(b) Definitions of the following shall be as set out in Annex II:

— fresh grapes, grape must, grape must in fermentation, grape juice, concentrated grape juice, wine, new wine still in fermentation, wine vinegar, wine lees, grape marc, piquette, wine fortified for distillation; and

— the following Community produced products: grape must with fermentation arrested by the addition of alcohol, concentrated grape must, wine suitable for yielding table wine, table wine, liqueur wine, sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine;

(c) Definitions of the products set out in the second indent of (b) originating in third countries, with the exception of table wine and wine suitable for yielding table wine, shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission.

5. Quality wines psr shall be wines defined in Article 1 of Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions ⁽³⁾.

TITLE I

Prices and intervention

Article 2

1. A guide price shall be fixed annually, before 1 August, for each type of table wine representative of Community production.

2. The guide price shall be fixed on the basis of average prices recorded for the type of wine in question during the two wine-growing years preceding the date of fixing and on the basis of price trends during the current wine-growing year.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 295, 30. 12. 1972, p. 1.

⁽³⁾ See page 48 of this Official Journal.

These quotations shall be recorded at the production stage on the markets in Community wine-growing regions which market a substantial proportion of their own table wine production.

3. The guide price shall be fixed at the production stage and shall be valid from 16 December of the year in which it is fixed until 15 December of the following year.

It shall be expressed, according to the type of wine, either in units of account per % vol/hl or in units of account per hl.

4. The guide prices and the types of wine to which they apply shall be determined in accordance with the procedure laid down in Article 43 (2) of the Treaty.

Article 3

1. The Council, acting by a qualified majority on a proposal from the Commission, shall fix annually before 16 December a threshold price activating the intervention system (hereinafter called the 'activating price') for each type of wine for which a guide price is fixed.

2. The activating price shall be fixed in the light of the following factors:

- (a) the state of the market and in particular the extent of price fluctuations;
- (b) the need to ensure price stability on the markets without causing structural surpluses to build up in the Community;
- (c) the quality of the harvest;
- (d) the information contained in the forward estimates provided for in Article 5.

It may not, however, exceed 95 % of the corresponding guide price.

3. The activating price shall be fixed at the same stage and shall be valid during the same period as the guide price.

Article 4

1. For each type of wine for which a guide price is fixed, the Commission shall, on the basis of all the facts available to it, establish each week and publish in the 'C' series of the *Official Journal of the European Communities*:

- (a) an average producer price (hereinafter called the 'average price') for each representative market for the relevant type of table wine;

- (b) for table wines of types R III, A II and A III, a representative Community price (hereinafter called the 'representative price'), corresponding to the weighted average of all the average prices established;

- (c) for table wines of types R I, R II and A I, a representative Community price (hereinafter called the 'representative price') corresponding to the weighted average of half the average prices established. This half shall be constituted by the lowest average prices. Where the number of average prices to be used is not a whole number, it shall be rounded up to the whole number immediately above.

Where the application of the aforementioned rules results in the number of average prices to be used being less than five in the case of table wine of type R I and less than three in the case of table wines of types R II and A I, the five lowest prices and the three lowest prices respectively shall be used. However, if the total number of average prices established is lower than the said figures, all the average prices established shall be used.

The weighted averages referred to in (b) and (c) shall be calculated on the basis of the volumes to which the average prices used refer.

2. Member States shall supply the Commission with all relevant information for fixing the prices provided for in paragraph 1, and in particular the producer prices recorded on the representative markets for each type of table wine and the quantities to which they relate.

3. Detailed rules for the application of this Article, and in particular the list of representative markets and the methods for recording prices, shall be adopted in accordance with the procedure laid down in Article 67.

Article 5

1. A forward estimate shall be drawn up before 10 December of each year for the purpose of determining the Community's resources and estimating its needs, including foreseeable imports from and exports to third countries.

2. The forward estimate of the Community's wine resources and needs shall show the proportion of table wines and quality wines *psr*, respectively.

3. For each wine-growing year, the Commission shall provide the Council with final estimates of Community resources and uses in the preceding wine-growing year.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 6

1. Producers subject to the obligations referred to in Article 39 shall be entitled to benefit from the intervention measures under this Article provided they have complied with the above obligations for a reference period to be determined.

2. With the exception of table wines of types R III, A II and A III, table wines with an actual alcoholic strength by volume equal to or below 9.5 % vol shall be excluded from all intervention measures provided for in this Title other than those provided for in Articles 11 and 13.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 7

1. A system of aid is hereby instituted for the private storage of table wine.

Aid shall be granted subject to the conclusion with intervention agencies, on terms and conditions to be determined, of one of the following types of storage contract:

- contracts valid for a period of three months, hereinafter called 'short-term contracts',
- contracts valid for a period of nine months, concluded between 16 December and 15 February of the following year, hereinafter called 'long-term contracts'.

2. Short-term contracts may be entered into in respect of a type of table wine only when the representative price of that table wine remains below the activating price for two consecutive weeks. They may no longer be entered into when the representative price for this type of wine is above the activating price for two consecutive weeks.

If the state of the market so requires, a decision may be taken to allow short-term contracts to be concluded in respect of table wines other than those of the type for which they may be concluded in accordance with the first subparagraph, where such table wines are closely related economically to that type of table wine. Such contracts may no longer be entered into in respect of these wines when they are not permissible in respect of the type of table wine to which they are closely related economically.

3. Independently of the provisions of paragraph 2, short-term contracts may be entered into in respect of a given wine-growing zone or part thereof when, in

particular because of an exceptionally abundant harvest, an imbalance appears at the beginning of the wine year in such zone or part thereof between the quantities available and the quantities that can be sold.

4. Long-term contracts may be entered into in respect of certain types of table wine to be specified, if the estimates for a wine year show that the quantity of such wines available at the beginning of that year exceeds foreseeable requirements for that year by more than four months' consumption.

For the purpose of calculating the quantity available as referred to in the first subparagraph, the quantitative effects of the distillation of wines produced from table grapes referred to in Article 41 and of the distillation decided upon beforehand under Article 40 shall be deducted.

5. Where and for such time as long-term contracts may be entered into in accordance with paragraph 4, the application of paragraph 2 or 3 shall be suspended in respect of the same type of table wine. This suspension of application shall also apply to wines that are closely related economically to the table wine concerned.

6. Decision to permit the conclusion of storage contracts pursuant to the second subparagraph of paragraph 2 and to paragraphs 3 and 4 shall be taken in accordance with the procedure laid down in Article 67.

The same procedure shall be followed:

- (a) for deciding, if justified by the development of the market situation and in particular by the rate of conclusion of storage contracts, that long-term contracts may no longer be entered into even before 15 February;
- (b) for adopting other detailed rules for the application of this Article, and in particular the time limit for the decisions to be taken in accordance with the second subparagraph of paragraph 2.

7. The Commission shall decide whether storage may or may not be entered into in accordance with the first subparagraph of paragraph 2 and whether they may no longer be entered into in accordance with the second subparagraph of paragraph 2.

Article 8

1. A system of aid is hereby instituted for the private storage of grape must and concentrated grape must.

Private storage aid shall be granted subject to the conclusion with the intervention agencies, on terms and conditions to be determined, of one of the following types of storage contract:

- contracts valid for a period of three months, hereinafter called 'short-term contracts',
 - contracts valid for a period of nine months, hereinafter called 'long-term contracts'.
2. If the market situation so requires, and in particular:
- when preventive distillation is decided on pursuant to Article 11, the conclusion of short-term contracts may be permitted between 1 September and 15 December following;
 - when a decision is taken to allow long-term private storage contracts for table wines to be concluded, the conclusion of long-term contracts may be permitted between 16 December and the end of the February following. However, grape must intended for the production of grape juice may be excluded from this option.
3. The decision to allow the conclusion of storage contracts in accordance with paragraph 2 and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 9

1. As soon as private storage aid measures take effect the intervention agencies designated by Member States shall conclude with producers who so request storage contracts for the wines and musts covered by such measures.
2. The conclusion of storage contracts shall be subject to conditions relating in particular to the quality of the products in question.
3. For table wines, storage contracts may contain provision for the termination of aid payments and of the producer's corresponding obligations in respect of all or part of the quantities stored if, for two consecutive weeks, the representative price of the type of table wine concerned is equal to or above the guide price for that type of table wine.
4. The amount of private storage aid may cover only technical storage costs and interest charges, both of which shall be fixed at a standard rate.

However, for long-term storage contracts, the amount thus determined may be increased by not more than 20 % to take account of the risks inherent in such contracts.

For concentrated grape musts this amount may be adjusted by a coefficient corresponding to the degree of concentration.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 10

1. Where the foreseeable size of stocks held by producers at the end of the marketing year and the prospects for the following harvest indicate that difficulties may arise in storing that harvest, it may be decided to grant aid for the re-storage of table wines which are the subject of short-term or long-term storage contracts.

2. Detailed rules for the application of paragraph 1, in particular as regards the period of application, the contracts to which the provisions of that paragraph shall apply, the amount of aid and the conditions of re-storage shall be laid down in accordance with the procedure provided for in Article 67.

Article 11

1. Where, during the period 1 September to 15 December following, the quantity of table wines of all types under storage contracts is equal to or greater than seven million hectolitres, preventive distillation may be decided on for all wines, except:

- wines produced from table grapes,
- wines produced from varieties of vines obtained from interspecific crossings (direct producer hybrids) falling into the category of provisionally authorized varieties,
- wines suitable for producing certain potable spirits obtained from wine with a registered designation of origin.

2. The buying-in price for wines delivered for distillation under paragraph 1 shall be 55 % of the guide price for table wines of type A I which comes into force in the same year as that of the harvest.

However, for the 1978 harvest the buying-in price shall be fixed at 60 % of the guide price referred to in the preceding subparagraph.

The price paid by the distiller may not be lower than the buying-in price.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules concerning the distillation referred to in paragraph 1 and in particular concerning:

- the conditions under which distillation may be carried out,
- the criteria for determining the amount of aid which will enable the distilled products to be disposed of.

4. The decision to carry out the distillation referred to in paragraph 1 and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 12

1. Where the market support measures referred to in this Regulation are inadequate and where the representative price of a type of table wine remains lower than the activating price for three consecutive weeks, additional measures applicable to holders of long-term storage contracts for the type of table wine in question shall be taken to maintain prices at a level higher than the activating price.

2. The additional measures referred to in paragraph 1 shall become applicable at the normal date of expiry of the storage contracts concerned and in respect of wines which, when taken out of storage, comply with conditions to be laid down.

These measures may consist in particular:

- in storage of the wines in question during a period to be determined in accordance with the conditions laid down for long-term storage,
- in the distillation of these wines, or of a corresponding quantity thereof, at the activating price obtaining at the time when these long-term storage contracts are concluded.

Such measures may be combined.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules concerning the distillation referred to in paragraph 2 and in particular concerning:

- the conditions under which distillation may be carried out,
- the criteria for determining the amount of aid which will enable the distilled product to be disposed of.

4. The decision to introduce the measures referred to in paragraph 1 and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

5. The provisions of this Article shall apply to the 1978/79 and 1979/80 wine years.

Article 13

1. In years in which the harvest of wine suitable for producing certain potable spirits obtained from wine with a registered designation of origin exceeds the volume of wine used for this purpose in the previous wine year by one million hectolitres, it may be decided that the wines in question may be distilled.

2. The buying-in price for wine delivered for distillation under paragraph 1 shall be that laid down in Article 40 (3) for the wine year concerned. The price

paid by the distiller may not be less than the buying-in price.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules concerning the distillation referred to in paragraph 1 and in particular concerning:

- the conditions under which this distillation may be carried out,
- the criteria for determining the amount of aid so as to enable the distilled products to be disposed of.

4. The decision to carry out the distillation referred to in paragraph 1 and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 14

1. If it appears necessary, on the basis of crop forecasts, to enrich a considerable proportion of production, an aid may be granted for concentrated grape must produced within the Community which is used to increase the alcoholic strength referred to in Article 32 hereof and Article 8 (2) of Regulation (EEC) No 338/79. The grant of this aid may be reserved for concentrated grape must produced in wine-growing zone C III if the current trade patterns in concentrated grape must and blending wines cannot be guaranteed without this measure.

2. The amount of and conditions for aid as well as any other arrangements for applying this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 15

1. Where application of the market support measures provided for in this Regulation is unlikely to be effective in restoring price levels, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt provisions concerning the distillation of table wines.

2. Such measures shall state the conditions under which distillation may be carried out and shall fix the price of the wine delivered for distillation.

These conditions, which may be varied according to the wine-growing zone:

- (a) shall be such as to ensure that the balance of the market in ethyl alcohol is not adversely affected;
- (b) shall not be such as to encourage the production of wine of insufficient quality.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

TITLE II

Trade with third countries

Article 16

1. Imports into the Community of any of the products specified in Article 1 (2) (a) and (b) shall be conditional on the production of an import licence. Exports of any of the products referred to in Article 1 (2) may be made conditional on the production of an export licence.

2. Member States shall issue a licence to any applicant upon request irrespective of the place of his establishment in the Community.

Licences shall be valid throughout the Community.

The issue of such licences shall be conditional on the provision of a security guaranteeing the obligation to import or export during the period of validity of the licence. Such security shall be forfeited in whole or in part if the transaction is not effected, or is only partially effected, within that period.

3. The list of products for which export licences are required shall be determined in accordance with the procedure laid down in Article 67.

The period of validity of licences and other detailed rules for the application of this Article shall be determined in accordance with the same procedure.

Article 17

1. A reference price shall be fixed annually before 16 December for the following products in bulk form:

- red wine,
- white wine,

falling within subheading 22.05 C of the Common Customs Tariff.

These reference prices, expressed in units of account per % vol/hl or in units of account per hl, shall be fixed on the basis of the guide prices for the types of red and white table wine most representative of Community production, plus the costs incurred in bringing Community wines to the same marketing stage as imported wines.

Reference prices shall also be fixed in respect of:

- grape juice (including grape must) falling within subheading 20.07 B I of the Common Customs Tariff,
- concentrated grape juice (including grape must) falling within subheadings 20.07 A I and B I of the Common Customs Tariff,
- grape must with fermentation arrested by the addition of alcohol within the meaning of Additional Note 4 (a) to Chapter 22 of the Common Customs Tariff,
- wine fortified for distillation within the meaning of Additional Note 4 (b) to Chapter 22 of the Common Customs Tariff,
- liqueur wine within the meaning of Additional Note 4 (c) to Chapter 22 of the Common Customs Tariff.

Where wines are presented in containers of two litres or less, the reference price shall be increased by a fixed amount corresponding to the normal packaging cost.

Special reference prices may be fixed in respect of the products referred to in the first and third subparagraphs if they have special characteristics or are intended for special uses.

Reference prices shall be valid from 16 December of the year in which they are fixed until 15 December of the following year.

2. In respect of each product for which a reference price is fixed, a free-at-frontier offer price for all imports shall be determined on the basis of all available information.

If exports from one or more third countries are effected at abnormally low prices, lower than the prices ruling in other third countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

3. Where the free-at-frontier offer price for a product for which a reference price is fixed plus the customs duties actually charged is lower than the reference price for that product, imports of that product shall be subject to a countervailing charge equal to the difference between the reference price and the free-at-frontier offer price plus the customs duties actually charged.

However, the countervailing charge shall not be levied on imports from third countries which are prepared and in a position to guarantee that the price for imports of products originating in and coming from their territory will not be lower than the reference price less the customs duties actually charged and that any deflection of trade will be avoided.

A decision may be taken not to levy all or part of the countervailing charge on imports of certain quality wines produced in third countries.

4. Where it is impossible to determine a free-at-frontier offer price for a product for which a reference price has been fixed, a derived countervailing charge shall be fixed. The derived countervailing charge shall be established by multiplying the countervailing charge valid for a product closely related economically to the product concerned by a coefficient established by reference to the ratio existing on the Community market between the average prices of the product concerned.

5. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

6. Reference prices, countervailing charges and detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 18

1. For the purposes of this Regulation, free-at-frontier reference price means the reference price referred to in Article 17 less customs duties actually levied.

2. Member States shall inform the Commission of individual cases of failure to observe the free-at-frontier reference price in respect of imports of wine originating in the third countries referred to either in the second subparagraph of Article 17 (3) or in the following paragraph of this Article.

3. Any import of wines falling within the Common Customs Tariff heading No 22.05 and originating in third countries granted preferential tariff concessions, provided the free-at-frontier reference price is observed, shall not benefit from the preferential duty in the event of failure to observe this price.

4. Without prejudice to any other methods that may be used to check the reference price, granting of the tariff concessions referred to in paragraph 3 shall be subject to presentation of a document issued by the competent authorities of the exporting country certifying that the free-at-frontier reference price has been observed.

5. If the cases referred to in paragraph 2 are significant as regards imports of wines originating in third countries referred to in paragraph 3 and without prejudice to any measures that may be adopted on the basis of Article 17, it shall be decided, in accordance with the procedure laid down in Article 67, that any

future imports originating in those countries that have failed to observe the free-at-frontier reference price shall not benefit from the preferential duty.

6. Any measures adopted on the basis of Article 17 and the measures referred to in paragraph 5 above shall be the subject of a monthly review in accordance with the procedure laid down in Article 67.

7. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67. These rules shall in particular specify the factors that are to be taken into consideration in establishing the free-at-frontier offer price for each import.

8. The Commission shall fix the free-at-frontier reference price according to the origin of the imported products.

Article 19

1. In addition to the customs duties and countervailing charge referred to in Article 17 (3), a levy on added sugar content shall be charged on imports of the products referred to in Article 1 (2) (a) falling within subheadings 20.07 A I b) 1, B I b) 1 aa) 11 and B I b) 1 bb) 11 of the Common Customs Tariff, such levy to be established as specified in the following paragraphs.

2. The levy, per 100 kilograms net weight of imported product, shall be equal to the difference between:

- (a) the average of the threshold prices for one kilogram of white sugar fixed for each of the three months of the quarter for which the said difference is to be determined, and
- (b) the average of the cif prices for one kilogram of white sugar adopted for fixing the levies applicable to white sugar, calculated over a period comprising the first 15 days of the month immediately preceding the quarter for which the difference is to be determined and the two months immediately preceding that month, that difference being multiplied by the figure shown in column 1 of Annex VI for the product in question.

If the amount specified in (b) is higher than that specified in (a), no levy shall be charged.

3. The difference as specified in paragraph 2 shall be determined by the Commission for each quarter of the calendar year.

4. If the threshold price referred to in paragraph 2 (a) is altered during any quarter, the Council, acting by a qualified majority on a proposal from the Commission,

shall decide whether the difference should be adjusted and, if so, shall prescribe the measures to be taken to that end.

5. If, on the 15th day of the month preceding the quarter for which the difference as specified in paragraph 2 is to be determined, a factor necessary for the calculation of that difference is not known, the Commission shall calculate the difference using in place of the missing factor the figure taken into consideration in calculating the difference applicable during the current quarter.

A corrected difference shall be determined by the Commission and shall be operative from the 16th day at the latest following the day on which the missing factor becomes known.

If, however, the factor in question does not become known until after the beginning of the last month of the quarter in question, the difference shall not be corrected.

6. If the added sugar content per 100 kilograms net weight of imported product, as determined in accordance with paragraph 8, is less by two kilograms or more than that content as expressed by the figures shown in column 1 of Annex VI for the product in question and if the importer so requests, the levy shall be calculated per 100 kilograms net weight of imported product by multiplying the difference specified in paragraph 2 by a figure representing the added sugar content as defined in paragraph 8.

7. If the added sugar content per 100 kilograms net weight of imported product, as determined in accordance with paragraph 8, is higher by three kilograms or more than that content as expressed by the figure shown in column 1 of Annex VI, the levy shall be calculated in accordance with paragraph 6.

8. The figure to be regarded as representing the added sugar content shall be that obtained by refractometry as described in Annex III to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as amended by Regulation (EEC) No 1152/78⁽²⁾, multiplied by the factor 0.95 in the case of the grape juices specified in Annex VI to this Regulation, minus the figure shown in column 2 of that Annex for the product in question.

9. Detailed rules for the application of paragraphs 1 to 8 shall be adopted as necessary in accordance with the procedure laid down in Article 67.

10. The Council, acting by a qualified majority on a proposal from the Commission, may amend Annex VI.

Article 20

1. To the extent necessary to enable the products listed in Article 1 (2) to be exported in economically significant quantity on the basis of the prices for those products on the world market, the difference between those prices and prices in the Community may be covered by an export refund. The Council may limit the application of the provisions of this paragraph in accordance with the procedure laid down in paragraph 3.

2. The refund shall be the same for the whole Community. It may be varied according to use or destination.

The refund shall be granted on application by the party concerned.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the granting of export refunds and criteria for fixing the amount of such refunds.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Refunds shall be fixed at regular intervals in accordance with the same procedure.

5. Where necessary the Commission may, at the request of a Member State or on its own initiative, alter the refunds in the intervening period.

Article 21

1. A refund shall be granted in respect of exports to third countries of sugars falling within heading No 17.01 and of glucose and glucose syrup falling within subheading 17.02 B II, whether or not in the form of products falling within subheading 17.02 B I, incorporated in the products falling within subheadings 20.07 A I b) 1, B I b) 1 aa) 11 and B I b) 1 bb) 11 of the Common Customs Tariff. The refund shall be granted on application by the party concerned.

2. The refund to be granted per 100 kilograms net weight of exported product shall be equal:

— in the case of raw sugar and white sugar, to the refund, fixed per kilogram of sucrose in accordance with Article 19 of Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar⁽³⁾, as last amended by Regulation (EEC) No 1396/78⁽⁴⁾, and

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 144, 31. 5. 1978, p. 1.

⁽³⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽⁴⁾ OJ No L 170, 27. 6. 1978, p. 1.

with the provisions adopted in implementation thereof for the products specified in Article 1 (1) (d) of that Regulation, multiplied by a figure expressing the quantity of sucrose utilized per 100 kilograms net weight of finished product,

- in the case of glucose and glucose syrup, to the respective refunds fixed for those products in accordance with Article 16 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1254/78 ⁽²⁾, and with the provisions adopted in implementation thereof, multiplied by a figure expressing the quantity of glucose or glucose syrup utilized per 100 kilograms net weight of finished product.

The figures expressing the quantities of sucrose, glucose or glucose syrup shall be determined on the basis of the declaration provided for under Article 7 of Regulation (EEC) No 516/77.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for granting refunds.

4. Detailed rules for the application of this Article shall as necessary be adopted in accordance with the procedure laid down in Article 67.

Article 22

1. The levy referred to in Article 19 (1) and the refund referred to in Article 21 shall be those applicable on the day of importation or exportation.

2. To qualify for the refund referred to in Article 21 the products specified in that Article must be accompanied by a declaration from the party concerned indicating the amounts of sucrose, glucose and glucose syrup incorporated therein.

3. Where the provisions of Article 19 (6) and (7) apply, the products listed in paragraph 1 of that Article must be accompanied by a declaration from the importer indicating the added sugar content established by the method described in Article 19 (8); however, where this condition is not fulfilled Article 19 (6) shall not apply.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 156, 14. 6. 1978, p. 1.

4. The accuracy of the declarations referred to in the preceding paragraphs shall be subject to control by the competent authorities of the Member State concerned.

5. Detailed rules for the application of this Article shall be adopted as necessary in accordance with the procedure laid down in Article 67.

Article 23

To the extent necessary for the proper working of the common organization of the market in wine, the Council, acting by a qualified majority on a proposal from the Commission, may prohibit, in whole or in part, the use of inward processing arrangements in respect of some or all of the products listed in Article 1 (2).

Article 24

1. The Common Customs Tariff is amended in accordance with Annex V.

The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of Annex V to this Regulation shall be incorporated in the Common Customs Tariff.

2. Save as otherwise provided in this Regulation or by the Council, acting by a qualified majority on a proposal from the Commission, the following shall be prohibited:

- (a) the levying of any charge having effect equivalent to a customs duty, subject to the provisions of Article 2 of Council Regulation (EEC) No 541/70 of 20 March 1970 relating to the agriculture of the Grand Duchy of Luxembourg ⁽³⁾, as last amended by Regulation (EEC) No 3266/76 ⁽⁴⁾;
- (b) the application of any quantitative restriction or measure having equivalent effect.

The restriction of import or export licences to a specified category of those entitled to receive them shall be one of the measures considered as having effect equivalent to a quantitative restriction.

Article 25

1. Imports of products listed in Article 1 (2) to which alcohol has been added, with the exception of products corresponding to those originating in the Community in

⁽³⁾ OJ No L 68, 25. 3. 1970, p. 3.

⁽⁴⁾ OJ No L 356, 29. 12. 1976, p. 13.

respect of which such addition is allowed in application of Article 42 (1) and (2), shall be prohibited.

2. Detailed rules for the application of this Article, and in particular the conditions under which products are considered as corresponding, shall be adopted in accordance with the procedure laid down in Article 67.

Article 26

1. If by reason of imports or exports the Community market in one or more of the products listed in Article 1 (2) experiences or is threatened with serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

In assessing whether the situation justifies the application of such measures, account shall be taken in particular:

- (a) of the quantities for which import licences have been issued or requested and of the information provided by the forward estimate;
- (b) of the extent of any intervention measures.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the application of this paragraph and define the cases in which and the limits within which Member States may take protective measures.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within 24 hours following the receipt thereof.

3. The measures decided upon by the Commission may be referred to the Council by any Member State within three working days following the day on which they were communicated. The Council shall meet without delay. Acting by a qualified majority it may amend or repeal the measures in question.

TITLE III

Rules concerning production and for controlling planting

Article 27

Member States shall keep a check by annual surveys on areas for the production of vegetative propagation material for vines.

Article 28

1. Each year:

- (a) producers of must and wine shall declare the quantities they have produced during the year;
- (b) producers of must and wine, and merchants other than retailers, shall declare their stocks of must and wine, whether from the current year's harvest or from the harvest of preceding years. Must and wine imported from third countries shall be stated separately.

2. So long as the development of the common wine-growing policy does not require stock declarations to be made before the harvest on a date fixed in accordance with the procedure laid down in Article 67, the harvest and stock declarations shall be made simultaneously not later than 31 December in each Member State.

3. This provision shall not affect the maintenance in certain Member States of two different dates, one for stock declarations and the other for harvest declarations, provided that the information collected is adjusted in such a way that its use at Community level remains possible.

4. Detailed rules for the application of Articles 27 and 28 shall be adopted in accordance with the procedure laid down in Article 67.

Article 29

1. The following shall be prohibited:

- (a) aid for new planting of vineyards;
- (b) aid for replanting which has the effect of increasing wine production beyond the levels resulting from the rationalization of wine-growing and affords no qualitative improvement in production.

2. However, the granting of national aid may be authorized, case by case, in accordance with the procedure laid down in Article 67 if such aid relates to wine-growing regions for which:

- (a) wine-growing provides a major element of agricultural income;
- (b) the granting of such aid is likely to improve that income.

Article 30

1. The Council, acting by a qualified majority on a proposal from the Commission shall adopt general rules

for the classification of vine varieties. These rules shall in particular provide for:

- a classification of such vine varieties, by administrative units or parts thereof, into recommended varieties, authorized varieties and provisionally authorized varieties,
- the possibility for a Member State to derogate from the provisions of paragraph 2 with a view to investigating the suitability of a vine variety for its environment, undertaking scientific research, selective crossing and hybridization, or the production of material for the vegetative propagation of grape vines for export.

2. Without prejudice to any more restrictive Community provisions, only recommended varieties and authorized vine varieties may be used for new planting, replanting or grafting in the Community.

3. The withdrawal from cultivation of areas planted with:

- (a) vine varieties classified, on 31 December 1976, as temporarily authorized varieties, must be completed:
 - before 31 December 1979 for varieties obtained from interspecific crossings (direct producer hybrids),
 - before 31 December 1983 for other varieties;
- (b) vine varieties classified as temporarily authorized after 31 December 1976 must be completed within 15 years from the date on which the variety was thus classified.

The further cultivation of vine varieties which are not classified is prohibited.

4. The classification of vine varieties and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 31

1. Until 31 March 1980, any natural or legal person or group of persons who, during the current wine-growing year:

- intends to plant, replant, grub-up or definitively cease to cultivate vines,
- has planted, replanted, grubbed-up or definitively ceased to cultivate vines,

shall be obliged to notify the competent authority of the Member State concerned by a date to be determined by the authority in question.

The competent authority of the Member State concerned shall acknowledge receipt of the notification referred to in the first subparagraph by issuing a licence.

The Member States shall send to the Commission annually before 15 January, on the basis of the notifications referred to in paragraph 1, a national plan showing:

- the areas which are intended for planting, replanting, grubbing-up or cessation of cultivation,
- the areas which have been planted, replanted, grubbed-up or the cultivation of which has ceased,
- the developments in production potential shown by these notifications.

The plan referred to in the third subparagraph shall be submitted in respect of the following geographical units:

- in the Federal Republic of Germany: the wine-growing regions defined in accordance with Article 2 of Regulation (EEC) No 338/79,
- in France: the departments or groups of departments listed in the Annex to Regulation (EEC) No 357/79 ⁽¹⁾,
- in Italy: the regions listed in Annex III,
- in the other Member States concerned: their entire national territory.

The Member States may exempt the natural or legal persons or group of persons referred to in the first subparagraph from making the notifications referred to in the second indent of this paragraph if they possess the information as a result of other declarations made on the basis of official provisions.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt before 31 December 1979 the necessary measures for declarations relating to the planting, replanting, grubbing-up or cessation of cultivation of vines which shall be applicable from 1 April 1980.

3. Each year, before 1 April, the Commission shall submit a report to the Council recording, in particular, the ratio between production and utilization and estimating foreseeable changes in that ratio.

4. This report shall be drawn up in particular:

- (a) until 31 March 1980, on the basis of the plans referred to in the third subparagraph of paragraph 1;
- (b) as from 1 April 1980, on the basis of the statistical surveys of the areas under vines provided for in Regulation (EEC) No 357/79.

⁽¹⁾ See page 24 of this Official Journal.

5. If that report shows that production is tending to exceed foreseeable utilization and, as a consequence, is liable to endanger the income of wine growers, the Council shall adopt, in accordance with the procedure laid down in Article 43 (2) of the Treaty, within the framework of a compulsory Community plan, the provisions regarding new planting and replanting of vines which are necessary to prevent the formation of structural surpluses.

6. The provisions of this Article shall not prevent the application of more restrictive national regulations regarding new planting and replanting of vines.

7. Detailed rules for the application of paragraph 1, 3 and 4 shall be adopted in accordance with the procedure laid down in Article 67.

TITLE IV

Rules concerning oenological processes and conditions for release to the market

Article 32

1. Where climatic conditions have made it necessary in certain wine-growing zones of the Community, the Member States concerned may permit the natural alcoholic strength by volume, actual or potential, of fresh grapes, grape must, grape must in fermentation, and new wine still in fermentation, obtained from the vine varieties covered by Article 49, as well as of wine suitable for yielding table wine and table wine, to be increased.

The products referred to in the first subparagraph may not be subjected to an increase in natural alcoholic strength by volume unless their minimum natural alcoholic strength by volume is as follows:

- in wine-growing zone A: 5 % vol,
- in wine-growing zone B: 6 % vol,
- in wine-growing zone C I (a): 7.5 % vol,
- in wine-growing zone C I (b): 8 % vol,
- in wine-growing zone C II: 8.5 % vol,
- in wine-growing zone C III: 9 % vol.

The increase in minimum natural alcoholic strength by volume shall be effected according to the oenological processes referred to in Article 33 and may not exceed the following limits:

- in wine-growing zone A: 3.5 % vol,
- in wine-growing zone B: 2.5 % vol,
- in wine-growing zone C: 2 % vol.

The limit referred to in the previous subparagraph for wine-growing zone A shall be raised to 4 % vol until 31

January 1980 for products obtained from production areas to be determined and obtained from red vine varieties to be determined.

2. In years when climatic conditions have been exceptionally unfavourable, the alcoholic strength by volume provided for in the third subparagraph of paragraph 1 may be increased to the following level:

- wine-growing zone A: 4.5 % vol,
- wine-growing zone B: 3.5 % vol.

The limit referred to in the first indent of the preceding subparagraph shall be increased to 5 % vol until 31 January 1980 for products coming under the fourth subparagraph of paragraph 1.

3. The wine-growing zones referred to in this Article are those set out in Annex IV.

4. Detailed rules for the application of this Article, and in particular the decisions authorizing the increases provided for in paragraph 2, shall be adopted in accordance with the procedure laid down in Article 67.

Article 33

1. The increase in natural alcoholic strength by volume provided for in Article 32 may only be effected:

- (a) in respect of fresh grapes, grape must in fermentation or new wine still in fermentation, by adding sucrose or concentrated grape must;
- (b) in respect of grape must, by adding sucrose or concentrated grape must or by partial concentration;
- (c) in respect of wine suitable for yielding table wine and table wine, by partial concentration through cooling.

2. The processes mentioned in paragraph 1 shall be mutually exclusive.

3. The addition of sucrose provided for in paragraph 1 (a) and (b) may only be made by sugaring in the dry and only in wine-growing regions in which it is traditionally or exceptionally practised in accordance with legislation existing on 8 May 1970.

However, until 30 June 1979, sucrose may be added in aqueous solution in certain wine-growing regions of wine-growing zone A, provided that the increase in volume of the product to which the solution is added does not exceed 15 %.

4. The addition of concentrated grape must shall not have the effect of increasing the initial volume of fresh crushed grapes, grape must, grape must in fermentation

or new wine still in fermentation by more than 11 % in wine-growing zone A, 8 % in wine-growing zone B and 6.5 % in wine-growing zones C.

If Article 32 (2) is applied, the limits on increases of volume shall be raised to 15 % in wine-growing zone A and to 11 % in wine-growing zone B.

5. The subjection to concentration of grape must, of wine suitable for yielding table wine or of table wine shall not have the effect of reducing the initial volume of these products by more than 20 % and in no case shall it increase by more than 2 % vol their natural alcoholic strength by volume.

6. In no case shall the abovementioned processes have the effect of raising to more than 11.5 % vol in wine-growing zone A, 12 % vol in wine-growing zone B, 12.5 % vol in wine-growing zones C I (a) and C I (b), 13 % vol in wine-growing zone C II and 13.5 % vol in wine-growing zone C III, the total alcoholic strength by volume of the fresh grapes, grape must, grape must in fermentation, new wine still in fermentation, wine suitable for yielding table wine or table wine subjected to those processes.

However, for red wine, the total alcoholic strength by volume of the products mentioned in the first subparagraph may be raised to 12 % vol in wine-growing zone A and 12.5 % vol in wine-growing zone B.

7. Wine suitable for yielding table wine and table wine may not be concentrated when the products from which they were obtained have themselves been subjected to the processes mentioned in paragraph 1 (a) and (b).

8. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 34

1. Fresh grapes, grape must, grape must in fermentation and new wine still in fermentation may be the subject of:

- partial deacidification in wine-growing zones A, B, C I (a) and C I (b),
- acidification and deacidification in wine-growing zone C II, subject to the provisions of paragraph 3,
- acidification in wine-growing zone C III.

Acidification may only be carried out subject to an upper limit of 1.50 g/l expressed in tartaric acid, or 20 milliequivalents.

Moreover, grape must intended for concentration may be the subject of partial deacidification.

2. In years when climatic conditions have been exceptional:

- additional acidification may be authorized up to a limit of 1.50 g/l expressed in tartaric acid, or 20 milliequivalents:
 - for the products referred to in paragraph 1 originating from zones C II and C III,
 - or for wine from the same wine-growing zones, provided that acidification is carried out in the installations of the person who used the grapes and grape must from which the wine originated,
- acidification of the products referred to in paragraph 1 may be authorized in wine-growing zones C I (a) and C I (b) in the conditions referred to in paragraph 1 in the case of zones C II and C III,
- partial deacidification of wine from wine-growing zones A, B, C I (a), C I (b) and C II may be authorized provided that the deacidification is carried out in the installations of the person who used the grapes and grape must from which the wine originated.

3. Acidification and enrichment, except by way of derogation to be decided case by case, and acidification and deacidification of one and the same product shall be mutually exclusive processes.

4. The authorizations pursuant to paragraph 2, the derogations referred to in paragraph 3 and the other detailed rules for the application of this Article, and in particular the conditions under which the operations referred to in paragraph 2 may be carried out, shall be adopted in accordance with the procedure laid down in Article 67.

Article 35

1. The sweetening of table wine shall only be authorized:

- (a) with grape must which has at most the same total alcoholic strength by volume as the table wine in question, if the fresh grapes, grape must, grape must in fermentation, new wine still in fermentation or wine suitable for yielding table wine, or the table wine itself, have been subjected to one of the processes mentioned in Article 33 (1);
- (b) with concentrated grape must or grape must, provided that the total alcoholic strength by volume of the table wine in question is not raised by more than 2 % vol, if the products mentioned under (a) have not been subjected to one of the processes mentioned in Article 33 (1).

2. The sweetening of imported wines intended for direct human consumption and bearing a geographical ascription shall be forbidden within the territory of the Community.

The sweetening of imported wines other than those referred to in the first subparagraph shall be subject to rules to be determined.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 36

1. None of the processes mentioned in Articles 33 and 34 shall be authorized unless carried out as a single operation at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine suitable for yielding table wine or into table wine, and in the wine-growing zone where the fresh grapes used have been harvested. The same shall apply to the concentration, acidification and deacidification of wines suitable for yielding table wines and of table wines.

Each of the processes referred to in the first subparagraph must be notified to the competent authorities. The same shall apply in respect of the quantities of sucrose or concentrated grape must held in the exercise of their profession by natural or legal persons, or groups of persons, in particular producers, bottlers, processors, and merchants to be determined, at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however, be replaced by entry in a goods inwards and stock utilization register.

2. Those processes, with the exception of those referred to in Article 34 (2), first and third indents, may, subject to derogation justified by exceptional climatic conditions, only be carried out:

- before 1 January, in wine-growing zones C,
 - before 16 March, in wine-growing zones A and B,
- and only for products of the wine harvest immediately preceding those dates.

However,

- concentration by cooling may be practised throughout the year,
- the processes referred to in the first indent of Article 34 (2) may be carried out only before 16 May and only on products of the wine harvest immediately preceding that date,
- the processes referred to in the third indent of Article 34 (2) may be carried out only before 16 June, and only on products of the wine harvest immediately preceding that date.

3. Detailed rules for the application of this Article, and in particular exemptions from the obligation contained in paragraph 1, second subparagraph, and derogations

from the closing dates laid down in paragraph 2, first subparagraph, shall be adopted in accordance with the procedure laid down in Article 67.

Article 37

The application of Articles 32 to 36 to products harvested in Community regions not included within the wine-growing zones specified in Annex IV shall be determined in accordance with the procedure laid down in Article 67.

Article 38

Except by way of derogation decided by the Council, acting by a qualified majority on a proposal from the Commission, the mixing of fresh grapes, grape must, grape must in fermentation or new wines still in fermentation, not possessing the characteristics prescribed for making wine suitable for yielding table wine or for making table wine, with products suitable for yielding such wines or with table wine may not furnish wine suitable for yielding table wine or table wine.

Article 39

1. The overpressing of grapes, whether or not crushed, and the pressing of wine lees shall be prohibited, as also the refermentation of grape marc for purposes other than distillation.

2. With the exception of the producers referred to in paragraph 5 and except by way of derogation save as otherwise decided by the Council, acting by a qualified majority on a proposal from the Commission, any natural or legal person or group of persons manufacturing wine shall be required to distil the grape marc and wine lees relating to such manufacture or, failing that, a corresponding quantity of wine from his or their own production.

Where those subject to the obligation to distil referred to in the first subparagraph do not hold all or part of the by-products connected with the production of wine, they shall be discharged from this obligation in respect of the quantities for which they supply proof that distillation was effected by the individuals who supplied them with the grape must, grape must in fermentation or new wine still in fermentation.

The Member States shall decide on the measures necessary to ensure fair implementation of the second subparagraph with respect to the relationship between those who produced the wine and those who supplied the products connected therewith.

3. The quantities of alcohol contained in products delivered for distillation in accordance with paragraph 2 shall be 10 % at most of the volume of alcohol naturally contained in the products used for the production of wine. The assessment of that volume shall be made on the basis of a standard natural minimum alcoholic strength by volume laid down for each wine year in each wine-growing zone.

4. Those subject to the obligation to distil referred to in paragraph 2 may under certain conditions discharge this obligation:

- by using the lees, the marc, or where appropriate the wine, concerned for the production of potable spirits, or
- by the withdrawal under supervision of the by-products of wine-making.

5. Producers whose vineyards are situated in wine-growing zone A or in the German part of wine-growing zone B shall not be subject to the obligation to distil laid down in paragraph 2.

6. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt provisions concerning the distillation of the products concerned and in particular:

- the price to be paid, according to their alcohol content, for marc, lees and any wine delivered for distillation,
- the criteria for fixing the amount of aid at a level which will enable the distilled products to be disposed of,
- the proportion of the cost incurred by the intervention agencies to be financed by the European Agricultural Guidance and Guarantee Fund, Guarantee Section,
- detailed rules governing the application of the provisions of paragraph 4.

Under the same procedure the Council may exempt certain production regions from the obligation laid down in paragraph 2.

7. Detailed rules for the application of this Article, and in particular the standard natural alcoholic strength by volume referred to in paragraph 3, shall be adopted in accordance with the procedure laid down in Article 67.

Article 40

1. The quantities of alcohol specified in Article 39 (3) may be increased.

The additional rate to be fixed shall be not higher than 6 %. It shall be fixed before 16 December of each year on the basis of data contained in the forward estimate. The rate actually applied must however be such as to

ensure that each region of the Community bears a fair share of the obligation and that the obligatory distillation of wines obtained from table grapes provided for in Article 41 is taken into account.

A decision may be taken to adjust the additional rate according to area on the basis of one or more of the following criteria:

- the yield per hectare,
- the vine variety,
- the colour or the type of the wine,
- the alcoholic strength by volume.

2. The increase referred to in paragraph 1 shall apply to all wine producers except those:

- whose vineyards are situated in the Italian parts of zones C,
- who produce quality wines psr; the exception shall relate to the part of their production to which this designation applies,
- who are exempt under Article 39 (2) and (5) and the second subparagraph of (6).

3. The buying-in price for wine delivered for distillation under paragraph 1 shall be 50 % of the guide price for table wine of type A I which enters into force in the year of the harvest concerned.

For the 1978/79 wine year, it shall be 55 % of the guide price referred to in the preceding subparagraph.

The price paid by the distiller may not be lower than the buying-in price.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules concerning the distillation referred to in paragraph 3, and in particular:

- the conditions under which distillation may be carried out,
- the criteria for fixing the amount of aid at a level which will enable the distilled products to be disposed of.

5. The decision fixing the additional rate provided for in paragraph 1 and the detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 41

1. Except where a derogation has been decided on, wines made from table grapes belonging to varieties not listed as wine grapes in the classification of vine varieties for the administrative unit in which they

originate may only be transported to a distillery for the purposes of distillation.

2. The buying-in price for wine delivered for distillation under paragraph 1 shall be 50 % of the guide price for table wine of type A I which enters into force in the year of the harvest concerned.

However, for the 1978/79 wine year, it shall be 55 % of the guide price referred to in the preceding subparagraph.

The price paid by the distiller may not be less than the buying-in price.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules concerning the distillation referred to in paragraph 1 and in particular concerning:

- the conditions under which distillation may be carried out,
- the criteria for fixing the amount of aid at a level which will enable the distilled products to be disposed of.

4. The detailed rules for the application of this Article and the derogation referred to in paragraph 1 shall be adopted in accordance with the procedure laid down in Article 67.

The same procedure shall apply for laying down the conditions under which the provisions of paragraph 1 shall apply to the varieties included in the classification for the same administrative unit as both wine grapes and table grapes. These conditions shall ensure that the quantities of wine obtained by turning into wine grapes from the above varieties harvested within the administrative unit concerned which are normally used for wine-making are exempted from the obligations laid down in paragraph 1.

Article 42

1. With the exception of the products defined under items 4, 12 and 21 of Annex II, the addition of alcohol to the products listed in Article 1 (2) shall be prohibited.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall decide on derogations from the provisions of paragraph 1, in particular in respect of special uses or in respect of products intended for export.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 43

1. Where coupage takes place, and subject to the provisions of the following paragraphs, only products

resulting from coupage between table wines or from coupage of table wines with wines suitable for yielding table wines shall be considered as table wines, provided that the wines suitable for yielding table wines have a total natural alcoholic strength by volume not exceeding 17 % vol.

2. Without prejudice to the fifth subparagraph of Article 48 (5), coupage of a wine suitable for yielding a table wine with:

- (a) a table wine, may yield a table wine only if that process takes place in the wine-growing zone where the wine suitable for yielding a table wine was produced;
- (b) another wine suitable for yielding a table wine, may yield a table wine only if:
 - the second wine suitable for yielding a table wine was produced in the same wine-growing zone, and
 - the process takes place in the same wine-growing zone.

3. Coupage of a wine suitable for yielding a white table wine or of a white table wine with a wine suitable for yielding a red table wine or with a red table wine may not yield a table wine.

However, this provision shall not prevent, in certain cases to be determined, the coupage of a wine suitable for yielding a white table wine or of a white table wine with a wine suitable for yielding a red table wine, provided that the resultant product has the characteristics of a red table wine.

4. Except where a derogation has been decided on by the Council, acting by a qualified majority on a proposal from the Commission, coupage of a wine originating in a third country with a Community wine and coupage in the geographical territory of the Community between wines originating in third countries shall be prohibited.

However, coupage of the type referred to in the previous subparagraph shall be permitted in free zones, provided that the resultant wine is intended for consignment to a third country.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt provisions for the application of the previous subparagraph, in particular provisions on the description of the wine concerned and for the avoidance of any confusion with a Community wine.

5. Should difficulties arise in certain wine-growing regions of the Community as a result of application of the provisions of paragraphs 1 to 4, the Member States concerned may inform the Commission, which shall take all appropriate measures; such measures may not, however, restrict application of the rules laid down in this Article on the subject of coupage.

6. Detailed rules for the application of this Article, in particular as regards the use of wines suitable for yielding table wines, shall be adopted, as necessary, in accordance with the procedure laid down in Article 67.

Article 44

1. Without prejudice to any more restrictive provisions that Member States may apply to wines produced within their territory, the total sulphur dioxide content of wines, other than sparkling wines and liqueur wines, may, on their release to the market for direct human consumption, not exceed:

- (a) 175 milligrams per litre for red wines;
- (b) 225 milligrams per litre for white and rosé wines.

2. By way of derogation from paragraph 1 (a) and (b), the maximum sulphur dioxide content shall be raised, as regards wines with a residual sugar content, expressed as invert sugar, of not less than five grams per litre, to:

- (a) 225 milligrams per litre for red wines and 275 milligrams per litre for white and rosé wines;
- (b) 300 milligrams per litre for wines qualifying for the description 'Spätlese', in accordance with Community provisions, and quality white wines *psr* entitled to the registered designation of origin Bordeaux supérieur, Graves de Vayres, Côtes de Bordeaux St-Marcaire, Premières Côtes de Bordeaux, Ste Foy Bordeaux, Côtes de Bergerac (whether or not followed by the description 'Côtes de Saussignac'), Haut Montravel, Côtes de Montravel, Rosette;
- (c) 350 milligrams per litre for wines qualifying for the description 'Auslese', in accordance with Community provisions, and white wines described as 'superior wine of designated origin' in accordance with Romanian legislation and entitled to bear one of the following names: Murfatlar, Cotnari, Tîrnave, Pietroasele, Valea Călugărească;
- (d) 400 milligrams per litre for wines qualifying for the descriptions 'Beerenauslese', 'Ausbruch', 'Ausbruchwein', and 'Trockenbeerenauslese', in accordance with Community provisions, and quality white wines *psr* entitled to the registered designations of origin Sauternes, Barsac, Cadillac, Cérons, Loupiac, Sainte-Croix-du-Mont, Monbazillac, Bonnezeaux, Quarts de Chaume, Coteaux du Layon, Coteaux de l'Aubance, Graves Supérieures, Jurançon.

3. The list of wines given in paragraph 2 (b), (c) and (d) may be amended by the Council acting by a qualified majority on a proposal from the Commission.

4. Where climatic conditions have made this necessary it may be decided that the Member States concerned

may, in certain wine-growing areas of the Community, authorize, for wines produced within their territory, the maximum total sulphur dioxide levels of less than 300 milligrams per litre referred to in this Article to be increased by a maximum of 25 milligrams per litre.

5. By 1 September 1981 the Council, acting by a qualified majority on a proposal from the Commission, shall decide on reductions in the maximum total sulphur dioxide content of wines in accordance with scientific knowledge and the development of technology, with regard to the limits laid down in paragraphs 1 and 2. To this end, the Commission will present, by 1 April 1981 at the latest, a report accompanied by suitable proposals with the aim of reducing the maximum total sulphur dioxide levels in wine by at least 25 milligrams per litre in so far as scientific knowledge and technological development allow.

6. Detailed rules for the application of this Article, the decision referred to in paragraph 4, and transitional measures concerning wines produced before 1 September 1978, shall be adopted in accordance with the procedure laid down in Article 67.

Article 45

1. The volatile acid content may not exceed:
 - 18 milliequivalents for partially fermented grape must,
 - 18 milliequivalents for white and rosé wines,
 - 20 milliequivalents for red wines.
2. The levels referred to in paragraph 1 shall apply:
 - to products produced from grapes harvested within the Community, at the production stage and at all stages of marketing,
 - to partially fermented grape must and wines originating in third countries, at all stages following their entry into the geographical territory of the Community.
3. Provision may be made for exceptions to paragraph 1 as regards:
 - (a) certain quality wines *psr* and certain table wines designated pursuant to Article 54 (2) when they:
 - have matured over a period of at least two years, or
 - have been produced according to particular methods;
 - (b) wines with a total alcoholic strength by volume of at least 13 % vol.

4. The detailed rules for the application of this Article, and in particular the exceptions referred to in paragraph 3, shall be adopted in accordance with the procedure laid down in Article 67.

Article 46

1. Only those oenological practices and processes referred to in this Regulation, and in particular in Annex III or in other Community rules applicable to the wine sector, shall be authorized for the products defined under points 1 to 5, 8 to 11 and 13 of Annex II and for concentrated grape must and sparkling wines as defined in Article 2 of Council Regulation (EEC) No 339/79 of 5 February 1979 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries ⁽¹⁾.

The practices and processes referred to in the first subparagraph may only be applied for the purpose of ensuring proper vinification and/or preservation of the products concerned; in particular, blending or coupage shall be prohibited:

- of table wines with each other, or
- of wines suitable for producing table wines with each other or with table wines, or
- of quality wines psr with each other, or
- of imported wines with each other,

if any one of the ingredients does not comply with the requirements of this Regulation or with those adopted pursuant to this Regulation.

The purity and identification specifications for the oenological substances referred to in Annex III shall be those laid down by the relevant provision of Community law or, failing this, those specifications which are in conformity with national law.

2. By way of derogation from the first subparagraph of paragraph 1 Member States may, in respect of the oenological practices and processes referred to in Annex III, impose stricter conditions to ensure the preservation of the essential characteristics of quality wines psr and table wines designated pursuant to Article 54 (2), produced in their territory.

Member States shall notify the Commission of the provisions adopted pursuant to the first subparagraph.

The Commission shall take the necessary steps to bring such provisions to the attention of the other Member States.

3. The use, as referred to in point 2 (t) of Annex III, of oenocyanins for the purpose of obtaining the correct colouring of red wines only shall be permitted until 31 August 1980, solely in respect of producers and in wine regions where such use is customarily or exceptionally practised, in accordance with the laws in force on 1 June 1970.

The use, as referred to in point 2 (u) of Annex III, of sodium-based cation exchange resins for the purpose of preventing precipitating of excess calcium when the wine is marketed shall be permitted until 31 August 1980 in Member States where the practice was allowed as at 1 September 1977, provided that the products obtained are not sent out of the Member States concerned.

The use, as referred to in point 2 (w) of Annex III, of silver chloride for the purpose of eliminating defects in the taste or smell of wine, shall be permitted until 31 August 1979 in Member States where the practice was allowed as at 1 September 1977, provided that the products obtained are not sent out of the Member States concerned.

Member States may authorize the use, as referred to in point 2 (x) of Annex III, of copper sulphate for the purpose of eliminating defects in the taste or smell of wine in production regions where copper sulphate has not been used for the treatment of the vines.

The use of silver chloride and copper sulphate for one and the same wine shall be prohibited.

In the case of the treatments referred to in paragraph 2 (p) of Annex III, Member States may decide that calcium phitate is to be used instead of potassium ferrocyanide in all red wines produced in their territory.

4. Except as otherwise provided for by the Council acting by a qualified majority on a proposal from the Commission, the addition of water to the products referred to in Article 1 shall be prohibited. However, the dissolving of certain oenological substances in water shall be tolerated if it is an essential condition of their use.

5. The Council, acting by a qualified majority on a proposal from the Commission, may restrict or prohibit the use of the oenological practices and processes referred to in Annex III in respect of the products referred to in paragraph 1.

6. The following shall be adopted in accordance with the procedure laid down in Article 67:

- detailed rules on the comparability of certain oenological practices and processes employed in third countries with those specified in Annex III,
- the other detailed rules for the application of this Article.

⁽¹⁾ See page 57 of this Official Journal.

Article 47

1. For experimental purposes, each Member State may authorize, for a maximum period of three years, the use of certain oenological practices or processes not provided for in this Regulation, on condition that:

- the quantities to which any practices or processes apply do not exceed a maximum of 50 000 hectolitres per annum for any one experiment,
- the products obtained are not sent outside the Member State on whose territory the experiment was conducted.

2. Before the expiry of the period referred to in paragraph 1, the Member State concerned shall send the Commission a report on the experiment authorized. The Commission shall notify the other Member States of the results of the experiment. Depending on these results, the Member State concerned may submit to the Commission a request for authorization to continue the experiment, possibly with a larger quantity than in the initial experiment, for a further maximum period of three years. The Member State concerned shall forward the appropriate documentation in support of its request.

3. The Commission, acting in accordance with the procedure laid down in Article 67, shall take a decision on the request referred to in paragraph 2. At the same time it may decide that the experiment may be carried out under the same conditions in other Member States.

4. After gathering all the information on the experiment the Commission may, at the end of the period referred to in paragraph 1 and, where applicable, at the end of the period referred to in paragraph 2, submit to the Council a proposal for definitive authorization of the oenological practice or process covered by the experiment. In that case the Council shall act by a qualified majority.

5. The detailed rules for the application of this Article shall, if necessary, be adopted in accordance with the procedure laid down in Article 67.

Article 48

1. The description 'table wine' shall be limited to wine defined under item 11 of Annex II.

2. Of the products falling within Common Customs Tariff heading No 22.05, only liqueur wines, sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines, quality wines psr, and, where appropriate by derogation from Article 51 (1), the wines mentioned in Article 50 (1) and (2) and table

wines may be offered or disposed of for direct human consumption within the Community.

3. (a) Except for bottled wine in respect of which there is proof that bottling was effected prior to 1 September 1971, wine other than quality wine psr, obtained from the vine varieties referred to in Article 49 not corresponding to the definitions contained in items 10 to 16 of Annex II may be used only for consumption in the families of individual wine growers, for the production of wine vinegar or for distillation.

However, in years when the climatic conditions have been unfavourable, it may be decided that products from wine-growing zones A and B which do not possess the minimum natural alcoholic strength by volume laid down for the wine-growing zone in question may be used in the Community for the production of sparkling wine and aerated sparkling wine, provided that such wines have an actual alcoholic strength by volume of not less than 8.5 % vol, or for the production of aerated semi-sparkling wine. In that event, they shall be enriched subject to the limits referred to in Article 32 (2);

(b) unless a derogation is decided on by the Council, acting by a qualified majority on a proposal from the Commission:

- fresh grapes,
- grape must,
- grape must in fermentation,
- new wines still in fermentation,
- and wine,

from vine varieties not included in the classification may be put into circulation only for the purposes of distillation or vinegar making. These products may also be used for consumption in the families of wine growers.

4. Grapes obtained from vines planted in violation of Community or national provisions concerning new planting or replanting of vineyards may not be used for producing table wine. Products made from such grapes may be put into circulation only for the purposes of distillation. However, these products may not be used in the preparation of spirits with an actual alcoholic strength by volume of 80 % vol or less.

5. Without prejudice to any more restrictive provisions which may be applied by Member States for the preparation in their territory of products not falling within heading No 22.05 of the Common Customs Tariff, fresh grape must with fermentation arrested by the addition of alcohol may be used only in the preparation of such products.

Grape juice and concentrated grape juice originating in the Community may not be made into wine nor be

added to wine. These products shall be subject to control with respect to their use.

These products may not undergo alcoholic fermentation in the territory of the Community.

This provision shall not apply to products intended for the production in the United Kingdom and Ireland of products falling within heading No 22.07 of the Common Customs Tariff for which, pursuant to the first subparagraph of Article 54 (1), Member States may allow the use of a composite name including the word 'wine'.

Wine suitable for yielding table wine which does not reach the minimum actual alcoholic strength by volume for table wines may not be put into circulation except for the production of sparkling wine, vinegar making, distillation and other industrial uses. The enrichment of such wine and coupage thereof with a table wine in order to bring its actual alcoholic strength by volume up to the level laid down for a table wine may take place only on the premises of the wine maker or on his behalf.

With the exception of alcohol, potable spirits and piquette, neither wine nor any other beverage intended for direct human consumption may be made from wine lees or grape marc originating in the Community.

Piquette, in so far as its production is authorized by the Member State concerned, may be used only for distillation or for consumption in the families of individual wine-growers.

Wine fortified for distillation may only be used for distillation.

6. The derogations provided for in the first and second subparagraphs of paragraph 3 (a), together with detailed rules for the application of this Article, shall be adopted according to the procedure laid down in Article 67.

Article 49

1. Unless otherwise decided by the Council acting by a qualified majority on a proposal from the Commission, only grapes from recommended or authorized vine varieties as referred to in Article 30 and products derived from such grapes may be used within the Community for the production of:

- grape must with fermentation arrested by the addition of alcohol,
- concentrated grape must,

- wine suitable for yielding table wine,
- table wine,
- quality wine psr,
- liqueur wine.

2. However, grapes from vineyards planted with varieties classified as temporarily authorized shall also be regarded as suitable for yielding products listed in paragraph 1, with the exception of quality wine psr:

(a) where such grapes belong to:

- varieties obtained from interspecific crossings (direct producer hybrids), until 31 December 1979,
- other varieties, until 31 December 1983, provided that such varieties have been classified as temporarily authorized before 31 December 1976;

(b) where the variety in question has been classified as temporarily authorized after 31 December 1976, for a period of 15 years from the date the variety is so classified.

Article 50

1. The products referred to in Article 1 (2) (a) and (b) may be imported only if the following conditions are fulfilled:

(a) in respect of all the abovementioned products:

- if they correspond to the provisions governing production, marketing and, should such be the case, delivery for direct human consumption in the third countries in which they originate, and proof of fulfilment of this condition is furnished in the form of a certificate issued by a competent body, included on a list to be decided on, in the third country in which the product originates,
- where they are intended for direct human consumption, if they are accompanied by an analysis report drawn up by a body or service designated by the third country in which the product originates;

(b) in respect of wines intended for direct human consumption other than liqueur wines and sparkling wines:

- if they have an actual alcoholic strength by volume of not less than 9 % vol and a total alcoholic strength by volume not exceeding 15 % vol,
- if they have a total acidity content expressed in tartaric acid of not less than 4.5 grams per litre or 60 milliequivalents per litre,

— if they have a volatile acid content of less than 19 milliequivalents per litre.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of paragraph 1.

Provision may be made under the same procedure:

- (a) for allowing certain wines originating in third countries as referred to in paragraph 1 (b) bearing a geographical ascription to be delivered for direct human consumption if their actual alcoholic strength by volume amounts to at least 8.5 % vol or their total alcoholic strength by volume exceeds 15 % vol without any enrichment;
- (b) for dispensing with the certificate and the analysis report provided for in paragraph 1 (a) in the case of certain products referred to in paragraph 1 which are transported in limited quantities and put up in small containers;
- (c) to enable the requirements contained in the certificate or the analysis report provided for in (1) (a) above to be dispensed with in whole or in part, in the case of certain wines accompanied by a certificate of designation of origin or by a certificate of origin.

3. Unless otherwise decided by the Council acting by a qualified majority on a proposal from the Commission, 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 may not be turned into wine or added to wine in the territory of the Community.

However, such operations shall be permitted in free zones, provided the wine so obtained is intended for consignment to a third country.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt provisions for the application of the previous subparagraph, in particular provisions concerning the description of the wine concerned and for avoiding any confusion with a Community wine.

Without prejudice to the second subparagraph, the products referred to in the first subparagraph may not undergo alcoholic fermentation within the territory of the Community. This provision shall not apply to products intended for the production in the United Kingdom and Ireland of products falling within heading No 22.07 of the Common Customs Tariff for which, pursuant to the first subparagraph of Article 54 (1), Member States may allow the use of a composite name including the word 'wine'.

Without prejudice to any more restrictive provisions which may be applied by Member States for the

preparation in their territory of products not falling within heading No 22.05 of the Common Customs Tariff, imported fresh grape must with fermentation arrested by the addition of alcohol may be used only in the preparation of these products.

Neither wine nor any other beverage intended for direct human consumption may be made from imported wine lees, grape marc, piquette or wine fortified for distillation; however, potable spirits may be made from imported wine fortified for distillation.

4. The products specified in the first subparagraph of paragraph 3 shall be subject to control with respect to their use. A decision may be taken requiring the addition of an indicator to imported grape must, imported grape must with fermentation arrested by the addition of alcohol and imported grape juice, whether or not concentrated.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 51

1. Unless otherwise decided by the Council acting by qualified majority on a proposal from the Commission, products falling within heading No 22.05 of the Common Customs Tariff, whether imported or not, which have undergone oenological practices not allowed by Community rules or, where such rules do not exist, by national rules or by rules which do not conform either to the provisions of this Regulation or to those adopted in implementation thereof, may not be offered or disposed of for direct human consumption.

The same shall apply to:

- products referred to in Article 1 (2) (a), (b) and (c) which are not sound, fair and of marketable quality,
- products referred to in Article 1 (2) which do not comply with the definitions appearing in Annex II to this Regulation or those adopted in implementation thereof.

2. The conditions governing holding and circulation, the use of products referred to in paragraph 1 and the establishment of criteria for the purpose of avoiding excessive rigour in individual cases and detailed rules for the application of this Article, shall be adopted in accordance with the procedure laid down in Article 67.

Article 52

1. For the purposes of marketing within the Community, imported wines intended for direct human

consumption and bearing a geographical ascription may, where reciprocal arrangements can be established, be controlled and protected as provided for in Article 17 of Regulation (EEC) No 338/79 in respect of quality wines psr.

2. Paragraph 1 shall be implemented by agreements with the relevant third countries to be negotiated and concluded in accordance with the procedure laid down in Article 113 of the Treaty.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 53

1. The products listed in Article 1 may be put into circulation within the Community only with an officially checked accompanying document.

2. Natural or legal persons or groups of persons who hold the products listed in Article 1 in the exercise of their profession, in particular producers, bottlers and processors, as well as merchants to be determined, shall be obliged to keep stock entry and utilization registers in respect of those products.

3. Detailed rules for the application of this Article, and in particular the nature and form of the document referred to in paragraph 1, and the derogations from this Article shall be adopted in accordance with the procedure provided for in Article 67.

Article 54

1. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt, as necessary, the rules relating to the designation and presentation of the products listed in Article 1.

Until entry into force of the rules referred to in the first subparagraph, the rules on this matter shall be those adopted by the Member States.

2. Member States may make use of a geographical ascription for designating a table wine conditional, in particular, on the wine having been produced wholly from certain clearly specified vine varieties and coming exclusively from the territory, precisely demarcated, whose name it bears.

3. Without prejudice to any additional rules which may be adopted regarding the designation of products, the use of a geographical ascription to designate table wines resulting from a coupage of wines from grapes harvested in different production areas shall, however,

be permitted if at least 85 % of the table wine resulting from the coupage originates in the production area whose name it bears.

However, the use, as a designation of white table wines, of a geographical ascription relating to a production area situated within wine-growing zone A or wine-growing zone B shall be permitted only if the products comprising the coupage are from the wine-growing zone in question or if the wine in question is from a coupage between table wines of wine-growing zone A and table wines of wine-growing zone B.

4. Each Member State shall be responsible for ensuring that designated table wines are controlled and protected in accordance with the provisions of paragraph 2.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

TITLE V

General provisions

Article 55

Goods listed in Article 1 which are manufactured or obtained from products to which Articles 9 (2) and 10 (1) of the Treaty do not apply shall not be admitted to free circulation within the Community.

Article 56

Where prices appreciably in excess of the guide price fixed for a type of wine are recorded on the Community wine market and the situation is likely to continue, thereby disturbing or threatening to disturb this market, the necessary measures may be taken.

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 57

1. To the extent necessary to support the market in table wines, intervention measures may be taken in respect of the products listed in Article 1 (2) (b) other than table wine.

2. These measures shall be taken by the Council, acting by a qualified majority on a proposal from the Commission.

3. Detailed rules for the application of this Article shall be adopted, as necessary, in accordance with the procedure laid down in Article 67.

Article 58

1. Where the volume of supplies available in the Community, including the volume of imports of wine from Algeria, Morocco and Tunisia, is such as to disturb the Community market, a special distillation of table wines, confined to producers' organizations, shall be undertaken.

Such distillation shall be carried out at a price level which will serve to compensate producers.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

3. Detailed rules, and in particular decisions relating to special distillation, shall be adopted in accordance with the procedure laid down in Article 67.

Article 59

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in the products specified in Article 1.

Article 60

The necessary provisions for avoiding disturbances on the market in wine following an alteration in price levels during the transition from one wine-growing year to another may be adopted in accordance with the procedure laid down in Article 67.

Article 61

Transitional measures to enable the placing on the market of table wines obtained before 1 September 1976 which conform to the definition in point 11 of Annex II as it applies before that date and not conforming to that definition as it applies after that date may be adopted in accordance with the procedure laid down in Article 67.

The transitional measures necessary to facilitate the changeover to the arrangements provided for in Articles 45, 46 and 47 and in Annex III, in particular regarding the products referred to in Article 1 which, whether imported or not, are of the 1977 harvest and of previous harvests, shall be adopted in accordance with the same procedure.

Article 62

The Council, acting by a qualified majority on a proposal from the Commission, may decide on measures of derogation if required to remedy an exceptional situation resulting from natural disasters.

Article 63

1. Detailed rules for the application of Annexes I, II, and III, and in particular provisions as to the wine-growing areas referred to in point 11 of Annex II, shall be adopted in accordance with the procedure laid down in Article 67.

2. The same procedure shall be used in order to lay down:

- (a) the methods of analysis for determining the composition of the products specified in Article 1 and the rules whereby it may be established whether these products have undergone processes contrary to authorized oenological practices;
- (b) if required, maximum figures for substances whose presence indicates that certain oenological practices have been used, and comparative analysis tables.

3. However, where no provision is made for Community methods of analysis or for the rules referred to in paragraph 2, the methods of analysis to be used shall be:

- (a) those laid down in Annex A to the International Convention for the unification of methods for the analysis and appraisal of wines, of 13 October 1954;
- (b) or, where that Annex does not provide for such methods, the methods ordinarily used in the Member State concerned.

Article 64

1. Member States shall take all necessary measures to ensure compliance with Community provisions in the wine sector. They shall designate one or more authorities which shall be responsible for verifying compliance with these provisions.

They shall inform the Commission of the name and address of:

- the authorities referred to in the first subparagraph,
- the laboratories authorized to carry out official wine analyses.

The Commission shall forward that information to the other Member States.

In so far as the provisions of Council Regulation (EEC) No 283/72 of 7 February 1972 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organization of an information system in this field ⁽¹⁾ are not applicable, Member States shall put the authorities they designate in a position to enter into direct contact with the appropriate authorities of the other Member States in order that, through an exchange of information, any infringement of the provisions referred to in the first subparagraph may be more easily prevented and detected.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt measures to ensure uniform application of Community provisions in the wine sector, particularly as regards control.

3. Detailed rules for the application of the second subparagraph of paragraph 1 and of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 67.

Article 65

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Detailed rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 67.

Article 66

1. A Management Committee for Wine (hereinafter called 'the Committee') is hereby set up consisting of representatives of Member States and chaired by a representative of the Commission.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

Article 67

1. Where reference is made to the procedure laid down in this Article, the chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

⁽¹⁾ OJ No L 36, 10. 2. 1972, p. 1.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on such measures within a time limit to be set by the chairman according to the urgency of the questions under consideration. An opinion shall be adopted by a majority of 41 votes.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 68

The Committee may examine any other question raised by the chairman, either on his own initiative or at the request of the representative of a Member State.

Article 69

This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.

Article 70

1. Council Regulation No 24 on the progressive establishment of a common organization of the market in wine ⁽²⁾, as last amended by the Council Decision of 1 January 1973 adjusting the documents concerning the accession of the new Member States to the European Communities ⁽³⁾, Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine ⁽⁴⁾, as last amended by Regulation (EEC) No 3065/78 ⁽⁵⁾, and Council Regulation (EEC) No 2506/75 of 29 September

⁽²⁾ OJ No 30, 20. 4. 1962, p. 989/62.

⁽³⁾ OJ No L 2, 1. 1. 1973, p. 1.

⁽⁴⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽⁵⁾ OJ No L 366, 28. 12. 1978, p. 9.

1975 laying down special rules for the importation of products in the wine-growing sector originating in certain third countries ⁽¹⁾, as amended by Regulation (EEC) No 1166/76 ⁽²⁾ are hereby repealed.

References to the Articles of the repealed Regulation shall be construed as references to the Articles of this Regulation in accordance with the table of equivalence set out in Annex VII.

2. References to the Regulations repealed by paragraph 1 shall be construed as references to this Regulation.

Article 71

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ OJ No L 256, 2. 10. 1975, p. 2.

⁽²⁾ OJ No L 135, 24. 5. 1976, p. 41.

ANNEX I

ALCOHOLIC STRENGTHS

1. *Actual alcoholic strength by volume* means the number of volumes of pure alcohol contained at a temperature of 20 °C in 100 volumes of the product at that temperature.
 2. *Potential alcoholic strength by volume* means the number of volumes of pure alcohol at a temperature of 20 °C capable of being produced by total fermentation of the sugars contained in 100 volumes of the product at that temperature.
 3. *Total alcoholic strength by volume* means the sum of the actual and potential alcoholic strengths.
 4. *Natural alcoholic strength by volume* means the total alcoholic strength by volume of a product before any enrichment.
 5. *Actual alcoholic strength by mass* means the number of kilograms of pure alcohol contained in 100 kg of the product.
 6. *Potential alcoholic strength by mass* means the number of kilograms of pure alcohol capable of being produced by total fermentation of the sugars contained in 100 kg of the product.
 7. *Total alcoholic strength by mass* means the sum of the actual and potential alcoholic strengths by mass.
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ANNEX II

DEFINITIONS REFERRED TO IN ARTICLE 1 (4) (b)

1. Fresh grapes: the fruit of the vine used in making wine, ripe or even slightly raisined, which may be crushed or pressed by normal wine-cellar means and which may spontaneously produce alcoholic fermentation.
2. Grape must: the liquid product obtained naturally or by physical processes from fresh grapes with an actual alcoholic strength by volume of not more than 1 % vol.
3. Grape must in fermentation: the product obtained from the fermentation of grape must and with an actual alcoholic strength by volume of more than 1 % vol but less than three fifths of its total alcoholic strength by volume; however, certain quality wines *psr* having an actual alcoholic strength by volume of less than three fifths of their total alcoholic strength by volume but not less than 5.5 % vol shall not be considered as grape must in fermentation.
4. Fresh grape must with fermentation arrested by the addition of alcohol: a product which:
 - is produced in the Community,
 - has an actual alcoholic strength by volume of not less than 12 % vol but less than 15 % vol, and
 - is obtained by the addition to unfermented grape must having a natural alcoholic strength by volume of not less than 8.5 % vol and derived exclusively from vine varieties referred to in Article 49:
 - of neutral alcohol of vinous origin having an actual alcoholic strength by volume of not less than 95 % vol, or
 - of an unrectified product derived from the distillation of wine and having an actual alcoholic strength by volume of not less than 52 % vol and not more than 80 % vol.
5. Concentrated grape must: uncaramelized grape must which is:
 - obtained by partial dehydration of grape must carried out by any authorized method other than by direct heat from a fire in such a way that its density at 20 °C is not less than 1.240 g/cm³,
 - derived exclusively from vine varieties referred to in Article 49,
 - produced within the Community, and
 - obtained from grape must having at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which the grapes were harvested.
6. Grape juice: unfermented but fermentable grape must which has undergone the appropriate treatment rendering it fit for consumption as it is and which has an actual alcoholic strength by volume of not more than 1 % vol.
7. Concentrated grape juice: uncaramelized grape juice obtained by partial dehydration of grape juice carried out by any authorized method other than by direct heat from a fire in such a way that its density at 20 °C is not less than 1.240 g/cm³.
8. Wine: the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape musts.
9. New wine still in fermentation: wine in which alcoholic fermentation is not yet complete and which is not yet separated from its lees.
10. Wine suitable for yielding table wine: wine which:
 - is derived exclusively from vine varieties referred to in Article 49,
 - is produced in the Community, and
 - has at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which it was produced.

11. Table wine: wine, other than quality wine psr, which:

- is derived exclusively from vine varieties referred to in Article 49,
- is produced in the Community,
- has, whether or not following application of the processes specified in Article 33, an actual alcoholic strength by volume of not less than 8.5 % vol provided the wine derives exclusively from grapes harvested in wine-growing zones A and B and of not less than 9 % vol in other wine-growing zones, and a total alcoholic strength by volume of not more than 15 % vol,
- has a total acidity content expressed as tartaric acid of not less than 4.5 grams per litre, or 60 milliequivalents per litre.

However, in the case of wines from certain wine-growing areas to be determined which have been produced without any enrichment and do not contain more than five grams of residual sugar, the upper limit for the total alcoholic strength by volume may be raised to 17 % vol.

12. Liqueur wine: the product which:

- is produced in the Community,
- has a total alcoholic strength by volume of not less than 17.5 % vol and an actual alcoholic strength by volume of not less than 15 % vol and not more than 22 % vol, and
- is obtained from grape must or wine, these products being derived from certain of the vine varieties referred to in Article 49, and having a natural alcoholic strength by volume of not less than 12 % vol:
 - by freezing, or
 - by the addition during or after fermentation:
 - (i) of neutral alcohol of vinous origin having an actual alcoholic strength by volume of not less than 95 % vol, or
 - (ii) of an unrectified product derived from the distillation of wine and having an actual alcoholic strength by volume of not less than 52 % vol and not more than 80 % vol, or
 - (iii) of concentrated grape must or, in the case of certain quality liqueur wines produced in specified regions and appearing on a list to be adopted of wines for which such practice is traditional, of grape must concentrated by direct heat which, apart from this operation, corresponds to the definition of concentrated grape must or,
 - (iv) of a mixture of these products.

However, certain quality liqueur wines produced in specified regions and appearing on a list to be adopted may be obtained from unfermented fresh grape must which does not need to have a minimum natural alcoholic strength by volume of 12 % vol.

13. Sparkling wine: saving the derogation provided for in Article 48 (3), the product which is obtained by first or second alcoholic fermentation:

- of fresh grapes,
- of grape must,
- of wine,

all suitable for yielding table wine;

- of table wine; or
- of quality wine psr

and which, when the container is opened, releases carbon dioxide derived exclusively from fermentation and having excess pressure of not less than 3 bar when kept at a temperature of 20 °C in closed containers.

14. Aerated sparkling wine: the product which:

- is obtained, subject to the provisions of Article 48 (3), from table wine,
- is produced in the Community,
- releases, when the container is opened, carbon dioxide derived totally or partially from an addition of that gas, and
- has an excess pressure not exceeding 3 bar when kept at a temperature of 20 °C in closed containers.

15. Semi-sparkling wine: the product which:
 - is obtained from table wine, quality wine psr or from products suitable for yielding table wine or quality wine psr, provided that such wine or products have a total alcoholic strength by volume of not less than 9 % vol,
 - has an actual alcoholic strength by volume of not less than 7 % vol,
 - contains endogenous carbon dioxide,
 - has an excess pressure of not less than one and not more than 2.5 bar when kept at 20 °C in closed containers,
 - is put up in containers of not more than three litres.
16. Aerated semi-sparkling wine: the product which:
 - is obtained from table wine, quality wine psr or from products suitable for yielding table wine or quality wine psr,
 - has an actual alcoholic strength by volume of not less than 7 % vol and a total alcoholic strength by volume of not less than 9 % vol,
 - contains carbon dioxide which has been wholly or partially added, and
 - has an excess pressure of not less than one and not more than 2.5 bar when kept at 20 °C in closed containers,
 - is put up in containers of not less than three litres.
17. Wine vinegar: vinegar which
 - is obtained exclusively by acetous fermentation of wine, and
 - has a total acidity of not less than 60 g/l expressed in acetic acid.
18. Wine lees: the muddy residue accumulating in wine vessels after fermentation or during the storage of wine, dried or not; a distinction is drawn between:
 - lees having a total alcoholic strength by mass of not more than 7.9 % mas and a dry matter content of not less than 25 % by weight, and
 - other lees.
19. Grape marc: the residue from the pressing of fresh grapes, whether or not fermented; a distinction is drawn between:
 - grape marcs having a total alcoholic strength by mass of not more than 4.3 % mas and a dry matter content of not less than 40 % by weight, and
 - other grape marcs.
20. Piquette: the product obtained:
 - by the fermentation of untreated grape marc macerated in water, or
 - by leaching fermented grape marc with water.
21. Wine fortified for distillation: the product which:
 - has an actual alcoholic strength by volume of not less than 18 % vol and not more than 24 % vol,
 - is obtained exclusively by the addition to wine containing no residual sugar of an unrectified product from the distillation of wine having a maximum actual alcoholic strength by volume of 86 % vol and
 - has a maximum volatile acidity of 2.40 g/l, expressed as acetic acid.

ANNEX III

1. Oenological practices and processes which may be applied to fresh grapes, grape must, partially fermented grape must, concentrated grape must and new wine still in fermentation:
 - (a) aeration;
 - (b) thermal treatment;
 - (c) centrifuging and filtration, with or without an added inert filtering agent on condition that no undesirable residue is left in the product so treated;
 - (d) use of carbon dioxide or nitrogen either alone or combined, in order to create an inert atmosphere and to treat the product shielded from the air;
 - (e) use of yeasts for wine production;
 - (f) addition of diammonium phosphate or ammonium sulphate up to 0.3 g/l respectively and of thiamin hydrochloride up to 0.6 mg/l expressed as thiamin to encourage the growth of yeasts;
 - (g) use of sulphur dioxide, potassium bisulphite or potassium metabisulphite which may also be called potassium disulphite or potassium pyrosulphite;
 - (h) elimination of sulphur dioxide by physical processes;
 - (i) treatment of white must and new white wines still in fermentation with charcoal for oenological use, up to a maximum of 100 g of dry product per hectolitre;
 - (j) clarification by means of one or more of the following substances for oenological use:
 - edible gelatines,
 - isinglass,
 - casein and potassium caseinate,
 - animal albumin (egg albumin and dried blood powder),
 - bentonite,
 - silicon dioxide as a gel or colloidal solution,
 - kaolin,
 - tannin,
 - pectinolytic enzymes;
 - (k) use of sorbic acid or potassium sorbate;
 - (l) use of tartaric acid for acidification purposes under the conditions laid down in Articles 34 and 36;
 - (m) use of one of the following substances for deacidification purposes under the conditions laid down in Articles 34 and 36:
 - neutral potassium tartrate,
 - potassium bicarbonate,
 - calcium carbonate, which may contain small quantities of the double calcium salt of L (+) tartaric and L (-) malic acids.
2. Processes and oenological practices which may be applied to partially fermented grape must intended for direct human consumption in its natural state, wine suitable for producing table wine, table wine, sparkling wine and quality wines psr:
 - (a) use in dry wines, and in quantities not exceeding 5 % of fresh lees which are sound and undiluted and contain yeasts resulting from the recent vinification of dry wines;
 - (b) aeration;
 - (c) thermal treatment;
 - (d) centrifuging and filtration, with or without an added inert filtering agent on condition that no undesirable residue is left in the product so treated;
 - (e) use of carbon dioxide or nitrogen, either alone or combined, to create an inert atmosphere and to treat the wine shielded from the air. The carbon dioxide content of wine preserved or treated in this way may not exceed 2 g/l;

- (f) addition of carbon dioxide, provided that the carbon dioxide content of wine so treated does not exceed 2 g/l;
- (g) use, as laid down in Community rules, of sulphur dioxide, potassium bisulphite or potassium metabisulphite, which may also be called potassium disulphite or potassium pyrosulphite;
- (h) addition of sorbic acid or potassium sorbate provided that the final sorbic acid content of the treated product on its release to the market for direct human consumption does not exceed 200 mg/l;
- (i) addition of up to 150 mg/l of L-ascorbic acid;
- (j) addition of citric acid for wine stabilization purposes, provided that the final content in the treated wine does not exceed 1 g/l;
- (k) use of tartaric acid for acidification purposes under the conditions referred to in Articles 34 and 36;
- (l) use of one of the following substances for deacidification purposes under the conditions referred to in Articles 34 and 36:
 - neutral potassium tartrate,
 - potassium bicarbonate,
 - calcium carbonate which may contain small quantities of double salt of calcium of L (+) tartaric and L (-) malic acids;
- (m) clarification by means of one or more of the following substances for oenological use:
 - edible gelatines,
 - isinglass,
 - casein and potassium caseinate,
 - animal albumin (egg albumin and dried blood powder),
 - bentonite,
 - silicon dioxide as a gel or colloidal solution,
 - kaolin;
- (n) addition of tannin;
- (o) treatment of white wines with charcoal for oenological use, up to 100 g of dry product per hl;
- (p) treatment, under conditions to be laid down:
 - of white wines and rosé wines, with potassium ferrocyanide,
 - of red wines, with potassium ferrocyanide or with calcium phitrate, in accordance with the sixth subparagraph of Article 46 (3);
- (q) addition of up to 100 mg/l of metatartaric acid;
- (r) use of acacia;
- (s) use of DL tartaric acid, under conditions to be laid down, for precipitating excess calcium;
- (t) use of oenocyanin under the conditions laid down in Article 46 (3);
- (u) use of sodium-based cation exchange resins under the conditions referred to in Article 46 (3);
- (v) use of discs of pure paraffin impregnated with allyl isothiocyanate to create a sterile atmosphere, solely in Member States where it is traditional and in so far as it is not forbidden by national law, provided that they are used only in containers holding more than 20 litres and that there is no trace of allyl isothiocyanate in the wine;
- (w) treatment by silver chloride under the conditions laid down in Article 46 (3) provided that the silver content of the product so treated is not more than 0.1 mg/l;
- (x) treatment by up to 20 mg/l of copper sulphate under the conditions laid down in Article 46 (3) and provided that the copper content of the product so treated is not more than 1 mg/l.

ANNEX IV

WINE-GROWING ZONES

1. Wine-growing zone A shall comprise:
 - (a) in the Federal Republic of Germany, the areas under vines in the following Länder: Baden-Württemberg (excluding the Regierungsbezirke Nordbaden and Südbaden), Bayern, Hessen, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland;
 - (b) in Belgium: the Belgian wine-growing area;
 - (c) in Luxembourg: the Luxembourg wine-growing region;
 - (d) in the Netherlands: the Netherlands wine-growing area;
 - (e) in the United Kingdom: the United Kingdom wine-growing area.
2. Wine-growing zone B shall comprise:
 - (a) in the Federal Republic of Germany, in Baden-Württemberg, the areas under vines in the Regierungsbezirke Nordbaden and Südbaden;
 - (b) in France, the areas under vines in the departments not mentioned in this Annex and in the following departments:
 - in Alsace:
Bas-Rhin, Haut-Rhin,
 - in Lorraine:
Meurthe-et-Moselle, Meuse, Moselle, Vosges,
 - in Champagne:
Aisne, Aube, Marne, Haute-Marne, Seine-et-Marne,
 - in the Jura:
Ain, Doubs, Jura, Haute-Saône,
 - in Savoie:
Savoie, Haute-Savoie,
 - in the Val de Loire:
Cher, the Deux-Sèvres, the Indre, Indre-et-Loire, Loir-et-Cher, Loire-Atlantique, Loiret, Maine-et-Loire, Sarthe, Vendée, Vienne, and the wine-growing areas under vines in the arrondissement of Cosne-sur-Loire in the department of the Nièvre.
3. In France, wine-growing zone C I (a) shall comprise the areas under vines:
 - (a) in the following departments:

Allier, Alpes-de-Haute-Provence, Hautes-Alpes, Alpes-Maritimes, Ariège, Aveyron, Cantal, Charente, Charente-Maritime, Corrèze, Côte-d'Or, Dordogne, Haute-Garonne, Gers, Gironde, Isère, Landes, Loire, Haute-Loire, Lot, Lot-et-Garonne, Lozère, Nièvre (excluding the arrondissement of Cosne-sur-Loire), Puy-de-Dôme, Pyrénées-Atlantiques, Hautes-Pyrénées, Rhône, Saône-et-Loire, Tarn, Tarn-et-Garonne, Haute-Vienne, Yonne;
 - (b) in the arrondissements of Valence and Die in the department of Drôme (except the cantons of Dieulefit, Loriol, Marsanne and Montélimar);
 - (c) in the department of Ardèche, the whole of the arrondissement of Tournon and the cantons of Antraigues, Buzet, Coucouron, Montpezat-sous-Bauzon, Privas, Saint-Étienne de Lugdarès, Saint-Pierre-Valgorgue and la Voulte-sur-Rhône.
4. In Italy, wine-growing zone C I (b) shall comprise the areas under vines in the Valle d'Aosta region and in the provinces of Sondrio, Bolzano, Trento and Belluno.
5. Wine-growing zone C II shall comprise:
 - (a) in France, the areas under vines:
 - in the following departments:
Aude, Bouches-du-Rhône, Gard, Hérault, Pyrénées-Orientales (except the cantons of Olette and Arles-sur-Tech), Vaucluse,
 - in the part of the department of Var bounded in the south by the northern limit of the communes of Evenos, Le Beausset, Solliès-Toucas, Cuers, Puget-Ville, Collobrières, La Garde-Freinet, Plan-de-la-Tour and Sainte-Maxime,

- in the arrondissement of Nyons and the cantons of Dieulefit, Loriol, Marsanne and Montélimar in the department of Drôme,
 - in those parts of the department of Ardèche not listed in point 3 (c);
- (b) in Italy, the areas under vines in the following regions: Abruzzo, Campania, Emilia-Romagna, Friuli-Venezia Giulia, Lazio, Liguria, Lombardia excluding the province of Sondrio, Marche, Molise, Piemonte, Toscana, Umbria, Veneto excluding the province of Belluno, including the islands belonging to those regions, such as Elba and the other islands of the Tuscan archipelago, the Ponziano Archipelago and Capri and Ischia.
6. Wine-growing zone C III shall comprise:
- (a) in France, the areas under vines:
- in the departments of Corsica,
 - in that part of the department of the Var situated between the sea and a line bounded by the communes (which are themselves included) of Evenos, Le Beausset, Solliès-Toucas, Cuers, Puget-Ville, Collobrières, La Garde-Freinet, Plan-de-la-Tour and Sainte-Maxime,
 - in the cantons of Olette and Arles-sur-Tech in the department of Pyrénées-Orientales;
- (b) in Italy, the areas under vines in the following regions: Calabria, Basilicata, Puglia, Sardegna and Sicilia, including the islands belonging to those regions, such as Pantelleria, Eolie and the Lipari, Egadi and Pelagian Islands.
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ANNEX V

AMENDMENT TO THE COMMON CUSTOMS TARIFF

CHAPTER 20

PREPARATIONS OF VEGETABLES, FRUIT OR OTHER PARTS OF PLANTS

Notes (unchanged)

Additional Note 4 shall be replaced by the following notes:

4. For the purposes of subheadings 20.07 A I, 20.07 B I a) 1 and b) 1:

- “unfermented and not containing spirit” means grape juice (including grape must) with an actual alcoholic strength by volume of not more than 1 % vol;
- “actual alcoholic strength by volume” means the number of volumes of pure alcohol at a temperature of 20 °C contained in 100 volumes of the product at that temperature.

5. For the purposes of subheadings 20.07 B I a) 1 aa) and 20.07 B I b) 1 aa), “concentrated grape juice (including grape must)” means grape juice (including grape must) the density of which at 20 °C is not less than 1.240 g/cm³.

Heading number	Description	Rate of duty	
		Autonomous % or levy (1.)	Conventional %
1	2	3	4
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit :</p> <p>A. Of a specific gravity exceeding 1.33 at 15 °C:</p> <p>I. Grape juice (including grape must):</p> <p>a) Of a value exceeding 22 EUA per 100 kg net weight</p> <p>b) Of a value not exceeding 22 EUA per 100 kg net weight:</p> <p>1. With an added sugar content exceeding 30 % by weight</p> <p>2. Other</p> <p>II and III. (unchanged)</p> <p>B. Of a specific gravity of 1.33 or less at 15 °C:</p> <p>I. Grape, apple and pear juice (including grape must); mixtures of apple and pear juice:</p> <p>a) Of a value exceeding 18 EUA per 100 kg net weight:</p> <p>1. Grape juice (including grape must):</p> <p>aa) Concentrated:</p> <p>11. With an added sugar content exceeding 30 % by weight</p> <p>22. Other</p>	<p>50 (a)</p> <p>50 + (L) (a)</p> <p>50 (a)</p> <p>28 (a)</p> <p>28 (a)</p>	<p>—</p> <p>—</p> <p>—</p> <p>28 + ads</p> <p>28 + ads</p>

(a) In certain conditions a countervailing tax is provided for in respect of certain products in addition to the customs duty.

Heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
20.07 (cont'd)	bb) Other: 11. With an added sugar content exceeding 30 % by weight 22. Other 2 and 3. (unchanged) b) Of a value of 18 EUA or less per 100 kg net weight: 1. Grape juice (including grape must): aa) Concentrated: 11. With an added sugar content exceeding 30 % by weight . 22. Other bb) Other: 11. With an added sugar content exceeding 30 % by weight 22. Other 2 to 4. (unchanged) II. (unchanged)	 28 (a) 28 (a) 28 + (L) (a) 28 (a) 28 + (L) (a) 28 (a)	 28 + ads 28 + ads 28 + ads 28 + ads 28 + ads 28 + ads

(a) In certain conditions a countervailing tax is provided for in respect of certain products in addition to the customs duty.

CHAPTER 22

BEVERAGES, SPIRITS AND VINEGAR

Notes (unchanged)

Additional Notes

1. For the purposes of headings Nos 22.04, 22.05 and 22.06 and subheading 22.07 A:
 - (a) "actual alcoholic strength by volume" means the number of volumes of pure alcohol contained at a temperature of 20 °C in 100 volumes of the product at that temperature;
 - (b) "potential alcoholic strength by volume" means the number of volumes of pure alcohol at a temperature of 20 °C capable of being produced by total fermentation of the sugars contained in 100 volumes of the product at that temperature;
 - (c) "total alcoholic strength by volume" means the sum of the actual and potential alcoholic strengths;
 - (d) "natural alcoholic strength by volume" means the total alcoholic strength by volume of a product before any enrichment;
 - (e) "% vol" is the symbol for alcoholic strength by volume.
2. For the purposes of heading No 22.04, "grape must in fermentation" means the product derived from the fermentation of grape must, having an actual alcoholic strength by volume of more than 1 % vol and less than three fifths of its total alcoholic strength by volume.
3. For the purposes of heading No 22.05:
 - A. "Sparkling wine" (subheading 22.05 A) means a product having an actual alcoholic strength by volume of not less than 8.5 % vol, obtained:
 - either by first or second alcoholic fermentation of fresh grapes, grape must or wine, and releasing, when the container is opened, carbon dioxide derived exclusively from the fermentation,
 - or from wine and releasing, when the container is opened, carbon dioxide derived wholly or partly from the addition of this gas,and having, when kept at a temperature of 20 °C in closed containers, an excess pressure of not less than three bar.
 - B. "Total dry extract" means the content in grams per litre of all the substances in a product which, under given physical conditions, do not volatilise.

The total dry extract must be determined with the densimeter at 20 °C.
 - C. (a) The presence in the products falling within subheading 22.05 C of the quantities of total dry extract per litre indicated in I, II, III and IV below does not affect their classification:
 - I. Products of an actual alcoholic strength by volume of not more than 13 % vol: 90 g or less of total extract per litre;
 - II. Products of an actual alcoholic strength by volume of more than 13 % vol but not more than 15 % vol: 130 g or less of total dry extract per litre;
 - III. Products of an actual alcoholic strength by volume of more than 15 % vol but not more than 18 % vol: 130 g or less of total dry extract per litre;
 - IV. Products of an actual alcoholic strength by volume of more than 18 % vol but not more than 22 % vol: 330 g or less of total dry extract per litre.Products with a total dry extract exceeding the maximum quantity shown above in each category are to be classified in the next following category, except that, if the total dry extract exceeds 330 g/litre, the products are to be classified in subheading 22.05 C V.

(b) *The above rules do not apply to products falling within subheadings 22.05 C III a) 1, b) 1 and b) 2 and 22.05 C IV a) 1, b) 1 and b) 2.*

4. *Subheading 22.05 C shall be taken to include:*

(a) *Grape must with fermentation arrested by the addition of alcohol, that is to say a product:*

- *having an actual alcoholic strength by volume of not less than 12 % vol but less than 15 % vol, and*
- *obtained by the addition to unfermented grape must having a natural alcoholic strength by volume of not less than 8.5 % vol of a product derived from the distillation of wine.*

(b) *Wine fortified for distillation, that is to say a product:*

- *having an actual alcoholic strength by volume of not less than 18 % vol but not more than 24 % vol,*
- *obtained exclusively by the addition to wine containing no residual sugar of an unrectified product derived from the distillation of wine and having a maximum actual alcoholic strength by volume of 86 % vol, and*
- *having a maximum volatile acidity of 2.40 g/litre, expressed as acetic acid.*

(c) *Liqueur wine, that is to say a product:*

- *having a total alcoholic strength by volume of not less than 17.5 % vol and an actual alcoholic strength by volume of not less than 15 % vol but not more than 22 % vol, and*
- *obtained from grape must or wine, which must come from wine varieties approved in the third country of origin for the production of liqueur wine and have a minimum natural alcoholic strength by volume of 12 % vol:*
 - *by freezing, or*
 - *by the addition during or after fermentation:*
 - *of a product derived from the distillation of wine, or*
 - *of concentrated grape must or, in the case of certain quality liqueur wines appearing on a list to be adopted of wines for which such practice is traditional, of grape must concentrated by direct heat, which, apart from this operation, corresponds to the definition of concentrated grape must, or*
 - *of a mixture of these products.*

However, certain quality liqueur wines appearing on a list to be adopted may be obtained from unfermented fresh grape must which does not need to have a minimum natural alcoholic strength by volume of 12 % vol.

5. *For the purposes of subheading 22.07 A, the expression "piquette" means the product obtained by the fermentation of untreated grape marc macerated in water or by the extraction of fermented grape marc with water.*

6. *For the purposes of subheading 22.07 B I, the following are regarded as "sparkling":*

- *fermented beverages in bottles with "mushroom" stoppers held in place by ties or fastenings;*
- *fermented beverages otherwise put up, with an excess pressure of not less than 1.5 bar, measured at a temperature of 20 °C.*

7. *For the purposes of subheading 22.10 A, the expression "wine vinegar" means vinegar obtained exclusively by acetous fermentation of wine and having a total acidity of not less than 60 g/litre, expressed as acetic acid.*

Heading number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol	40 (a)	—
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:		
	A. Sparkling wine	40 EUA per hl (a)	—
	B. Wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise put up with an excess pressure of not less than one bar but less than three bar measured at a temperature of 20 °C	40 EUA per hl (a)	—
	C. Other:		
	I. Of an actual alcoholic strength by volume not exceeding 13 % vol, in containers holding:		
	a) Two litres or less	12 u.a. per hl (a) (b)	—
	b) More than two litres	9 u.a. per hl (a) (b)	9 u.a. per hl (b)
	II. Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol, in containers holding:		
	a) Two litres or less	14 u.a. per hl (a) (b)	—
	b) More than two litres	11 u.a. per hl (a) (b)	11 u.a. per hl (b)
	III. Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol, in containers holding:		
	a) Two litres or less:		
	1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (c)	15 u.a. per hl (b)	13.5 u.a. per hl (b)
	2. Other	17 u.a. per hl (a) (b)	—
	b) More than two litres:		
	1. Port, Madeira, sherry and Setubal muscatel (c)	12 u.a. per hl (b)	11 u.a. per hl (b)
	2. Tokay (Aszu and Szamorodni) (c)	12 u.a. per hl (b)	—
	3. Other	14 u.a. per hl (a) (b)	—
	IV. Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol, in containers holding:		
	a) Two litres or less:		
	1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel (c)	16 u.a. per hl (b)	14.5 u.a. per hl (b)
	2. Other	19 u.a. per hl (a) (b)	19 u.a. per hl (b)

(a) In certain conditions a countervailing tax is provided for in respect of certain products in addition to the customs duty.

(b) The exchange rate to be applied in converting into national currencies the unit of account in which the customs duty is expressed shall, notwithstanding General Rule C 3 contained in Part I, Section I, be the representative rate applicable to wine, if such a rate is fixed pursuant to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (OJ No 106, 30. 10. 1962, p. 2553/62).

(c) Entry under this subheading is subject to conditions to be determined by the competent authorities.

Heading number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
22.05 (cont'd)	b) More than two litres:		
	1. Port, Madeira, sherry and Setubal muscatel (c)	13 u.a. per hl (b)	12 u.a. per hl (b)
	2. Tokay (Aszu and Szamorodni) (c)	13 u.a. per hl (b)	—
	3. Other	19 u.a. per hl (a) (b)	19 u.a. per hl (b)
	V. Of an actual alcoholic strength by volume exceeding 22 % vol, in containers holding:		
	a) Two litres or less	1.60 u.a. per hl and per % vol + 10 u.a. per hl (a) (b)	—
	b) More than two litres	1.60 u.a. per hl and per % vol (a)(b)	—
22.07	Other fermented beverages (for example, cider, perry and mead):		
	A. Piquette	1.60 EUA per hl and per % vol with a min. of 9 EUA per hl (a)	—
	B. Other:		
	I. Sparkling	30 EUA per hl	—
	II. Still, in containers holding:		
	a) Two litres or less	12 EUA per hl	—
	b) More than two litres	9 EUA per hl	—
22.10	Vinegar and substitutes for vinegar:		
	A. Wine vinegar, in containers holding:		
	I. Two litres or less	8 EUA per hl (a)	—
	II. More than two litres	6 EUA per hl (a)	—
	B. Other, in containers holding:		
	I. Two litres or less	8 EUA per hl	—
	II. More than two litres	6 EUA per hl	—

(a) In certain conditions a countervailing tax is provided for in respect of certain products in addition to the customs duty.

(b) The exchange rate to be applied in converting into national currencies the unit of account in which the customs duty is expressed shall, notwithstanding General Rule C 3 contained in Part I, Section I, be the representative rate applicable to wine, if such a rate is fixed pursuant to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy (OJ No 106, 30. 10. 1962, p. 2553/62).

(c) Entry under this subheading is subject to conditions to be determined by the competent authorities.

CHAPTER 23

RESIDUES AND WASTE FROM THE FOOD INDUSTRIES; PREPARED ANIMAL FODDER

Additional Notes

1. For the purposes of subheadings 23.05 A and 23.06 A I, the following expressions shall have the meanings hereby assigned to them:

- “actual alcoholic strength by mass”: the number of kilograms of pure alcohol contained in 100 kg of the product;
- “potential alcoholic strength by mass”: the number of kilograms of pure alcohol capable of being produced by total fermentation of the sugars contained in 100 kg of the product;
- “total alcoholic strength by mass”: the sum of the actual and potential alcohol strengths by mass;
- “% mas”: the symbol for alcoholic strength by mass.

2. (unchanged)

Heading number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
23.05	Wine lees; argol: A. Wine lees: I. Having a total alcoholic strength by mass not exceeding 7.9 % mas and a dry matter content not less than 25 % by weight II. Other B. Argol	Free (a) 2.03 EUA per kg of total alcohol (a) Free	— — —
23.06	Products of vegetable origin of a kind used for animal food, not elsewhere specified or included: A. Acorns, horse chestnuts and pomace or marc of fruit: I. Grape marc: a) Having a total alcoholic strength by mass not exceeding 4.3 % mas and a dry matter content not less than 40 % by weight b) Other II. Other B. Other	Free (a) 2.03 EUA per kg of total alcohol (a) Free 4	Free — Free 2

(a) In certain conditions a countervailing tax is provided for in respect of certain products in addition to the customs duty.

ANNEX VI

STANDARD AMOUNTS FOR ADDED SUGAR OR NATURAL SUGAR CONTENT OF GRAPE JUICE

CCT heading No	Description	Standard sugar content	
		Added	Natural
1	2	3	4
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <p>A. Of a specific gravity exceeding 1.33 at 15 °C:</p> <p>I. Grape juice (including grape must):</p> <p>b) Of a value not exceeding 22 EUA per 100 kg net weight:</p> <p>1. With an added sugar content exceeding 30 % by weight</p> <p>B. Of a specific gravity of 1.33 or less at 15 °C:</p> <p>I. Grape, apple and pear juice; mixtures of apple and pear juice:</p> <p>b) Of a value not exceeding 18 EUA per 100 kg net weight:</p> <p>1. Grape juice:</p> <p>aa) Concentrated:</p> <p>11. With an added sugar content exceeding 30 % by weight</p> <p>bb) Other:</p> <p>11. With an added sugar content exceeding 30 % by weight</p>	49	15
		49	15
		49	15

ANNEX VII

TABLE OF EQUIVALENCE

Regulation No 24	This Regulation
Article 1	Article 27
Article 2	Article 28 (1), (2) and (3)
Article 3	Article 5 (1), (2) and (3)
Article 5	Article 5 (4)
	Article 28 (4)
Article 6	Article 66
Article 7	Article 67
Article 8	Article 68
Regulation (EEC) No 2506/75	
Article 1	Article 18 (1)
Article 2	Article 18 (2)
Article 3	Article 18 (3), (4) and (5)
Article 4	Article 18 (6)
Article 5	Article 18 (7) and (8)
Regulation (EEC) No 816/70	
Article 4a	Article 6
Article 5	Article 7
Article 5a	Article 8
Article 6	Article 9
Article 6a	Article 10
Article 6b	Article 11
Article 6c	Article 12
Article 6d	Article 13
Article 6e	Article 14
Article 7	Article 15
Article 8	Article 16
Article 9	Article 17
Article 9a	Article 19
Article 10 (see proposal)	Article 20
Article 10a	Article 21
Article 10b	Article 22
Article 11	Article 23
Article 12	Article 24
Article 13	Article 25
Article 14	Article 26
Article 15	Article 29
Article 16	Article 30
Article 17	Article 31
Article 18	Article 32
Article 19	Article 33
Article 20	Article 34
Article 21	Article 35
Article 22	Article 36
Article 22a	Article 37
Article 23	Article 38
Article 24	Article 39
Article 24a	Article 40
Article 24b	Article 41
Article 25	Article 42
Article 26	Article 43
Article 26a	Article 44
Article 26b	Article 45
Article 26c	Article 46
Article 26d	Article 47
	Article 48 (1)
	Article 51 (1)

Article 27	Article 48
Article 27 (3a)	Article 48 (4)
Article 27 (4)	Article 48 (5)
Article 27 (5)	Article 48 (6)
Article 27a	Article 49
Article 28	Article 50
Article 28 (1a)	Article 50 (2)
Article 28 (2)	Article 50 (3)
Article 28 (3)	Article 50 (4)
Article 28 (4)	Article 50 (5)
Article 28a	Article 51
Article 28b	Article 52
Article 29	Article 53
Article 30	Article 54
Article 31	Article 55
Article 32	Article 56
Article 33	Article 57
Article 33a	Article 58
Article 34	Article 59
Article 35	Article 65
Article 36	Article 60
Article 37	Article 61
Article 38	Article 62
Article 39	Article 63
Article 39a	Article 64
Article 42	Article 69
Annex II (3a)	Annex II (4)
Annex II (4)	Annex II (5)
Annex II (5)	Annex II (6)
Annex II (6)	Annex II (7)
Annex II (7)	Annex II (8)
Annex II (8)	Annex II (9)
Annex II (9)	Annex II (10)
Annex II (10)	Annex II (11)
Annex II (11)	Annex II (12)
Annex II (12)	Annex II (13)
Annex II (13)	Annex II (14)
Annex II (14)	Annex II (15)
Annex II (15)	Annex II (16)
Annex II (16)	Annex II (17)
Annex II (17)	Annex II (18)
Annex II (18)	Annex II (19)
Annex IIa	Annex III
Annex III	Annex IV
Annex IV	Annex V
Annex V	Annex VI

Regulation (EEC) No 1678/77

Article 6

Article 61

COUNCIL REGULATION (EEC) No 338/79

of 5 February 1979

laying down special provisions relating to quality wines produced in specified regions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽³⁾ provides for a system which, in so far as its scope is not restricted to other products, applies also to quality wines produced in specified regions; whereas that system embraces in particular certain common rules on production;

Whereas the development of a policy of encouraging quality production in agriculture and especially in wine growing is bound to contribute to the improvement of conditions on the market and, as a result, to an increase in outlets; whereas the adoption of additional common rules in line with Regulation (EEC) No 337/79 which concern the production and control of quality wines produced in specified regions falls within the framework of this policy and can contribute towards the attainment of these objectives;

Whereas, taking into account traditional conditions of production, the nature and scope of the factors which enable each of the quality wines produced in specified regions to be distinguished must be listed and defined; whereas a common attempt to harmonize quality requirements must nevertheless be made;

Whereas the natural alcoholic strength by volume of grapes at the time of harvest is a factor in assessing their degree of ripeness; whereas it appears necessary to fix the minimum natural alcoholic strength by volume of quality wines psr in the various wine-growing regions at a level such as to ensure, even in poor years, that the grapes used in their manufacture had reached a satisfactory degree of ripeness;

Whereas it may prove necessary, in some years, to permit the enrichment of products suitable for the production of a quality wine psr or a quality sparkling wine psr; whereas, consequently, the exceptional enrichment of table wines which is provided for in Article 32 (2) of Regulation (EEC) No 337/79 should be dissociated from that of quality wines psr and sparkling quality wines psr as regards the possibility of authorizing it in the wine-growing area concerned;

Whereas, moreover, since acidity is a factor in assessing the quality of wine and in determining its behaviour, it has appeared necessary to fix the maximum level of acidification;

Whereas, in order to preserve as far as possible the specific character bestowed by its origin on each quality wine psr and to simplify the work of the inspection agencies, such wine may, except in certain cases to be determined, be sweetened only within the specified region in question and solely by means of a product originating in the same region in accordance with rules to be laid down within certain limits by the Member States;

Whereas, in order to ensure uniform application of the provisions relating to quality wines psr, provision should be made for the possibility of establishing methods of analysis to deal with specific cases;

Whereas, in order to protect producers from unfair competition and consumers from error and fraud, the terms 'quality wine produced in a specified region' and 'quality sparkling wine produced in a specified region' must be reserved for wines which comply with Community provisions, while use of traditional specific designations must not be excluded,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down special provisions for quality wines produced in specified regions.

'Quality wines produced in specified regions' (hereinafter called 'quality wines psr') means wines which satisfy the provisions of this Regulation and those national rules adopted pursuant thereto.

⁽¹⁾ OJ No C 276, 20. 11. 1978, p. 44.

⁽²⁾ OJ No C 296, 11. 12. 1978, p. 58.

⁽³⁾ See page 1 of this Official Journal.

The list of quality wines psr adopted by the Member States pursuant to the provisions of this Regulation shall be published in the *Official Journal of the European Communities*.

'Quality sparkling wines produced in specified regions' (hereinafter called 'quality sparkling wines psr') means quality wines psr which comply with the definition in point 13 of Annex II to Regulation (EEC) No 337/79, with Title I of Regulation (EEC) No 358/79 ⁽¹⁾ and with this Regulation.

Article 2

1. The provisions referred to in the first paragraph of Article 1 shall, taking into account the traditional conditions of production in so far as these are not such as to prejudice the policy of encouraging quality production and the creation of a single market, be based on the following factors:

- (a) demarcation of the area of production;
- (b) vine varieties;
- (c) cultivation methods;
- (d) wine-making methods;
- (e) minimum natural alcoholic strength by volume;
- (f) yield per hectare;
- (g) analysis and assessment of organoleptic characteristics.

2. In addition to the above factors and taking into account fair and traditional practices, Member States may determine such other conditions of production and characteristics as shall be obligatory for quality wines produced in specified regions.

Article 3

1. 'Specified region' means a wine-growing area or combination of wine-growing areas which produces wine possessing special quality characteristics and whose name is used to designate those of its wines which are defined in Article 1.

2. Each specified region shall be precisely demarcated, as far as possible on the basis of the individual vineyard or vineyard plot. Such demarcation shall be effected by each of the Member States concerned and shall take into account the factors which contribute towards the

quality of the wines produced in those regions, such as the nature of the soil and subsoil, the climate and the situation of the individual vineyard or vineyard plot.

Article 4

1. Each Member State shall draw up a list of vine varieties suitable for producing each of the quality wines psr produced in its territory. These vine varieties may be only of the species *Vitis vinifera* and must belong to the recommended or authorized categories referred to in Article 30 of Regulation (EEC) No 337/79.

Quality sparkling wines psr of the aromatic type may be obtained only from the varieties of vine listed in the Annex to Regulation (EEC) No 358/79, provided the latter are acknowledged as suitable for yielding quality wines psr in the specified region whose name they bear.

2. The provisions of paragraph 1 may be revised later by the Council, acting by a qualified majority on a proposal from the Commission.

3. Vine varieties which do not appear on the list referred to in paragraph 1 shall be removed from the vineyards or vineyard plots intended for the production of quality wine psr.

However, by way of derogation from the preceding paragraph, the presence of vine varieties which do not appear on the list may be permitted by Member States for a period of three years from the date on which the demarcation of the specified region in question comes into effect where the said demarcation has not been made by 8 May 1970 provided that such vine varieties belong to the species *Vitis vinifera* and that they do not represent more than 20% of the vine varieties on the vineyard or vineyard plot.

4. At the latest by the end of the period laid down in paragraph 3, any vineyard or vineyard plot intended for the production of quality wines psr may consist only of vine varieties appearing on the list provided for in paragraph 1. Where this provision is not observed, none of the wines obtained from grapes harvested within the vineyard or vineyard plot shall be entitled to the designation 'quality wine psr'.

Article 5

Each Member State concerned shall lay down the provisions regarding wine-growing methods which are required in order to ensure the best possible quality for quality wines psr.

⁽¹⁾ See page 130 of this Official Journal.

Irrigation within a wine-growing zone may be carried out only to the extent that the Member State concerned authorizes it. Such authorization may be granted only where ecological conditions justify it.

Article 6

1. (a) Quality wines psr may be obtained only from grapes of vine varieties which appear on the list provided for in Article 4 (1) and are harvested within the specified region.

This provision shall not prevent quality wines psr from being obtained under the conditions specified in Article 4 (3) or produced according to traditional practices.

- (b) Any natural or legal person or group of persons who has both grapes or musts which satisfy the conditions laid down for obtaining quality wines psr and other grapes or musts shall ensure a separate wine-making process for the former; otherwise, the wine obtained may not be considered as quality wine psr.

2. The processing of the grapes referred to in paragraph 1 (a) into must and from must into wine shall be carried out within the specified region where the grapes were harvested.

The preparation of a quality sparkling wine psr shall take place only within the specified region referred to in the preceding subparagraph.

However, the operations referred to in the foregoing subparagraphs may take place outside the specified region, where:

- (a) the rules of the Member State in whose territory the grapes were harvested permit, and
- (b) production is supervised.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

They shall include in particular:

- the provisions by which Member States may authorize derogations from the rule which lays down that the processing of grapes into must and of must into wine should take place within the specified region,
- the list of quality wines psr, which may be produced according to the traditional practices referred to in paragraph 1.

Article 7

1. Each Member State shall fix a minimum natural alcoholic strength by volume for each of the quality wines psr obtained in its territory. When this natural alcoholic strength by volume is being determined account shall be taken in particular of the alcoholic strengths which have been recorded over the 10 preceding years. Only satisfactory harvests from the most representative soils of the specified region shall be considered.

2. Except for derogations adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79, the alcoholic strengths referred to in paragraph 1 may not be less than:

- 6.5% vol in zone A,
- 7.5% vol in zone B,
- 8.5% vol in zone C I (a),
- 9% vol in zone C I (b),
- 9.5% vol in zone C II,
- 10% vol in zone C III.

The zones referred to above are those defined in Annex IV to Regulation (EEC) No 337/79.

Article 8

1. The specific wine-making and preparation methods used for obtaining quality wines psr and quality sparkling wines psr shall be defined for each of those wines by each producer Member State concerned.

2. Where weather conditions in one of the wine-growing zones referred to in Article 7 have rendered it necessary, the Member States concerned may authorize an increase in the actual or potential natural alcoholic strength by volume of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine suitable for yielding quality wine psr.

This increase may not exceed the limits laid down in Article 32 (1) of Regulation (EEC) No 337/79.

In years when weather conditions have been exceptionally unfavourable, the increase in alcoholic strength provided for in the first subparagraph may, in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79, attain the limits laid down in Article 32 (2) of that Regulation. Such authorization shall not prejudice the possibility of a similar authorization for table wines as provided for in that Article.

The increase provided for in this paragraph may be effected only according to the methods and conditions

mentioned in Article 33 of Regulation (EEC) No 337/79, excluding the second subparagraph of paragraph 3 and paragraph 6 thereof.

However, until 30 June 1979, sucrose may be added in aqueous solution in wine-growing zone A, provided that the volume of the product to which the solution is added is not thereby increased by more than 10%.

3. Article 5 of Regulation (EEC) No 358/79 shall apply as regards the enrichment of cuvées intended for the preparation of quality sparkling wines psr.

4. The total alcoholic strength by volume of quality wines psr shall not be less than 9% vol. However, for certain white quality wines psr that have been subject to no enrichment the minimum total alcoholic strength shall be 8.5% vol.

The actual alcoholic strength by volume of quality sparkling wines psr, including the alcohol contained in any expedition liqueur added, shall not be less than 10% vol. However, for quality sparkling wines psr of the aromatic type, the minimum actual strength by volume shall be 6% vol.

5. The total alcoholic strength by volume of cuvées intended for the preparation of quality sparkling wines psr shall not be less than 9.5% vol in wine-growing zone C III and 9% vol in the other wine-growing zones.

However, cuvées intended for the preparation of certain quality sparkling wines psr whose designation refers to a variety of vine may have a total alcoholic strength by volume below that stipulated in the preceding subparagraph in respect of the wine-growing zone concerned.

6. A list of the quality wines psr referred to in the second sentence of the first subparagraph of paragraph 4 shall be drawn up in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

A list of the quality sparkling wines psr referred to in the second subparagraph of paragraph 5 and of the minimum total alcoholic strengths by volume of their respective cuvées shall be drawn up in accordance with the same procedure.

Article 9

1. Conditions and limits for the acidification and deacidification of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine, and the procedure for granting authorizations and derogations shall be those laid down in Article 34 of Regulation (EEC) No 337/79.

Article 5 of Regulation (EEC) No 358/79 shall apply as regards the acidification and deacidification of cuvées

intended for the preparation of quality sparkling wines psr.

2. The sweetening of a quality wine psr may be authorized by a Member State only if it is carried out:

- in compliance with the conditions and limits stipulated in Article 35 of Regulation (EEC) No 337/79,
- within the specified region in which the wine was produced, or within a region bordering directly on it, except in certain cases to be determined,
- using grape must or concentrated grape must originating in the same specified region as the wine in question, provided that the concentrated grape must has been notified in accordance with the second subparagraph of Article 36 (1) of Regulation (EEC) No 337/79.

The regions bordering directly on the specified region and the exceptions referred to in the preceding subparagraph shall be determined in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 10

Each of the enrichment, acidification and deacidification operations referred to in Articles 8 and 9 (1) shall be authorized only if carried out under the conditions laid down in Article 36 of Regulation (EEC) No 337/79.

Subject to the provisions of Article 6 (2), such operations may be carried out only in the specified region where the fresh grapes used were harvested.

Article 11

1. A yield per hectare expressed in quantities of grapes, of grape must or of wine shall be fixed for each quality wine psr by the Member State concerned.

When this yield is being fixed, particular account shall be taken of the yields obtained over the preceding 10 years. Only harvests of satisfactory quality from representative soils of the specified region shall be considered.

The yield per hectare may be fixed at different levels for the same quality wine psr depending on:

- the sub-region, local administrative area or part thereof, and
- the vine variety or varieties

from which the grapes used are derived. The yield so fixed may be adjusted by the Member State concerned.

2. Use of the designation claimed shall be prohibited for the entire harvest if the yield referred to in paragraph 1 is exceeded, save where derogations are provided for on a general or individual basis by the Member States under conditions which they shall lay down, on the basis of wine-growing areas if appropriate; these conditions shall relate in particular to the use to which the wines or products in question are to be put.

Article 12

1. For the tirage liqueur used in preparing a quality sparkling wine psr, only the following may be used in addition to yeast and sucrose:

- grape must,
- grape must still in fermentation,
- wine,
- quality wine psr,

suitable for yielding the same quality sparkling wines psr as that to which the tirage liqueur is added.

2. Notwithstanding point 13 of Annex II to Regulation (EEC) No 337/79, quality sparkling wines psr when kept at a temperature of 20 °C in closed containers shall have a minimum excess pressure of 3.5 bar.

However, for quality sparkling wines psr kept in containers of a capacity of less than 25 cl and for quality sparkling wines psr of the aromatic type the minimum excess pressure shall be 3 bar.

3. The duration of the preparation process for quality sparkling wines psr, including ageing in the production undertaking, shall be not less than nine months from the start of the fermentation process intended to make them sparkling.

4. Notwithstanding paragraph 3 above, the preparation process for quality sparkling wines psr of the aromatic type shall be not less than one month.

5. Notwithstanding paragraph 3 above, for quality sparkling wines psr, produced in Italy until 31 August 1981, the duration of the preparation process shall be not less than six months.

However:

- for quality sparkling wines psr for which arrangements are introduced up to 31 August 1981, the Italian Republic shall have the option not to apply this derogation,
- for quality wines psr for which arrangements are introduced after 1 September 1978, this derogation shall be subject to an authorization granted in

accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

6. The duration of the fermentation process referred to in paragraph 3 and of the presence of the wine on the lees shall be not less than 60 days. However, if fermentation takes place in containers equipped with stirrers, the minimum period shall be 21 days.

7. The expedition liqueuring of quality sparkling wines psr of the aromatic type shall be prohibited.

8. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 13

1. Without prejudice to any more restrictive provisions which Member States may apply to quality sparkling wines psr produced within their territory, the total sulphur dioxide content of quality sparkling wines psr shall not exceed 200 mg/l.

2. Where climatic conditions have made this necessary in certain wine-growing areas of the Community, the Member States concerned may authorize the maximum total sulphur dioxide content of quality sparkling wines psr, produced within their territory, to be increased by a maximum of 25 mg/l on condition that quality sparkling wines psr which have benefited from such permission are not exported from the Member States in question.

3. By 1 September 1981 the Council, acting by a qualified majority on a proposal from the Commission shall decide on the reduction in the maximum total sulphur dioxide content in accordance with scientific knowledge and the development of technology. To this end, the Commission will present, by 1 April 1981 at the latest, a report accompanied by suitable proposals with the aim of reducing the said maximum content by at least 25 mg/l in so far as scientific knowledge and technological development allow.

4. The detailed rules for the application of this Article and the transitional measures for quality sparkling wines psr produced before 8 May 1970 shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 14

1. Producers shall be obliged to submit wines which are likely to be designated 'quality wine psr' to an analytical test and to an organoleptic test.

(a) The analytical test shall at least measure the factors enabling the quality wine psr in question to be distinguished, as listed in the Annex to this Regulation.

The upper and lower limits for such factors shall be laid down by the producer Member State in respect of each quality wine psr.

- (b) The organoleptic test shall concern colour, clarity, smell and taste.

2. Until appropriate provisions relating to their systematic and general application are adopted by the Council acting by a qualified majority on a proposal from the Commission, the tests provided for in paragraph 1 may be carried out on samples by the competent agency designated by each of the Member States.

3. Where this Regulation requires for its implementation the use of methods of analysis other than those referred to in Article 63 of Regulation (EEC) No 337/79, such methods shall be adopted in accordance with the procedure laid down in Article 67 of that Regulation.

4. Detailed rules for the application of paragraph 1, in particular as regards the use to be made of wines which do not satisfy the requirements of the tests in question and the conditions governing such use, shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 15

1. Quality sparkling wines psr may be put on the market only on condition that the name of the specified region to which they are entitled is marked on the cork and that the bottle carries a label from the time it leaves the place of preparation.

However, as regards labelling, exceptions may be permitted provided that appropriate controls are ensured.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 16

1. The Community term 'quality wine psr', or any specific term traditionally used in Member States to designate particular wines, may be used only for wines which comply with the provisions of this Regulation and with those provisions adopted pursuant thereto.

2. Without prejudice to any additional terms which may be allowed by national laws, and subject to national provisions on the wines in question being observed, the specific terms traditionally used which are referred to in paragraph 1 shall be the following:

- (a) The Federal Republic of Germany:

an indication of the origin of the wine, accompanied by the terms 'Qualitätswein' or 'Qualitätswein mit Prädikat' together with one of the following terms: 'Kabinett', 'Spätlese', 'Auslese', 'Beerenauslese' or 'Trockenbeerenauslese';

- (b) France:

'Appellation d'origine contrôlée', 'Appellation contrôlée', 'Champagne' and 'Vin délimité de qualité supérieure';

- (c) Italy:

'Denominazione di origine controllata' and 'Denominazione di origine controllata e garantita';

- (d) Luxembourg:

'Marque nationale du vin luxembourgeois'.

3. The Community term 'quality sparkling wine psr' or any equivalent traditional specific term may be used only for quality sparkling wines psr.

A quality sparkling wine psr which has undergone the process of secondary fermentation outside a specified region may bear the name of that region only:

- if the conditions set out in the third subparagraph of Article 6 (2) are fulfilled, and
- if such a designation is allowed under the laws of the Member State in whose territory the grapes were harvested.

4. The name of a specified region may be used to describe a wine only if it is a quality wine psr.

However, the Council, acting by a qualified majority on a proposal from the Commission, may authorize, for a transitional period which expires on 31 August 1981, the use subject to conditions to be determined of the names of certain specified regions to describe table wines for which such names are traditionally used.

5. A quality wine psr shall be marketed under the name of the specified region granted it by the producer Member State.

No wine which satisfies the provisions of this Regulation and those provisions adopted pursuant thereto may be marketed without the term 'quality wine psr' or one of the specific terms traditionally used which are referred to in paragraphs 1 and 2. However, a quality sparkling wine psr may not be marketed without the term 'quality sparkling wine psr' or an equivalent traditional specific term as referred to in paragraph 3.

The term 'quality wine psr' or 'quality sparkling wine psr', whichever is appropriate, together with the name of the specified region concerned must appear on the accompanying document referred to in Article 53 (1) of Regulation (EEC) No 337/79.

6. The downgrading of a quality wine psr may be effected at the production stage under conditions laid down by national rules; it may be effected at the marketing stage only where the properties or the quality wine psr in question have deteriorated or altered as a result of a change noted during maturing, storage or transport.

7. Detailed rules for the application of this Article, in particular as regards the use to be made of downgraded quality wines psr and the conditions governing such use, shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 17

1. Each Member State shall be responsible for the control and protection of the quality wines psr marketed in accordance with this Regulation.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 18

1. The quantities of quality wines psr, and of grapes, musts and wines suitable for yielding quality wines psr, shall be declared separately in the harvest and stock declarations provided for in pursuance of Article 28 (1), (2) and (3) of Regulation (EEC) No 337/79.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 19

In addition to the provisions laid down in this Regulation, producer Member States may, taking into account fair and traditional practices, lay down any additional or more stringent characteristics or conditions of production and movement in respect of the quality wines produced in specified regions within their territory.

They may, in particular, impose limits on the maximum residual sugar content of a quality wine psr, especially as regards the ratio between the actual alcoholic strength by volume and the residual sugar.

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

Done at Brussels, 5 February 1979.

Article 20

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation.

Detailed rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 21

1. Sparkling wines bearing the name of a specified region, in respect of which proof can be furnished that they were produced before 1 September 1975 but which do not comply with the provisions of the fourth subparagraph of Article 1, may be marketed under that name and, where appropriate, with one of the traditional specific terms referred to in Article 16 (3), on condition that they comply with the previous national provisions.

2. Member States may provide that quantities of sparkling wines as referred to in paragraph 1 equal to or greater than 10 hectolitres and produced before 1 September 1975 must be notified to the competent authorities.

Article 22

1. Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions ⁽¹⁾, as last amended by Regulation (EEC) No 2211/77 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to the Articles of the repealed Regulation should be read in accordance with the table of equivalence set out in Annex II.

Article 23

This Regulation shall enter into force on 2 April 1979.

For the Council
The President
P. MEHAIGNERIE

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 20.

⁽²⁾ OJ No L 256, 7. 10. 1977, p. 1.

ANNEX I

List of factors which enable quality wines produced in specified regions to be distinguished and which may be selected for testing under Article 14

A. *Organoleptic test*

1. colour,
2. clarity and deposit,
3. smell and taste.

B. *Tests of wine behaviour*

4. behaviour in air,
5. behaviour in cold.

C. *Microbiological test*

6. behaviour in incubator,
7. appearance of wine and of deposit.

D. *Physical and chemical analysis*

8. density,
9. alcoholic strength,
10. total dry extract (obtained by densimetry),
11. reducing sugars,
12. sucrose,
13. ash,
14. alkalinity of ash,
15. total acidity,
16. volatile acidity,
17. fixed acidity,
18. pH,
19. free sulphur dioxide,
20. total sulphur dioxide.

E. *Additional analysis*

21. carbon dioxide (semi-sparkling and sparkling wines, excess pressure in bar at 20 °C).

ANNEX II

TABLE OF EQUIVALENCE

Regulation No 24	This Regulation
Article 4 (2)	Article 2 (1)
Article 4 (3)	Article 2 (2)
Regulation (EEC) No 817/70	
Article 2	Article 3
Article 3	Article 4
Article 4	Article 5
Article 5	Article 6
Article 6	Article 7
Article 7	Article 8
Article 8	Article 9
Article 9	Article 10
Article 10	Article 11
Article 10a	Article 12
Article 10b	Article 13
Article 11	Article 14
Article 11a	Article 15
Article 12	Article 16
Article 12 (2a)	Article 16 (3)
Article 12 (3)	Article 16 (4)
Article 12 (4)	Article 16 (5)
Article 12 (5)	Article 16 (6)
Article 12 (6)	Article 16 (7)
Article 13	Article 17
Article 14	Article 18
Article 15	Article 19
Article 16	Article 20
Article 17	Article 21

COUNCIL REGULATION (EEC) No 339/79

of 5 February 1979

defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 1 (4) (c) thereof,Having regard to the proposal from the Commission ⁽²⁾,

Whereas the definitions of some of the products listed in Annex II to Regulation (EEC) No 337/79 can be applied only to products obtained in the Community; whereas it is therefore necessary for the corresponding products originating in third countries to be defined;

Whereas the definitions of those products originating in third countries to which this Regulation applies must be as close as possible to the definitions of the Community products,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation concerns products originating in third countries.

Article 2

In this Regulation 'grape must with fermentation arrested by the addition of alcohol' means the product which:

- has an actual alcoholic strength by volume of not less than 12% vol but less than 15% vol, and
- is obtained by the addition to unfermented grape must having a natural alcoholic strength by volume of not less than 8.5% vol of a product derived from the distillation of wine.

'Concentrated grape must' means uncaramelized grape must which is obtained by partial dehydration of grape must carried out by any authorized method other than by direct heat, in such a way that its density at 20 °C is not less than 1.240 g/cm³.

'Liqueur wine' means the product which:

- has a total alcoholic strength of not less than 17.5% vol and an actual alcoholic strength by volume of not less than 15% vol and not more than 22% vol, and
- is obtained from grape must or wine, which must come from vine varieties approved in the third country of origin for the production of liqueur wine and have a minimum natural alcoholic strength by volume of 12% vol:
 - by freezing, or
 - by the addition during or after fermentation:
 - (i) of a product derived from the distillation of wine, or
 - (ii) of a concentrated grape must or, in the case of certain quality liqueur wines appearing on a list to be adopted of wines for which such practice is traditional, of grape must concentrated by direct heat and which, apart from this operation, corresponds to the definition of concentrated grape must, or
 - (iii) of a mixture of these products.

However, certain quality liqueur wines appearing on a list to be adopted may be obtained from unfermented fresh grape must which need not have a minimum natural alcoholic strength by volume of 12% vol.

'Sparkling wine' means the product having an actual alcoholic strength by volume of not less than 8.5% vol which:

- is obtained by the primary or secondary alcoholic fermentation of fresh grapes, grape must or wine,
- releases, when the container is opened, carbon dioxide derived exclusively from fermentation and has an excess pressure of not less than 3 bar when kept at a temperature of 20 °C in closed containers.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

'Aerated sparkling wine' means the product having an actual alcoholic strength by volume of not less than 8.5% vol which:

- is obtained from wine,
- releases, when the container is opened, carbon dioxide derived totally or partially from an addition of that gas, and
- has an excess pressure of not less than 3 bar when kept at a temperature of 20 °C in closed containers.

'Semi-sparkling wine' means wine having an actual alcoholic strength by volume of not less than 8.5% vol which:

- naturally contains carbon dioxide after primary or secondary alcoholic fermentation, and
- has an excess pressure of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20 °C in closed containers.

'Aerated semi-sparkling wine' means wine having an actual alcoholic strength by volume of not less than 8.5% vol which:

- contains carbon dioxide that has been wholly or partially added, and
- has an excess pressure of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20 °C in closed containers.

Article 3

When the products defined in Article 2 are imported they shall, where necessary, be accompanied by the certificate and analysis report referred to in Article 50

(1) (a) of Regulation (EEC) No 337/79 made out by the competent authorities of the exporting country stating that the products comply with certain requirements which correspond to those applicable to Community products.

Article 4

Detailed rules for the application of this Regulation, in particular, in respect of each product referred to in Article 2, the requirements referred to in Article 3, shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 5

1. Council Regulation (EEC) No 948/70 of 26 May 1970 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries ⁽¹⁾, as last amended by Regulation (EEC) No 681/75 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to the Articles of the repealed Regulation shall be taken as references to the Articles of this Regulation in accordance with the tables of equivalence set out in the Annex.

Article 6

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ OJ No L 114, 27. 5. 1970, p. 6.

⁽²⁾ OJ No L 72, 20. 3. 1975, p. 48.

ANNEX

TABLE OF EQUIVALENCE

Regulation (EEC) No 948/70	This Regulation
Article 3a	Article 4

COUNCIL REGULATION (EEC) No 340/79

of 5 February 1979

determining the types of table wines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas Article 2 of Regulation (EEC) No 337/79 provides that a guide price shall be fixed annually for each type of table wine representative of Community production; whereas it is therefore necessary to determine those types of wine;

Whereas the extent to which a table wine is representative can be assessed on the basis of the quantity or characteristics of the table wine concerned;

Whereas it is necessary to determine certain objective characteristics which enable the different types of table wine to be distinguished,

HAS ADOPTED THIS REGULATION:

Article 1

The types of red table wine shall be as follows:

- (a) red table wine, other than that referred to under (c), with an actual alcoholic strength by volume of not less than 10% vol and not more than 12% vol which shall be known as 'Type R I';
- (b) red table wine, other than that referred to under (c), with an actual alcoholic strength by volume of not less than 13% vol and not more than 14% vol which shall be known as 'Type R II';

- (c) red table wine from vine varieties of the 'Portugieser' type, which shall be known as 'Type R III'.

Article 2

The types of white table wine shall be as follows:

- (a) white table wine, other than that referred to under (b) and (c), with an actual alcoholic strength by volume of not less than 10% vol which shall be known as 'Type A I';
- (b) white table wine from vine varieties of the Sylvaner or Müller-Thurgau type, which shall be known as 'Type A II';
- (c) white table wine from vine varieties of the Riesling type, which shall be known as 'Type A III'.

Article 3

The lists of vine varieties referred to in Articles 1 (c) and 2 (b) and (c) shall be adopted according to the procedure provided for in Article 67 of Regulation (EEC) No 337/79.

Article 4

1. Council Regulation (EEC) No 945/70 of 26 May 1970 determining the types of table wines ⁽⁴⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 5

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽³⁾ OJ No C 296, 11. 12. 1978, p. 58.

⁽⁴⁾ OJ No L 114, 27. 5. 1970, p. 1.

COUNCIL REGULATION (EEC) No 341/79

of 5 February 1979

fixing the guide prices for wine for the period 16 December 1978 to 15 December 1979

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas, when the guide prices for the various types of table wine are fixed, account should be taken both of the objectives of the common agricultural policy and of the contribution which the Community wishes to make to the harmonious development of world trade; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to ensure that supplies are available and that they reach consumers at reasonable prices;

Whereas, to that end, the prices valid for the period 16 December 1978 to 15 December 1979 should be fixed at higher levels than those adopted for the preceding period, particularly in view of recent price trends;

Whereas the guide prices must be fixed for each type of table wine representative of Community production as defined in Council Regulation (EEC) No 340/79 ⁽⁴⁾,

Article 1

For the period 16 December 1978 to 15 December 1979 the guide prices for table wines shall be:

Type of wine	Guide price
R I	2.07 u.a./% vol/hl
R II	2.07 u.a./% vol/hl
R III	32.28 u.a./hl
A I	1.94 u.a./% vol/hl
A II	43.02 u.a./hl
A III	49.12 u.a./hl

Article 2

1. Council Regulation (EEC) No 1299/78 of 6 June 1978 fixing the guide prices for wine for the period 16 December 1978 to 15 December 1979 ⁽⁵⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽³⁾ OJ No C 296, 11. 12. 1978, p. 58.

⁽⁴⁾ See page 60 of this Official Journal.

⁽⁵⁾ OJ No L 160, 17. 6. 1978, p. 11.

COUNCIL REGULATION (EEC) No 342/79

of 5 February 1979

fixing the activating prices for table wines for the period 16 December 1978 to 15 December 1979

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 3 (1) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas an activating price must be fixed annually for each type of wine for which a guide price is fixed, taking into consideration the factors set out in Article 3 (2) of Regulation (EEC) No 337/79;

Whereas the quality of the 1978/79 harvest can generally be regarded as slightly below average;

Whereas the current prices for R I and R II table wines are at least equal to the activating prices; whereas, however, the prices for A I table wines have been consistently lower than the activating prices for the last four wine years, with the exception of a short period at the end of 1977; whereas in the last wine year the prices for A II and A III table wines settled at a level well below their respective activating prices;

Whereas, although the harvest was more plentiful than in the previous wine year, the quantity available is, because of relatively low stocks, slightly lower than that recorded for the 1977/78 wine year;

Whereas the level of the activating prices must take account of the factors mentioned above; whereas the activating prices fixed for the previous wine year should therefore be increased, without, however, encouraging production;

Whereas the different trends on the markets in red and white wines justify the introduction of selectivity in fixing activating prices and in particular an increase in the activating prices for white wines of less than that adopted for red wines and that adopted by the Council for the guide prices;

Whereas the guide prices for the period 16 December 1978 to 15 December 1979 were fixed by Regulation (EEC) No 341/79 ⁽³⁾; whereas Article 3 (3) of Regulation (EEC) No 337/79 provides that the activating price shall be fixed at the same stage and shall be valid during the same period as the guide price; whereas Regulation (EEC) No 340/79 ⁽⁴⁾ determined the types of table wine to which these prices apply,

HAS ADOPTED THIS REGULATION:

Article 1

The activating prices for table wines for the period 16 December 1978 to 15 December 1979 are hereby fixed as follows:

Type of wine	Activating price
R I	1.93 u.a./% vol/hl
R II	1.93 u.a./% vol/hl
R III	30.00 u.a./hl
A I	1.79 u.a./% vol/hl
A II	39.66 u.a./hl
A III	45.29 u.a./hl

Article 2

1. Council Regulation (EEC) No 2777/78 of 23 November 1978 fixing the activating prices for table wines for the period 16 December 1978 to 15 December 1979 ⁽⁵⁾ is hereby repealed.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽³⁾ See page 61 of this Official Journal.

⁽⁴⁾ See page 60 of this Official Journal.

⁽⁵⁾ OJ No L 333, 30. 11. 1978, p. 3.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

COUNCIL REGULATION (EEC) No 343/79

of 5 February 1979

laying down general rules governing certain distillation operations 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 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Articles 11 (3), 12 (3), 13 (3), 40 (5) and 41 (3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas the conditions should be laid down under which the distillation operations provided for in Articles 11, 12, 13, 40 and 41 of Regulation (EEC) No 337/79 are to be carried out;

Whereas the different prices for wines for distillation laid down in the aforementioned Articles normally render it impossible to market the products of distillation at market prices; whereas it is therefore necessary to determine the criteria for fixing the amount of aid so as to enable the products obtained to be disposed of;

Whereas provision should be made for the minimum price guaranteed to the producer to be paid to him, as a general rule, within time limits which will enable him to obtain a profit comparable to that which he would have obtained from a commercial sale;

Whereas provision should be made for producers to conclude contracts with distillers subject to approval by the intervention agency, in order to facilitate the control of the progress of operations and of the observance of the obligations of both parties; whereas this system would have the added advantage of making it easier to monitor the quantitative effects of distillation on the market;

Whereas, in order to ensure appropriate control of the distillation provided for in Articles 11, 12, 13, 40 and 41 of Regulation (EEC) No 337/79, distillers should be subject to a system of approval;

Whereas, on the basis of experience gained and pending the adoption of new rules in the matter, a certain margin should be allowed for the quantity of wine indicated in certain contracts for the delivery of wines concluded during the 1976/77, 1977/78 and 1978/79 marketing years; whereas, moreover, provision should be made in chance circumstances or cases of *force majeure*, for aid to be paid in respect of the quantity of wine which has actually been distilled,

HAS ADOPTED THIS REGULATION:

Article 1

1. Producers undertaking the distillation of wine pursuant to Articles 11, 12, 13, 40 and 41 of Regulation (EEC) No 337/79 shall conclude contracts for the delivery of wine with an approved distiller before a date to be fixed.

These contracts shall not be valid unless approved by the intervention agency before a date to be fixed.

2. These contracts shall cover:

- (a) the purchase by the distiller of the quantity of wine entered in the contract;
- (b) the obligation for the distiller to process the wine into a product with a strength of 86% vol or more, or into a product with a strength of 85% vol or less and to pay for it at least the price referred to in Articles 11 (2), 12 (2), 13 (2), 40 (3) and 41 (2) of Regulation (EEC) No 337/79, as appropriate, such price being applicable to unpacked goods ex producer's premises.

Article 2

1. The intervention agency shall pay aid for each hectolitre of wine distilled.

2. The amount of the aid shall be fixed on the basis of the minimum buying-in price referred to in Article 1 (2) (b), the standard processing costs and the price of the products obtained by distillation, so as to enable these products to be disposed of.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 52.

3. The amount of aid granted shall vary depending on whether the products of distillation have an alcoholic strength by volume of:

- 86% vol or more, or
- 85% vol or less.

However, the amount of aid granted for products with an alcoholic strength by volume of 85% vol or less may not exceed the amount of aid granted for products with an alcoholic strength by volume of 86% vol or more.

Article 3

Should Article 13 (1) of Regulation (EEC) No 337/79 apply, it may be decided to limit distillation to products with an alcoholic strength by volume of 86% vol or more.

In this case, Articles 1 and 2, in so far as they refer to a product with an alcoholic strength by volume of 85% vol or less, shall not apply.

Article 4

1. When the total quantity of wine in the contract enters the distillery, the distiller shall pay the producer at least the difference between the minimum buying-in price referred to in Article 1 (2) (b) and the aid provided for in Article 2.

2. Within two weeks of entry into the distillery of the total quantity of wine in the contract, the intervention agency shall pay the producer an amount equal to 30% of the minimum buying-in price referred to in Article 1 (2) (b) to be deducted from the aid provided for in Article 2. In no case may this amount be greater than the said aid.

3. When proof is supplied that the total quantity of wine in the contract has been distilled, the intervention agency shall pay the producer the difference between the aid provided for in Article 2 and the amount referred to in paragraph 2.

4. Member States may provide that the amount referred to in paragraph 2 shall be paid:

- by the intervention agency to the producer within two weeks of approval of the contract,
- by the distiller.

In the latter case the intervention agency shall reimburse this amount to the distiller when the proof referred to in paragraph 3 is supplied.

5. Where distillation takes place in a Member State other than the Member State where the producer is

located, the minimum buying-in price referred to in Article 1 (2) (b) shall be paid by the distiller.

6. By way of derogation from paragraphs 1 to 4, the minimum buying-in price may be paid by the intervention agency or the distiller in one payment after distillation of the total quantity of wine appearing in the contract.

Article 5

Distillation shall take place during periods to be fixed.

It may, however, be decided to bring forward the completion date for the distillation operations referred to in Articles 11, 12 and 13 of Regulation (EEC) No 337/79, should the economic situation of the market require it, with due consideration for *inter alia*:

- the weighted average price level,
- market availability,

in the case of the types of wine affected by the distillation measures in question.

Article 6

1. A margin of 10 % more or less than the quantity of wine indicated in the contracts referred to in Article 1 shall be permitted.

This margin shall not, however, be permitted in the case of contracts regarding the distillation referred to in Article 40 or for that referred to in Article 41 of Regulation (EEC) No 337/79.

2. Where, due to chance circumstances or for reasons of *force majeure*, all or some of the wine covered by a contract referred to in Article 1 cannot be distilled, the distiller or the producer shall immediately so inform:

- the intervention agency of the Member State in whose territory the distillation premises are located and,
- if the producer's winery is located in another Member State, the intervention agency of the second Member State.

3. In the cases referred to in paragraphs 1 and 2 the intervention agency shall pay the aid referred to in Article 2 (3) in respect of that quantity of wine which has actually been distilled.

4. This Article shall apply to delivery contracts concluded during the 1976/77, 1977/78 and 1978/79 marketing years.

Article 7

For the purposes of this Regulation an approved distiller means a distiller included on a list to be compiled by the competent authorities of the Member States.

Under conditions to be laid down as part of the implementing rules, approval may be withdrawn by these authorities from distillers who do not fulfil their obligations under this Regulation.

Article 8

1. Member States shall appoint an intervention agency to be responsible for implementing this Regulation.
2. The intervention agency responsible shall in every case be that located on the territory where distillation takes place.

Article 9

1. Council Regulation (EEC) No 1931/76 of 20 July 1976 laying down general rules governing the distillation of wines provided for in Articles 6b, 6c, 6d, 24a and 24b of Regulation (EEC) No 816/70 ⁽¹⁾, as last amended by Regulation (EEC) No 2609/78 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to the Articles of the repealed Regulation shall be read in accordance with the table of equivalence set out in the Annex.

Article 10

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

 ANNEX

TABLE OF EQUIVALENCE

Regulation (EEC) No 1931/76	This Regulation
Article 2a	Article 3
Article 3	Article 4
Article 4	Article 5
Article 4a	Article 6
Article 5	Article 7
Article 6	Article 8

⁽¹⁾ OJ No L 211, 5. 8. 1976, p. 5.

⁽²⁾ OJ No L 315, 9. 11. 1978, p. 10.

COUNCIL REGULATION (EEC) No 344/79

of 5 February 1979

laying down general rules for fixing the reference price and levying the countervailing charge for wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 17 (5) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas Article 17 (1) of Regulation (EEC) No 337/79 provides that reference prices shall be fixed annually for red wine, white wine, certain grape juices and grape musts and wine fortified for distillation; whereas reference prices are, moreover, fixed for some wines on the basis of their special characteristics or uses; whereas it is necessary to establish general rules for fixing such prices;

Whereas there are international agreements in the wine sector;

Whereas reference prices should contribute towards ensuring that prices for Community products are effectively protected and that preference is given on the internal market to Community production; whereas it is therefore necessary for them to be fixed at a level which makes it possible for these objectives to be achieved, as this is essential for ensuring a fair income for Community producers;

Whereas the reference price for red wines and the reference price for white wines must be fixed on the basis of the guide prices for the types of red and white table wine which are most representative of Community production, plus the costs incurred in bringing Community wines to the same marketing stage as imported wines; whereas, similarly, the reference prices for certain grape juices and musts and for wines fortified for distillation should be fixed on the basis of

the guide prices for red or white table wines weighted to take account of the relationship on the Community market between the prices of red or white table wines and those of the products in question, plus the costs incurred in bringing similar Community products to the same marketing stage as the corresponding imported products;

Whereas it is necessary to specify the factors by reference to which such costs are to be calculated;

Whereas the reference price for liqueur wine should be fixed on the basis of the prices ruling within the Community for the product in question;

Whereas criteria should be laid down for fixing special reference prices for certain products on the basis of their special characteristics or uses,

HAS ADOPTED THIS REGULATION:

Article 1

The reference price for red wine and the reference price for white wine shall be fixed on the basis of the guide prices for, respectively, the types of red table wine and the types of white table wine which are considered as having a determining influence on the formation of Community wine-growers' incomes.

The reference prices for the products referred to in the first, second, third and fourth indents of the third subparagraph of Article 17 (1) of Regulation (EEC) No 337/79 shall be fixed on the basis of the guide prices for red or white wines weighted to take account of the relationship on the Community market between the prices of red or white wines and those of the products in question plus the costs incurred in bringing similar Community products to the same marketing stage as the corresponding imported products.

The reference price for the product referred to in the fifth indent of the third subparagraph of Article 17 (1) of Regulation (EEC) No 337/79 shall be fixed on the basis of the prices ruling within the Community for the product in question.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

Article 2

The level of the reference prices referred to in Article 1 shall be determined by reference to:

- (a) the quantitative information in the forward estimate referred to in Article 5 of Regulation (EEC) No 337/79;
- (b) the quality of the harvest of the wine-growing year in which the reference price is fixed;
- (c) the extent and nature of foreseeable intervention measures.

Article 3

Where special reference prices are fixed for the products referred to in the first and third subparagraphs of Article 17 (1) of Regulation (EEC) No 337/79 on the basis of their special characteristics or uses, the price level shall be established by reference to the prices ruling within the Community for the products in question.

Article 4

The costs incurred in bringing Community products to the same marketing stage as similar imported products shall be established by reference to:

- (a) brokerage costs;
- (b) loading costs;
- (c) insurance costs;

- (d) transport costs;
- (e) losses.

Article 5

1. Without prejudice to the provisions of the second and third subparagraphs of Article 17 (3) of Regulation (EEC) No 337/79, any wines from third countries, if not included among the wines for which a special reference price is fixed, shall be subject to the countervailing charge applicable to red or white wines, as appropriate.

2. For the purposes of the countervailing charge rosé wines shall be considered as red wines.

Article 6

1. Council Regulation (EEC) No 947/70 of 26 May 1970 laying down general rules for fixing the reference price and levying the countervailing charge for wine ⁽¹⁾, as amended by Regulation (EEC) No 2918/76 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 7

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ OJ No L 114, 27. 5. 1970, p. 4.

⁽²⁾ OJ No L 333, 2. 12. 1976, p. 6.

COUNCIL REGULATION (EEC) No 345/79

of 5 February 1979

laying down general rules for granting export refunds on wine and criteria for fixing the amount of such refunds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 20 (1) and (3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas export refunds on products subject to the common organization of the market in wine should be fixed in accordance with certain criteria which would make it possible to cover the difference between prices for those products within the Community and in international trade; whereas to this end the supply situation and prices for those products within the Community and the price situation on the world market must be taken into account;

Whereas the granting of refunds may be limited to exports of certain of the products listed in Article 1 (2) of Regulation (EEC) No 337/79; whereas it should be limited to the products listed in Article 1 (2) (b) and (c) of that Regulation because of their special economic importance;

Whereas, given the difference in the prices at which the products in question are offered, account should be taken of costs of shipment in order to cover the difference between the prices ruling in international trade and those within the Community;

Whereas prices must be determined in accordance with certain principles to enable price trends to be noted; whereas to this end prices on third country markets and in countries of destination, producer prices recorded in third countries and Community free-at-frontier offer prices should be taken into account when prices in

international trade are being determined; whereas the most advantageous export prices should be taken as a basis in determining Community prices;

Whereas provision must be made for varying the amount of the refund according to the destination of the products, since special conditions apply to imports in certain countries of destination;

Whereas, to ensure Community exporters some stability in the amount of the refund and with regard to the list of products eligible for a refund, it should be possible for the refunds to be fixed at intervals based on trade practices;

Whereas, to avoid distortions of competition, the administrative system to which traders are subject must be identical throughout the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down rules for fixing and granting export refunds on the products listed in Article 1 (2) of Regulation (EEC) No 337/79.

2. Refunds may be granted only for the following products:

CCT heading No	Description
b) 22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol (including mistelles)
c) 08.04 A II	Fresh grapes other than table grapes
22.10 A	Wine, vinegar

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

Article 2

The following shall be taken into account when refunds are being fixed:

- (a) the existing situation and future trends with regard to:
 - prices and availabilities of the products listed in Article 1 (2) on the Community market,
 - world market prices for those products;
- (b) the most advantageous marketing and transport costs from the Community markets to the ports or other export points of the Community, as well as the costs of shipment to the country of destination;
- (c) the objectives of the common organization of the market in wine, which are to ensure stability for the market and a natural development in respect of prices and trade;
- (d) the need to avoid disturbances on the Community market;
- (e) the economic aspect of the proposed exports.

Article 3

1. Community market prices shall be determined on the basis of the most advantageous export prices.
2. The following shall be taken into account when the prices in international trade are being determined:
 - (a) prices recorded on third country markets;
 - (b) the most advantageous prices in third countries of destination for third country imports;
 - (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries;
 - (d) free-at-Community-frontier offer prices.

Article 4

Where the international trade situation or the specific requirements of certain markets make this necessary, the Community refund may be varied according to the destination of a specific product.

Article 5

The intervals at which the list of products for which a refund is actually granted are to be fixed and the amount at which that refund is to be fixed shall be determined according to the procedure provided for in Article 67 of Regulation (EEC) No 337/79.

Article 6

1. The refund shall be paid upon proof:
 - (a) that the products have been exported from the Community;
 - (b) that the products are of Community origin, except where Article 7 applies.
2. Where Article 4 applies the refund shall be paid under the conditions laid down in paragraph 1 of this Article, provided it is proved that the product has been used for the purpose or has reached the destination for which the refund was fixed.

Exceptions may be made to this rule in accordance with the procedure referred to in paragraph 3 of this Article, provided equivalent conditions are laid down.

3. Additional provisions may be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 7

1. No export refund shall be granted on products listed in Article 1 (2) which are imported from third countries and re-exported to third countries, unless the exporter proves:
 - (a) that the product to be exported and the product previously imported are one and the same;
 - (b) that customs duties and, where appropriate, the countervailing charge have been collected on importation.
2. In such cases the refund on each product shall be equal to customs duties and the countervailing charge collected on importation where the sum of these two levies is lower than the refund applicable on the day of exportation; the refund shall be equal to the refund applicable on the day of exportation where that sum is higher than this refund.

Article 8

1. Council Regulation (EEC) No 957/70 of 26 May 1970 laying down general rules for granting export refunds on wine and criteria for fixing the amount of such refunds ⁽¹⁾ is hereby repealed.

⁽¹⁾ OJ No L 115, 28. 5. 1970, p. 1.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 9

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

COUNCIL REGULATION (EEC) No 346/79

of 5 February 1979

laying down conditions for applying protective measures in the market in wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 26 (1) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas in Article 26 (1) of Regulation (EEC) No 337/79 provision is made for the application of appropriate measures if, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 (2) thereof experiences, or is threatened with, serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas these measures relate to trade with third countries; whereas they will no longer apply when the disturbance or threat of disturbance has ceased;

Whereas it is for the Council to adopt detailed rules for the application of Article 26 (1) of that Regulation and define the cases in which and the limits within which Member States may take interim protective measures;

Whereas, therefore, the main factors to be used in assessing whether the Community market is seriously disturbed or threatened with disturbance should be determined;

Whereas since recourse to protective measures depends on the influence of trade with third countries on the Community market, the situation on this market must be assessed by taking account not only of the factors peculiar to the market itself but also of the factors connected with the development of that trade;

Whereas the measures which may be taken under Article 26 of Regulation (EEC) No 337/79 should be laid down; whereas those measures must be such as to put an end to serious disturbances on the market and

the threat of such disturbances; whereas they must be suited to the circumstances if they are not to have other than the desired effects;

Whereas the organization of the market in wine includes a system of import licences; whereas in view of the existence of that system, rules should be laid down whereby interim protective measures at Community level can be decided upon after a summary examination of the situation;

Whereas recourse by a Member State to Article 26 of Regulation (EEC) No 337/79 should be limited to a case in which the market of that State, following an assessment based on the abovementioned factors, is regarded as fulfilling the conditions of that Article; whereas the measures which may be taken in that case should be designed to stop the market situation from deteriorating further; whereas, however, they must be of an interim nature; whereas this interim nature of national measures justifies their application only until the entry into force of a Community decision on the subject;

Whereas the Commission is required to take a decision on the Community protective measures to be applied in response to a request from a Member State within 24 hours following receipt of the request; whereas in order that the Commission may assess the situation on the market with the greatest effectiveness, provision must be made to ensure that it is informed as quickly as possible of any interim protective measures applied by a Member State; whereas, therefore, provision should be made for the Commission to be notified of any such measures as soon as they have been adopted and for such notification to be treated as a request within the meaning of Article 26 (2) of Regulation (EEC) No 337/79,

HAS ADOPTED THIS REGULATION:

Article 1

In order to assess whether the Community market in one or more of the products listed in Article 1 (2) of Regulation (EEC) No 337/79 is, by reason of imports or exports, experiencing or threatened with serious disturbances which may endanger the objectives set out

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

in Article 39 of the Treaty, particular account shall be taken, in addition to the criteria provided in the second subparagraph of Article 26 (1) of that Regulation, of:

- (a) the volume of exports achieved or foreseen;
- (b) the quantities of products available on the Community market;
- (c) the prices recorded on the Community market or the foreseeable trend of these prices and in particular any excessive upward trend thereof or, in the case of products for which no intervention price has been fixed, any excessive downward trend thereof;
- (d) the quantities of products for which intervention measures may need to be taken if the abovementioned situation arises as a result of imports.

Article 2

1. The measures which may be taken under Article 26 (2) and (3) of Regulation (EEC) No 337/79 should the situation mentioned in paragraph 1 of that Article arise shall be:

- (a) the total or partial suspension of the issue of import licences, resulting in the refusal of fresh applications;
- (b) the total or partial rejection of outstanding applications for the issue of licences;
- (c) the suspension of exports;
- (d) the levying of export charges.

2. These measures may only be taken to such extent and for such length of time as is strictly necessary. They may not extend to products other than those imported from or intended for third countries. They may be restricted to products imported from or originating in particular countries, to exports to particular countries or to particular qualities or types of presentation. They may be restricted to imports intended for or to exports from certain regions of the Community.

3. The rejection of applications mentioned in paragraph 1 shall apply to those submitted during the periods in which the suspension mentioned in Article 3 or 4 have been in force.

Article 3

After a summary examination of the situation based on the factors set out in Article 1, the Commission may

establish by decision that the conditions for applying Article 26 (2) of Regulation (EEC) No 337/79 are fulfilled. The Commission shall notify Member States of its decision and shall publish it on a notice board at its headquarters.

The consequence of that decision for the products in question shall be the provisional suspension of the issue of licences from the time fixed for the purpose, that time being subsequent to the notification.

Such decision shall apply for not more than 48 hours, without prejudice to the second sentence of Article 26 (2) of Regulation (EEC) No 337/79.

Article 4

1. A Member State may take one or more interim protective measures if, after an assessment based on the factors set out in Article 1, it considers that the situation mentioned in Article 26 (1) of Regulation (EEC) No 337/79 has arisen on its own territory.

Interim protective measures shall consist of:

- (a) the total or partial suspension of the issue of import licences;
- (b) the suspension of exports;
- (c) the requirement that export charges should be deposited or secured.

The measure mentioned in (c) shall not result in charges being levied unless it is so decided under Article 26 (2) or (3) of Regulation (EEC) No 337/79.

The provisions of Article 2 (2) of this Regulation shall apply.

2. The Commission shall be notified of the interim protective measures by telex as soon as they have been decided on. Such notification shall be treated as a request within the meaning of Article 26 (2) of Regulation (EEC) No 337/79. These measures shall apply only until the decision taken by the Commission on this matter enters into force.

Article 5

1. Council Regulation (EEC) No 958/70 of 26 May 1970 laying down conditions for applying protective measures in the market in wine ⁽¹⁾ is hereby repealed.

⁽¹⁾ OJ No L 115, 28. 5. 1970, p. 4.

2. References to the Regulation repealed by paragraph
1 shall be construed as references to this Regulation.

Article 6

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

COUNCIL REGULATION (EEC) No 347/79

of 5 February 1979

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 (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 30 (1) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas Article 30 of Regulation (EEC) No 337/79 provides for the Council to 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, authorized vine varieties and temporarily authorized vine varieties;

Whereas such classification is particularly useful in directing 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 recognized to be of good quality and 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 propagating material is accepted in at least one Member State, in accordance with Community provisions, for certification or control as standard propagating 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 crossings 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 crossings after 19 July 1970 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 authorized or temporarily authorized;

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 in Commission Regulation No 58 laying down common quality standards for certain products listed in Annex I B to Regulation No 23 on the progressive establishment of a common organization of the market in fruit and vegetables ⁽³⁾, as last amended by Regulation (EEC) No 847/76 ⁽⁴⁾; whereas the suitability of those varieties for their normal use is a determining factor in their classification;

Whereas, since different names are used to describe a single vine variety, it is appropriate to establish within the classification a list of synonyms known to be used in the trade; whereas, moreover, a list of homonyms may be useful where a single term is used to cover several vine varieties;

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽³⁾ OJ No 56, 7. 7. 1962, p. 1606/62.

⁽⁴⁾ OJ No L 96, 10. 4. 1976, p. 32.

Whereas experience has shown the need to make provision for amendment of the classification of vine varieties in order to add a vine variety to the category of recommended, authorized or temporarily authorized varieties; whereas, in the event of such an addition to the classification, it may be necessary, particularly in the case of a new variety, to determine the suitability of the variety for cultivation on the basis of information obtained by the Member State concerned from cultivation trials; whereas it has also proved necessary to provide for the possibility of downgrading vine varieties whose cultivation is not entirely satisfactory; whereas the admission of vine varieties which were not listed in the classification on 31 May 1974 to the category of authorized vine varieties should be granted only on a provisional basis after examination of their cultivation suitability and for an observation period of five years, at the end of which period a final decision should be taken on the variety in question;

Whereas it is necessary to specify the conditions under which a variety listed in the category of authorized vine varieties can be upgraded to the category of recommended vine varieties as well as the conditions under which a variety can be downgraded to a lower category;

Whereas no examination of cultivation suitability is necessary in the case of a vine variety classified as an authorized vine variety being upgraded to the category of recommended vine varieties in the same administrative unit, since the cultivation suitability is already known from experience and from information obtained by the Member State in question;

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,

HAS ADOPTED THIS REGULATION:

Article 1

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

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 (EEC) No 1035/72 ⁽¹⁾, as last amended by Regulation (EEC) No 1766/78 ⁽²⁾, normally cultivated for the production of grapes for consumption when fresh;
- (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 potable wine spirits,
 - the preparation of grape juice,
 - the production of grapes normally used in the canning industry;
- (d) 'root stock variety' means a vine variety cultivated for the production of vegetative vine propagating 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 following administrative units or parts thereof:

- the Regierungsbezirk in the Federal Republic of Germany,
- the department in France,
- the province in Italy,
- the entire national territory in the other Member States.

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

However, some or 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 thereof.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 204, 28. 7. 1978, p. 12.

2. One and the same variety may, exceptionally, be classified as both a table grape variety and a wine grape variety.

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

- table wine,
- quality wine psr,
- sparkling wine, quality sparkling wine or quality sparkling wine psr,
- potable wine spirits,
- grape juice.

Article 5

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

2. Vine varieties shall be included in the classification only if their propagating material is accepted for certification or control as standard propagating material in at least one Member State, in accordance with Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine⁽¹⁾, as last amended by Directive 78/692/EEC⁽²⁾.

Article 6

1. With regard to wine grape varieties:

- (a) recommended vine varieties shall include the varieties which:
- are already cultivated in the Community and which belong to the species *Vitis vinifera* L, or
 - are obtained from interspecific crossings the cultivation suitability of which is recognized, after 19 July 1970, as being satisfactory in accordance with Article 12,
- and which normally provide wines recognized to be of good quality;
- (b) authorized vine varieties shall include the varieties which normally provide sound and marketable wine of a quality which, while of an acceptable standard, is lower than that of the wine referred to under (a);

(c) temporarily authorized vine varieties shall include the 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 present certain shortcomings in cultivation.

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

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) authorized 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 present certain shortcomings in cultivation;
- (c) temporarily authorized vine varieties shall include the varieties:
- yielding grapes which should cease to be put on the market because of their poor quality, or
 - which present serious shortcomings in 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) authorized vine varieties shall include the varieties:
- yielding products the quality of which, while 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) temporarily authorized vine varieties shall include the varieties:

⁽¹⁾ OJ No L 93, 17. 4. 1968, p. 15.

⁽²⁾ OJ No L 236, 26. 8. 1978, p. 13.

- 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 present certain shortcomings in cultivation.

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

Article 9

With regard to root stock varieties:

- (a) recommended vine varieties shall include the varieties cultivated for the purpose of obtaining vegetative vine propagating material which has been proved by experience to be satisfactory for cultivation;
- (b) provisionally authorized vine varieties shall include the varieties which have been found to be unsatisfactory for cultivation.

Article 10

1. Without prejudice to the provisions of Article 5d (3) of Directive 68/193/EEC, a list of synonyms of the vine varieties appearing in the classification shall be included in the classification if such synonyms are:

- (a) used in the trade to designate the wines produced from the vine varieties in question, and
- (b) sufficiently well known.

2. A list of homonyms of the vine varieties referred to in paragraph 1 may also be included.

Article 11

1. Vine varieties not listed in the classification for an administrative unit or part thereof or, where appropriate, for the Community as a whole may be added:

- (a) to the categories of recommended or authorized vine varieties:
 - as regards wine grape varieties and table grape varieties, only on condition that the variety has been included for at least five years in the classification for an administrative unit or part

thereof immediately bordering on the administrative unit or part thereof for which the inclusion in the classification is under consideration,

- as regards root stock varieties, only on condition that the cultivation suitability of the variety has been examined and that it has been found to be satisfactory;

- (b) to the category of authorized vine varieties only on a provisional basis if the cultivation suitability of the variety in question has been examined and found to be satisfactory, but no final assessment of the classification of the vine variety in question can yet be made on the basis of the results of the examination.

2. The category of a vine variety for the same administrative unit or part thereof or, where appropriate, for the Community as a whole may be altered only:

- (a) by upgrading to the category of recommended vine varieties as regards:

- a variety appearing, on 31 May 1974, in the category of authorized vine varieties for the administrative unit or part thereof for which the addition is requested or, where appropriate, for the Community as a whole,
- a variety added to the classification after 31 May 1974 and which has been listed for at least five years in the category of authorized vine varieties for the administrative unit or part thereof for which the addition is requested or, where appropriate, for the Community as a whole;

- (b) by downgrading to a lower category if:

- experience has shown that the requirements for the category in which the variety in question is listed are not fulfilled, or
- the quality of the product which it yields renders it necessary, or
- the area on which the vine variety in question is grown is very small and continuing to diminish.

3. A vine variety shall be eliminated from the classification if its cultivation suitability is judged unsatisfactory.

4. In the case referred to in paragraph 1 (b), the classification shall indicate that the addition is provisional. Between five and seven years after the provisional addition of the variety in the category of authorized vine varieties, it shall be decided on the basis

of experience and taking account of the cultivation suitability trials carried out pursuant to Article 12, whether the variety in question:

- should remain permanently in the category of authorized vine varieties,
- should be inserted in the category of recommended vine varieties,
- should be inserted in the category of provisionally authorized vine varieties, or
- should be eliminated from the classification.

If after seven years no decision has been taken, the variety in question shall be considered to have been eliminated from the classification.

5. An examination as to cultivation suitability shall not be necessary for the addition of an authorized vine variety to the category of recommended vine varieties for the same administrative unit or part thereof or, where appropriate, for the Community as a whole, provided that the cultivation suitability can be demonstrated in an appropriate manner.

6. As a result of the downgrading of a variety to the category of temporarily authorized vine varieties, the variety in question may, from the date on which the downgrading takes effect, no longer be planted, grafted or double-grafted.

7. Detailed rules for the application of this Article, in particular the decisions referred to in the first subparagraph of paragraph 4, shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 12

1. The cultivation suitability of a vine variety shall be determined on the basis of the information obtained by the Member States concerned from the examination of cultivation trials carried out in the administrative units or parts thereof concerned, in adjacent administrative units or, as the case may be, on a Community-wide basis.

The cultivation suitability of a vine variety may not be recognized 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 the use of the grapes or propagating material obtained from it.

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

3. The determination of cultivation suitability referred to in paragraph 1 shall be effected in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Detailed rules for the application of this Article, and in particular measures for testing cultivation suitability, shall be adopted in accordance with the same procedure.

Article 13

1. Planting, even for the purpose of replacing failures, of field grafting and double-grafting:

- of vine varieties not listed in the classification, or
 - of temporarily authorized vine varieties,
- shall be prohibited.

2. Member States may, however, permit derogations from the provisions of the first indent of paragraph 1 for the following purposes:

- cultivation suitability trials 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 of crossing experiments, and
- production of vegetative vine propagating material intended exclusively for export to non-member countries, on condition that there is suitable control over production.

The Member States concerned shall communicate to the Commission:

- (a) the list of vine varieties to which the fourth indent of the first subparagraph relates;
- (b) the provisions they are applying to ensure control over such production.

They shall inform the Commission before 1 October of each year of the alterations to be made to the said list.

3. If a Member State permits the derogations provided for in paragraph 2 that State shall carry out a systematic inspection each year of the vines which have been authorized for planting and shall ensure that any distribution of propagating 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 or group of persons intending to cultivate a vine variety which is not included in the classifications 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 trials, scientific research or selection or crossing experiments, as referred to in paragraph 2, shall be treated as products obtained from authorized vine varieties.

Article 14

1. Council Regulation (EEC) No 1388/70 of 13 July 1970 on general rules for the classification of vine varieties ⁽¹⁾, as last amended by Regulation (EEC) No 978/78 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to the Articles of the repealed Regulation should be read in accordance with the table of equivalence set out in the Annex.

Article 15

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

ANNEX

TABLE OF EQUIVALENCE

Regulation (EEC) No 1388/70	This Regulation
Article 9a	Article 10
Article 10	Article 11
Article 10a	Article 12
Article 11	Article 13

⁽¹⁾ OJ No L 155, 16. 7. 1970, p. 5.

⁽²⁾ OJ No L 128, 17. 5. 1978, p. 1.

COUNCIL REGULATION (EEC) No 348/79

of 5 February 1979

on measures designed to adjust wine-growing potential to market requirements

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 31 (5) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas there is a pronounced imbalance on the market in table wine at present; whereas the smooth functioning of the common organization of this market could be jeopardized as a result;

Whereas, furthermore, the report referred to in Article 31 (4) of Regulation (EEC) No 337/79 shows that there will, on average, be a tendency in the next few years for production to exceed foreseeable needs; whereas appropriate measures should therefore be taken as regards new planting and replanting of vineyards in order to prevent the formation of structural surpluses; whereas this situation calls for new guidelines aimed at putting a brake on production and re-establishing the balance of the market in both the short and the long term;

Whereas in order to prevent an increase in the production of table wines new plantings of wine grape vine varieties should be prohibited, at least for a period;

Whereas an exemption from this prohibition is justified in the case of new plantings intended for the production of quality wines psr in those Member States where the production of such wines does not constitute the predominant part of total wine production over a given period; whereas in addition an exemption is also justified, owing to their small number, in the case of new plantings carried out in Member States which produce annually less than 5 000 hectolitres of wine, in the case of those effected following expropriation measures in the public interest, as also in the case of

those carried out under development plans which meet the conditions laid down in Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms ⁽⁴⁾; whereas, however, experience has shown that, in the Member States where the production of quality wines psr constitutes the predominant part of total wine production and the prohibition on new planting covers almost all the areas under vines, the last abovementioned exemption endangers the effectiveness of that prohibition; whereas, therefore, this exemption should not be provided for these Member States;

Whereas replanting should be subject to criteria designed to improve the quality of wine production; whereas it should therefore be stipulated that replanting is to be carried out with recommended varieties and, if market demand or the classification of the variety in question so warrants, with certain authorized varieties;

Whereas some vine growers have acquired the right under various national laws to plant or replant; whereas the re-establishment of the balance of the market could be jeopardized if this right were exercised during the period when new plantings are prohibited; whereas undeniable public interest therefore requires suspension of the exercise of such a right during this period, accompanied by extension of its validity by an equivalent period;

Whereas, in order to adjust wine-growing potential to market requirements for as long as possible, appropriate measures should be taken before 1 October 1979, taking into account the suitability for wine production of the various regions of the Community and the existence in these regions of viable alternatives in terms of agricultural crops,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

- (a) 'replanting' means the planting of vines after grubbing-up has been carried out within the past four years over an equivalent area on the same holding;

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 78.

⁽³⁾ OJ No C 296, 11. 12. 1978, p. 58.

⁽⁴⁾ OJ No L 96, 23. 4. 1972, p. 1.

- (b) 'new planting' means a planting of vines which does not correspond to the definition of replanting given in (a).

Article 2

1. All new planting of vine varieties classified as wine grape varieties for the administrative unit concerned shall be prohibited until 30 November 1979.

As from the date on which this Regulation enters into force, Member States shall no longer grant authorizations for new planting.

2. However, the following shall be exempt from the prohibition provided for in paragraph 1:

- (a) in Member States whose production of quality wines psr was less than 50% of the total wine production during the 1972/73, 1973/74 and 1974/75 wine-growing years:
- new planting intended for the production of quality wines psr,
 - new planting carried out under development plans which meet the conditions laid down in Directive 72/159/EEC;
- (b) new planting carried out in Member States which produce less than 5 000 hectolitres of wine annually using grapes harvested on their territory;
- (c) new planting carried out after reallocation measures or measures concerning expropriation in the public interest adopted under current national legislation.

Article 3

All replanting and all new planting shall be carried out until the deadline laid down in Article 2 (1) with the varieties classified for the administrative unit concerned:

- (a) in the category of recommended varieties; or
- (b) in the category of authorized varieties entered on a list to be drawn up.

Article 4

The period of validity of a right to plant or replant existing under national laws on 27 May 1976 shall be extended by a period equivalent to the period from

1 December 1976 to the date specified in the first subparagraph of Article 2 (1). During this period exercise of the right in question shall be suspended.

Article 5

1. The Council, acting in accordance with the procedure laid down in Article 43 (2) of the Treaty, shall adopt, before 1 October 1979, the measures necessary to ensure that wine-growing potential is adapted to market requirements, taking into account:

- the suitability for wine production of the various regions of the Community, and
- the existence in each of these regions of viable alternatives in terms of agricultural crops.

2. The Council, acting in accordance with the procedure laid down in Article 43 (2) of the Treaty, shall decide, before 1 December 1979, to extend if necessary the validity of Articles 2 and 3. Such extension shall apply simultaneously to both Articles.

3. Member States shall forward to the Commission all data relating to the exemptions provided for in Article 2 (2).

4. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 6

1. Council Regulation (EEC) No 1162/76 of 17 May 1976 on measures designed to adjust wine-growing potential to market requirements ⁽¹⁾, as last amended by Regulation (EEC) No 2776/78 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed in paragraph 1 shall be construed as references to this Regulation.

Article 7

This Regulation shall enter into force on 2 April 1979.

⁽¹⁾ OJ No L 135, 24. 5. 1976, p. 33.

⁽²⁾ OJ No L 333, 30. 11. 1978, p. 1.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

COUNCIL REGULATION (EEC) No 349/79
of 5 February 1979
on the distillation of the by-products of wine making

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 39 (2) and (6) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas it is necessary to determine the conditions under which producers must fulfil the obligation laid down in Article 39 (2) of Regulation (EEC) No 337/79; whereas the obligations of the distillers must also be laid down;

Whereas, account being taken of the value of the by-products, the price to be paid to the producers for the alcohol contained in the products subject to compulsory distillation must be lower than the price applicable in respect of the distillation provided for in Articles 40 and 41 of Regulation (EEC) No 337/79;

Whereas the fixing of a price to be paid by the distiller to the producer for the products subject to compulsory distillation means that the intervention agencies must buy in the vinous alcohol resulting from this distillation at a price which takes into account the costs of processing the products in question, this price being subject to differentiation according to whether marc, lees or wine is distilled in order to take into account, where necessary, the differing costs and losses;

Whereas in certain regions of the Community, the relation between quantities of marc and those of wine and lees is such that the average distillation costs differ from those used to calculate the fixed price; whereas this situation makes or is likely to make it economically impossible in certain of these regions to achieve the objective of the obligation to distil the by-products of wine making;

Whereas it is therefore essential to provide for the possibility that a fixed price be established at the same time as prices differentiated depending on the origin of the alcohol, while leaving it to the Member States to decide whether to apply the latter in regions where application of the fixed price leads to the difficulties referred to above;

Whereas recourse to this option must not increase the expenditure incurred by the intervention agency and, hence, by the European Agricultural Guidance and Guarantee Fund; whereas it is therefore necessary to correlate the prices differentiated depending on the origin of the alcohol and the fixed price; whereas this correlation must be such that the weighted average of the prices differentiated depending on the origin of the alcohol is not more than the fixed price;

Whereas, in the absence of an organized Community market in ethyl alcohol, the intervention agencies responsible for marketing such alcohol may be obliged to resell it at a price lower than the buying-in price; whereas provision should be made in such an event for the difference between the buying-in price and the selling price for that alcohol to be borne, within a maximum amount, by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund, provided that the contribution does not exceed the difference;

Whereas the fixing of the buying-in price for products subject to compulsory distillation, the buying-in price for alcohol and the maximum amount of the contribution from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund towards the expenditure incurred by the intervention agencies is closely linked to the fixing of the guide price; whereas the same timetable and the same deadlines should therefore be adopted for such operations;

Whereas the provisions concerning the financing of intervention laid down in Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2788/72 ⁽⁴⁾, must be extended to cover the distillation of by-products of wine making;

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 31.

⁽⁴⁾ OJ No L 295, 30. 12. 1972, p. 1.

Whereas, in accordance with the first indent of Article 39 (4) of Regulation (EEC) No 337/79, the producer may free himself of the obligation to distil by producing potable spirits; whereas paragraph 2 of the same Article requires the distillation of wine in the absence of grape marc or wine lees; whereas, in these circumstances, it is logical to permit, where this option is exercised, the production of both potable spirits of wine and potable spirits other than potable spirits of wine; whereas, however, it should be ensured that potable spirits of wine are not produced by using the by-products of wine making for the purposes prohibited in Article 39 (1) of Regulation (EEC) No 337/79;

Whereas the production of potable spirits must free the producer from the obligation to deliver alcohol only in respect of the quantity of alcohol contained in the by-products or in the wine which are used to obtain the potable spirits;

Whereas, in order to avoid the production of poor quality potable spirits, it should be laid down, in the absence of Community criteria in this matter, that the potable spirits produced must comply with the national provisions in force; whereas, in order to ensure that these provisions are complied with, provision should be made for supervision;

Whereas, in accordance with the second indent of Article 39 (4) of Regulation (EEC) No 337/79, the producer may free himself from the obligation to distil by withdrawing, under supervision, the by-products which he has obtained from wine making; whereas that possibility is justified by the fact that marc and lees can be kept only in large quantities and under certain technical conditions and by the fact that the transport costs could therefore be disproportionate for producers situated at a considerable distance from the distilleries;

Whereas the obligation to distil represents a considerable constraint for the isolated producer who makes only a small quantity of wine; whereas, as a result of that obligation, he would incur transport costs for his grape marc and wine lees which would be out of all proportion to the return which he could hope to obtain on the alcohol distilled therefrom; whereas such producers should therefore be exempted from the obligation to distil; whereas provision should be made for extending this exemption under conditions to be determined;

Whereas producers who deliver their grape marc for the manufacture of oenocyanine generally supply non-fermented grape marc; whereas the treatment which such marc undergoes for the extraction of oenocyanine makes it unsuitable for fermentation and distillation thereafter; whereas those producers should therefore be exempted in proportion to their production of grape marc; whereas this exemption cannot be

calculated exactly; whereas, this being the case, it is preferable to provide for a fixed reduction in the general rate;

Whereas, in accordance with Article 11 (1) of Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions ⁽¹⁾, a yield per hectare is fixed for each of the quality wines psr, which facilitates observance of the prohibition against the pressing of wine lees and over-pressing of grapes; whereas, moreover, the marcs and lees of quality white wines psr contain little alcohol; whereas, therefore, a reduced rate should be applied to these products;

Whereas supervision of the fulfilment of the obligation specified in Article 39 (2) of Regulation (EEC) No 337/79 requires obligations to be imposed on distillers also; whereas, in order to ensure that those obligations are fulfilled, distillers should be subject to a system of approval,

HAS ADOPTED THIS REGULATION:

Article 1

1. The person subject to the obligation laid down in Article 39 (2) of Regulation (EEC) No 337/79, hereinafter called 'the producer', shall fulfil his obligations by delivering marc, lees and, where applicable, wines to an approved distiller free at distillery.
2. The distiller shall be required:
 - (a) to furnish the producer with proof that the latter has delivered the products concerned;
 - (b) to pay the producer at least the price referred to in Article 2;
 - (c) to process into alcohol the products delivered to him;
 - (d) to deliver the alcohol to the intervention agencies designated by the Member States. The actual alcoholic strength by volume of the alcohol may not be less than 92% vol.
3. The intervention agencies shall pay to the distillers for the alcohol delivered the price referred to in Article 3.

Article 2

The price to be paid by the distiller to the producer, according to alcohol content for marc, lees and, where applicable, wines delivered for distillation, hereinafter called 'the buying-in price for wine deliveries', shall be

⁽¹⁾ See page 48 of this Official Journal.

fixed each year per hl/% vol of alcohol before 1 August for the following wine-growing year. It may not be lower than 30% of the guide price for table wine of Type A I applicable with effect from the following 16 December or higher than 40% of this price.

Article 3

1. The price to be paid by the intervention agencies to the distiller, hereinafter called 'the price of the alcohol from wine deliveries', shall be fixed annually by the Council, acting by a qualified majority on a proposal from the Commission, at the same time and for the same wine-growing year as the buying-in price for wine deliveries.

2. The price of the alcohol from wine deliveries shall be fixed as a single price on the basis of:

- the cost of distillation,
- the cost of transport,
- technical losses.

However, it may be differentiated according to whether marc, lees or wine are distilled, in order to take into account, where necessary, the differing costs and losses.

In the case referred to in the second subparagraph above, differentiated prices shall be set at the same time as the fixed price. Member States may decide to apply differentiated prices where application of the fixed price makes or threatens to make it impossible in some regions of the Community to distil one or more of the by-products of wine making. The prices fixed for alcohol derived from the various by-products shall be such that their weighted average does not exceed the price of the alcohol from wine deliveries referred to in paragraph 1 above.

3. The price of the alcohol from wine deliveries shall be fixed per hl/% vol of alcohol. It shall apply to unpacked goods delivered free at the warehouse of the intervention agency.

Article 4

1. The maximum amount of the contribution from the Guarantee Section of the EAGGF towards the expenditure incurred by the intervention agencies shall be fixed annually, at the same time and for the same wine-growing year as the buying-in price for wine deliveries. This amount shall be fixed per hl/% vol alcohol.

2. The contribution from the Guarantee Section of the EAGGF shall be paid, up to the maximum amount referred to in paragraph 1, only where, during a given

budgetary year, the overall expenditure of an intervention agency on the buying in of alcohol obtained by the distillation provided for in Article 39 of Regulation (EEC) No 337/79 is greater than the income from the sale of such alcohol.

If the difference referred to in the first subparagraph is less than the maximum amount multiplied by the number of hectolitres of alcohol sold expressed as pure alcohol, the contribution shall be equal to that difference.

3. Articles 4 and 5 of Regulation (EEC) No 729/70 shall apply to the EAGGF contribution referred to in this Article.

Article 5

1. The producer shall be totally or partially freed from the obligation laid down in Article 39 (2) of Regulation (EEC) No 337/79 if an approved distiller manufactures from that producer's own products:

- potable spirits obtained directly from grape marc, wine lees or both those products,
- and, failing this, potable spirits obtained directly from wine.

2. For each administrative unit in which the wine production is traditionally intended for processing into potable spirits of wine, Member States shall determine what minimum percentage of potable spirits (other than potable spirits of wine) must be produced where the option provided for in paragraph 1 is exercised.

That percentage shall correspond to the average quantity of alcohol contained in the marc and lees produced in the administrative unit concerned.

3. The quantity of alcohol, expressed as pure alcohol, contained in the by-products of wine making, or in the wine, which are used for the production of potable spirits pursuant to paragraph 1 shall be deducted from the quantity of alcohol which is required to be delivered pursuant to Article 39 (2) of Regulation (EEC) No 337/79.

4. Where the option provided for in paragraph 1 is exercised, the distiller shall be required:

- (a) to furnish the producer with proof that the latter has delivered the products concerned;
- (b) to pay the producer at least the price referred to in Article 2;
- (c) to inform the intervention agency of the total quantity of potable spirits produced in accordance with this Article, broken down into potable spirits of wine or potable spirits other than potable spirits of wine.

5. The production of potable spirits may have the effect mentioned in paragraph 1 only if:

- (a) the quality of the potable spirits obtained satisfies the national provisions on the subject; the distiller shall supply proof thereof to the competent agency;
- (b) it is carried out under the supervision of the competent agency; the distiller shall be required to permit such supervision at any time during distillation.

Article 6

For the purposes of this Regulation an approved distiller means a distiller included on a list to be compiled by the competent authorities of the Member States. Under the conditions to be laid down as part of the implementing arrangements, approval may be withdrawn by these authorities from distillers who do not fulfil their obligations under this Regulation.

Article 7

1. Producers shall be freed from the obligation laid down in Article 39 (2) of Regulation (EEC) No 337/79 if the by-products of wine making are withdrawn under supervision.

2. The quantity and the quality of marc and lees withdrawn must be in a ratio, to be determined by the Member States, with the quantity of wine produced in respect of which the obligation to distil the marc and lees is not fulfilled.

3. Only those producers whose vineyards are situated in wine-growing areas where distillation represents a disproportionate financial burden may exercise the option referred to in paragraph 1. The list of the regions

concerned shall be drawn up by the competent authorities of the Member States.

Article 8

The obligation laid down in Article 39 (2) of Regulation (EEC) No 337/79 shall not apply to isolated producers who, during the wine-growing year in question, do not make more than 10 hectolitres of wine.

However, it may be decided that the exemption contained in the preceding paragraph shall apply, under conditions to be determined, to isolated producers who, during the wine-growing year in question, make between 10 and 25 hectolitres of wine.

Article 9

Producers who deliver their marc for the manufacture of oenocyanine shall be paid a reduced rate.

Producers of white quality wines psr shall be paid at a reduced rate for that part of their harvest which qualifies for this description.

Article 10

1. Council Regulation (EEC) No 1930/76 of 20 July 1976 on the distillation of the by-products of wine making⁽¹⁾, as last amended by Regulation (EEC) No 1862/78⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 11

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ OJ No L 211, 5. 8. 1976, p. 1.

⁽²⁾ OJ No L 215, 4. 8. 1978, p. 14.

COUNCIL REGULATION (EEC) No 350/79

of 5 February 1979

determining for the 1978/79 wine-growing year the prices to be paid under the compulsory distillation of the by-products of wine making and the maximum amount of the contribution from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 39 (6) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas, in accordance with Article 39 of Regulation (EEC) No 337/79 and Articles 2, 3 and 4 of Council Regulation (EEC) No 349/79 of 5 February 1979 on the distillation of the by-products of wine making ⁽³⁾, the Council fixes for each wine-growing year the buying-in price for wine deliveries and the price for the alcohol from wine deliveries under the compulsory distillation of the by-products of wine making and determines the maximum amount of the costs of the intervention agencies to be financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund;

Whereas the buying-in price for wine deliveries should be fixed taking into account the quantities available and the prices of table wines on the various Community markets; whereas the application of this criterion results in the buying-in price being fixed at a level corresponding to the lower limit laid down in Article 2 of Regulation (EEC) No 349/79;

Whereas, when the price of alcohol from wine deliveries is fixed as referred to in the first subparagraph of Article 3 (2) of Regulation (EEC) No 349/79, the criteria referred to therein should be applied on a standard basis; whereas, on the other hand, when the prices referred to in the third subparagraph of that paragraph are fixed, they should be based on the variations in cost which result from the differing origins of the alcohol supplied; whereas it should be specified that all these prices should apply to rectified alcohol;

Whereas the maximum amount of the contribution from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund should be

fixed in the light of the situation on the market in alcohol,

HAS ADOPTED THIS REGULATION:

Article 1

1. The prices for the 1978/79 wine-growing year shall be as follows:

- 0.58 unit of account per % vol per hectolitre for the buying-in price for wine deliveries,
- 0.93 unit of account per % vol per hectolitre for the price of the alcohol from the wine deliveries referred to in the first subparagraph of Article 3 (2) of Regulation (EEC) No 349/79,
- 0.96 unit of account per % vol per hectolitre for the price of the alcohol from the deliveries of marc, referred to in the third subparagraph of the aforesaid Article 3 (2),
- 0.90 unit of account per % vol per hectolitre for the price of the alcohol from the deliveries of wine referred to in the third subparagraph of the aforesaid Article 3 (2),
- 0.90 unit of account per % vol per hectolitre for the price of the alcohol from the wine deliveries referred to in the first subparagraph of Article 3 (2) of Regulation (EEC) No 349/79,

The price of the alcohol from wine deliveries shall apply to rectified alcohol.

2. The maximum amount of the contribution from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund for the abovementioned wine-growing year shall be 0.30 unit of account per % vol per hectolitre.

Article 2

1. Council Regulation (EEC) No 1863/78 of 25 July 1978 determining for the 1978/79 wine-growing year the prices to be paid under the compulsory distillation of the by-products of wine making and the maximum amount of the contribution from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund ⁽⁴⁾ is hereby repealed.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽³⁾ See page 84 of this Official Journal.

⁽⁴⁾ OJ No L 215, 4. 8. 1978, p. 16.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

COUNCIL REGULATION (EEC) No 351/79

of 5 February 1979

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 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 42 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas, pursuant to Article 42 (1) of Regulation (EEC) No 337/79, 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 42 (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 therefore be extended to consignments of these products to those 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 also necessary to authorize the addition of alcohol in the form of an expedition liqueur to sparkling wines and, under certain conditions, to semi-sparkling wines;

Whereas it appears advisable to provide for the addition of alcohol to grape must imported from third countries so as to establish a practice comparable to that for Community grape must;

Whereas the preparation of certain products falling within heading No 22.06 and subheading 22.07 B II of the Common Customs Tariff requires the addition of alcohol to some of the products listed in Article 1 (2) of Regulation (EEC) No 337/79; whereas such preparation is significant enough to justify derogation from the prohibition on the addition of alcohol;

Whereas, in order to prevent fraud, 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-sparkling 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 those products; whereas such measures should therefore be laid down for a limited period; whereas authorization for the addition of alcohol to grape musts imported from third countries might, if granted systematically and without restriction, disturb the market in Community grape must; whereas the consequences of such authorization should therefore be examined at the end of an experimental period; whereas, to that end, it appeared justified to restrict this period to 31 December 1979,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 42 (1) of Regulation (EEC) No 337/79, alcohol may, under the conditions laid down in this Regulation, be added to the following products:

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 an expedition liqueur,

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

- (b) semi-sparkling wines in the form of an expedition liqueur and provided that this method is traditional and permitted under the laws in force in the producer Member States;
3. (a) grape must produced in the Community, derived exclusively from vine varieties referred to in Article 30 of Regulation (EEC) No 337/79 and having a natural alcoholic strength by volume of not less than 8.5% vol,
- (b) grape must in fermentation produced in the Community, derived exclusively from vine varieties referred to in Article 30 of Regulation (EEC) No 337/79 and having at least the minimum natural alcoholic strength by volume fixed for the wine-growing zone where the grapes were harvested,
- (c) imported grape must having a natural alcoholic strength by volume of not less than 8.5% vol,
- (d) table wines,
- (e) quality wines psr,
- (f) in certain cases liqueur wines, whether or not imported,
- (g) imported wines fulfilling the requirements of Article 50 (1) of Regulation (EEC) No 337/79,
- intended for the preparation of products falling within heading No 22.06 of the Common Customs Tariff;
4. concentrated grape must 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 (1) and (2) must be either neutral alcohol of vinous origin having an actual alcoholic strength by volume of not less than 95% vol or an unrectified product derived from the distillation of wine and having an actual alcoholic strength by volume of not less than 52% vol and not more than 80% vol.

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. The alcohol added to the products listed in Article 1 (3) and (4) must be ethyl alcohol of agricultural origin.

Article 3

1. The quantities of alcohol added may not:
- (a) increase the total alcoholic strength by volume of the products specified in Article 1 (1) by more than 2% vol;
- (b) increase the total alcoholic strength by volume of the products specified in Article 1 (2) by more than 0.5% vol.
2. The products referred to in Article 1 (3) (a) and (c) may not, after the addition of alcohol, have an actual alcoholic strength by volume of less than 15% vol or more than 22% vol.
3. Member States may impose more stringent restrictions on the addition of alcohol to quality wines psr, or even prohibit it altogether.

Article 4

The following shall be applicable until 31 December 1979:

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

Article 5

1. Council Regulation (EEC) No 1876/74 of 15 July 1974 concerning the addition of alcohol to products in the wine sector ⁽¹⁾, as last amended by Regulation (EEC) No 3044/78 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to the Articles of the repealed Regulation shall be read in accordance with the table of equivalence set out in the Annex.

Article 6

This Regulation shall enter into force on 2 April 1979.

⁽¹⁾ OJ No L 198, 20. 7. 1974, p. 1.

⁽²⁾ OJ No L 361, 23. 12. 1978, p. 10.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

ANNEX

TABLE OF EQUIVALENCE

Regulation (EEC) No 1876/74	This Regulation
Article 3 (1a)	Article 3 (2)
Article 3 (2)	Article 3 (3)

COUNCIL REGULATION (EEC) No 352/79

of 5 February 1979

authorizing the coupage of German red wines with imported red wines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 43 (4), thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas Article 43 (4) of Regulation (EEC) No 337/79 prohibits the coupage of an imported wine with a Community wine, except by way of derogation to be decided by the Council;

Whereas, to remain competitive, German red wines, pale in colour, must be subjected to coupage with imported red wines;

Whereas this practice must be subject to strict rules to prevent abuse,

HAS ADOPTED THIS REGULATION:

Article 1

1. German red wines may be subjected to coupage with red wines from third countries.

2. The proportion of imported red wines for coupage shall not exceed 15% of the volume of the German wine used.

3. Only imported red wines having the following characteristics may be used for coupage:

- (a) a total alcoholic strength by volume of not less than 12% vol but not more than 15% vol; and
- (b) a dry extract content without sugar of not less than 28 g/l but not more than 35 g/l.

Article 2

The provisions of Article 1 shall be applicable for a transitional period which shall end not later than 30 June 1979.

Article 3

1. Council Regulation (EEC) No 959/70 of 26 May 1970 authorizing the coupage of German red wines with imported red wines ⁽³⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 4

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽³⁾ OJ No L 115, 28. 5. 1970, p. 6.

COUNCIL REGULATION (EEC) No 353/79

of 5 February 1979

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular the third subparagraph of Article 43 (4) and the third subparagraph of Article 50 (3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas the first subparagraph of Article 43 (4) and the first subparagraph of Article 50 (3) of Regulation (EEC) No 337/79 prohibit on Community territory, except by way of 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 such products to wine; whereas, however, as an exception to this rule, these operations are authorized in the free zones provided that the wine obtained therefrom is intended for re-consignment to a third country;

Whereas it should be noted that 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 ⁽³⁾, as last amended by Directive 76/634/EEC ⁽⁴⁾, continues to apply;

Whereas it is necessary, in accordance with the third subparagraph of Article 43 (4) and with the third subparagraph of Article 50 (3) of the abovementioned Regulation, to adopt the provisions for the application of these operations and the rules governing the description of the wines produced in the free zones;

Whereas, in order to ensure 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 abuses, it must be laid down that the products used for such operations are, depending on the case, products of sound, fair and marketable quality originating in a third country or that they have been produced in accordance with Community provisions or those of the Member State concerned;

Whereas confusion between wines produced in free zones and Community wines should be avoided; whereas the issue of a certificate of origin by the competent authorities of the Member States for the products obtained in the free zones would be likely to create such confusion; whereas it therefore appears necessary to provide, for the purpose of achieving the agricultural objective of this Regulation, that no certificate of origin may be issued for the products thus obtained;

Whereas, to avoid confusion, the rules concerning the description of the wines concerned should also be defined; whereas, in this respect, a distinction should be drawn between mandatory information necessary to identify the wines and optional information designed to indicate the special properties of the wine or to characterize them,

HAS ADOPTED THIS REGULATION:

Article 1

1. Any natural or legal person or any association of persons intending to effect in a free zone, within the meaning of Directive 69/75/EEC, 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;
- (c) the making of wine in accordance with Community provisions or, in the absence of such provisions, with national legislation in force as at 1 March

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

⁽³⁾ OJ No L 58, 8. 3. 1969, p. 11.

⁽⁴⁾ OJ No L 223, 16. 8. 1976, p. 7.

1977 and subject to Article 2 (2), from fresh grapes, grape must, grape juice, grape must in fermentation, originating in third countries; or

- (d) the addition to wine of concentrated grape juice, grape must with fermentation arrested by addition of alcohol, of grape must or of concentrated grape must, originating in third countries;

shall submit an application to the appropriate authorities designated by the Member States. Authorization by those authorities to carry out the aforementioned operations may be given only if the required assurances are given that the products resulting from the operations in question will be kept in separate premises or separated from other products of the wine sector stored in the free zone and that they will be re-exported to a third country.

2. The products resulting from the operations referred to in paragraph 1 may not be placed in free circulation in the Community and must be subjected to customs control which will ensure that they are dispatched only to a third country and without further processing.

3. All persons concerned shall keep entry and exit registers, in accordance with the provisions laid down pursuant to Article 53 (3) of Regulation (EEC) No 337/79 enabling the movements of those products and of the products referred to in paragraph 1 to be supervised. Entries in the registers shall be made on the basis of the official documents drawn up by the authorities of the third countries or, in the absence of such documents, on the basis of commercial documents.

These documents shall show at least:

- (a) the name and address of the consignor;
- (b) the name and address of the consignee;
- (c) the word 'wine' or, if appropriate, the type of product, this information being given using the definition in the Community provisions which most accurately describes the product concerned;
- (d) the volume of the product;
- (e) in the case of:
 - grape must and grape juice, whether or not concentrated: the density,
 - wine and grape must in fermentation: the actual and total alcoholic strength by volume;
- (f) the name of the third country or countries concerned.

When an official document drawn up by the authorities of a third country has been submitted the original shall be deposited with the authorities referred to in paragraph 1.

Article 2

1. Only the following shall be used for the operations referred to in Article 1 (1):

- products of sound, fair and marketable quality originating in third countries, or
- Community products which have been produced in accordance with Community provisions or, in the absence of such provisions, with the provisions of the Member State concerned.

2. In the context of the operation referred to in Article 1 (1) (c), increasing the alcoholic strength of the product concerned and also acidification and deacidification shall be prohibited.

Article 3

No certificate of origin shall be issued in respect of products which have undergone the operations listed in Article 1.

Article 4

1. The description of a wine resulting from the operations referred to in Article 1 (1) shall include the following information:

- (a) the word 'wine' with or without a statement as to whether the wine is red, rosé or white;
- (b) the nominal volume of the wine;
- (c) the name or business name of the natural or legal person or association of persons who have produced the wine in the free zone and the locality within the latter where the wine was produced;
- (d) where the wine has been put in containers with a nominal volume of 60 litres or less and provided that the bottler is not one of the persons referred to in (c): the name or business name of the bottler and the locality within the free zone where bottling took place.

2. The description of the wines may be supplemented by the following information:

- (a) a brand name provided that it does not show words, parts of words, signs or designs which:
 - are likely to create a false impression of a person, particularly the bottler, who has been involved in the commercial distribution of the product described,
 - contain false or misleading information, particularly in respect of indications of geographical origin, vine variety, vintage year or superior quality,

- include the name of a table wine or of a quality wine psr or may lead to confusion with the description of a table wine, a quality wine psr or an imported wine, or
 - contain information concerning the geographical origin, vine variety, vintage year or any indication of superior quality;
- (b) the actual and/or total alcoholic strength by volume;
- (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 one of the operations referred to in Article 1 (1).

Supplementary information may, however, be provided for in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79 to the extent required by the laws of the third countries to which the wine will be dispatched.

The description of wines resulting from one of the operations referred to in Article 1 (1) shall not bear any

indication, sign, illustration or brand name which might lead to confusion with a Community product.

Article 5

This Regulation shall not prejudice the application of Directive 69/75/EEC.

Article 6

1. Council Regulation (EEC) No 3168/76 of 21 December 1976 laying down the conditions for coupage and wine making in the free zones on Community territory for wine products originating in third countries ⁽¹⁾, as amended by Regulation (EEC) No 400/77 ⁽²⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 7

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ OJ No L 357, 29. 12. 1976, p. 16.

⁽²⁾ OJ No L 56, 1. 3. 1977, p. 1.

COUNCIL REGULATION (EEC) No 354/79

of 5 February 1979

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 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾ and in particular Article 50 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas Article 50 of Regulation (EEC) No 337/79 provides that the imported products covered by that Article must be accompanied by a certificate and an analysis report issued by a body or service designated by the third country in which the products originate; whereas the conditions which the analysis report must meet have to be laid down;

Whereas provision should be made pursuant to Article 50 (2) (b) of Regulation (EEC) No 337/79 for dispensing with the certificate and analysis report in the case of products which are imported from third countries in limited quantities and packed in small containers; whereas, to simplify controls, the condition as to quantity may be considered as fulfilled in the case of imports from third 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 those countries but must be imported from them,

HAS ADOPTED THIS REGULATION:

Article 1

The analysis report mentioned in the second indent of Article 59 (1) (a) of Regulation (EEC) No 337/79 shall:

1. be made out by an official laboratory recognized by the third country in which the products originate and included on a list to be drawn up;

2. give the following information:

- (a) in the case of wines and grape must in fermentation:
 - the total alcoholic strength by volume,
 - the actual alcoholic strength by volume;
- (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 interspecific 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 products imported from third countries in containers of two litres or less and forming part of consignments of less than 60 litres.
2. The certificate and analysis report shall also be dispensed with for:
 - quantities of wine of 15 litres or less:
 - carried in the luggage of travellers,
 - sent in small consignments to private individuals where such quantities are obviously intended for the personal or family consumption of the persons concerned,
 - wines and grape juice in containers of four litres or less originating in and imported from third countries whose annual exports to the Community are less than 1 000 hectolitres,
 - wines and grape juice forming part of the belongings of private individuals who are moving house,
 - wines and grape juice for trade fairs qualifying for the customs arrangements laid down for that

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

purpose, provided that the products in question are put up in containers of two litres or less,

- quantities of wine, grape must and grape juice imported for the purpose of scientific and technical experiments, subject to a maximum of one hectolitre,
- wines for diplomatic, consular or similar establishments, imported as part of their duty-free allowance,
- wines and grape juice held on board international means of transport as victualling supplies.

Nothing in the provisions of this Regulation shall affect the operation of the arrangements applicable to frontier zone workers.

3. This Regulation shall not apply to the following liqueur wines: port, Madeira, sherry, Setubal muscatel and Tokay (Aszu and Szamorodni) falling within subheadings 22.05 C III a) 1, b) 1 and b) 2, C IV a) 1, b) 1 and b) 2 of the Common Customs Tariff, Boberg liqueur wine accompanied by a certificate of designation of origin and Samos muscat wine accompanied by a certificate of origin.

4. The third countries mentioned in paragraph 2 shall be specified in the detailed rules of application.

Article 3

Should transitional measures be necessary to facilitate the changeover to the arrangements established by Regulation (EEC) No 1848/76, in particular, if the introduction of those arrangements would give rise to substantial difficulties, such measures shall be laid down in the detailed rules of application.

Article 4

1. Council Regulation (EEC) No 1848/76 of 27 July 1976 laying down general rules for the import of wines, grape juice and grape must ⁽¹⁾, as amended by Regulation (EEC) No 2803/77 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to the Articles of the repealed Regulation shall be construed as references to the Articles of this Regulation in accordance with the table of equivalence set out in the Annex.

Article 5

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council
The President
P. MEHAIGNERIE

ANNEX

TABLE OF EQUIVALENCE

Regulation (EEC) No 1848/76	This Regulation
Article 4	Article 3

⁽¹⁾ OJ No L 204, 30. 7. 1976, p. 5.
⁽²⁾ OJ No L 322, 17. 12. 1977, p. 1.

COUNCIL REGULATION (EEC) No 355/79

of 5 February 1979

laying down general rules for the description 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 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Articles 54 (1) and 64 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas Article 54 of Regulation (EEC) No 337/79 lays down certain rules governing the description of certain wines in particular cases and provides for the adoption of general rules on the description and presentation of certain wine products;

Whereas the purpose of any description and presentation should be to supply potential buyers and public bodies responsible for organizing and supervising the marketing of the products concerned with information which is sufficiently clear and accurate to enable them to form an opinion of the products; whereas rules should therefore be drawn up to ensure that this purpose is served;

Whereas, in the case of the description, a distinction should be made between mandatory information necessary to identify the product and optional information designed mainly to indicate the special properties of the product or to characterize it; whereas, in view of the importance and scope of the problem, steps should be taken to ensure that the information provided is as complete as possible and that it takes account of the different customs and traditional practices in the Member States and in third countries and complies with Community law;

Whereas, with a view to standardizing the description and presentation of Community wines and grape musts intended for export to third countries, provision should be made for the possibility of laying down supplementary or derogating rules in respect of these products in so far as the legislation of the third countries concerned makes this necessary;

Whereas the rules to be adopted concerning the presentation of the products in question should at the same time take into account the need to ensure that these products continue to meet high standards of quality,

HAS ADOPTED THIS REGULATION:

TITLE I

DESCRIPTION

Article 1

1. This Title lays down general rules for the description:

- (a) in the case of products originating within the Community:
 - of products falling within heading Nos 22.04 and 22.05 of the Common Customs Tariff, and
 - of grape musts, whether concentrated or not, as defined in points 2 and 5 of Annex II to Regulation (EEC) No 337/79 and falling within heading No ex 20.07 of the Common Customs Tariff;
- (b) in the case of products originating in third countries and fulfilling the conditions laid down in Articles 9 and 10 of the Treaty:
 - of products falling within heading Nos 22.04 and 22.05 of the Common Customs Tariff,
 - of grape musts, as defined in point 2 of Annex II to Regulation (EEC) No 337/79 and falling within heading No ex 20.07 of the Common Customs Tariff, and
 - of concentrated grape musts, as defined in Article 2 of Council Regulation (EEC) No 339/79 of 5 February 1979 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries ⁽⁴⁾ and falling within heading No ex 20.07 of the Common Customs Tariff.

However, this Title shall not apply to sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 52.

⁽³⁾ OJ No C 296, 11. 12. 1978, p. 58.

⁽⁴⁾ See page 57 of this Official Journal.

semi-sparkling wines and liqueur wines, as referred to in Annex II to Regulation (EEC) No 337/79 and Article 2 of Regulation (EEC) No 339/79.

2. These rules shall be applicable as regards the description of the products concerned:

- (a) on the labels;
- (b) in registers and on the accompanying and other documents prescribed by Community legislation, hereinafter referred to as 'official documents', other than customs documents;
- (c) in commercial documents, particularly in invoices and delivery notes;
- (d) in advertising material, in so far as special provision is made for such purpose in this Regulation.

3. These rules shall apply to products held for sale and to products placed on the market.

However, the Member States may exempt from the provisions concerning information on the labels:

- (a) products transported:
 - between two or more establishments,
 - between vineyards and wine-making plants,
 belonging to the same undertaking and situated in the same local administrative area;
- (b) quantities of grape musts and wines not exceeding 15 litres per batch and not intended for sale;
- (c) quantities of grape musts and wines intended for the domestic consumption of the producer and his employees.

Where the grape musts and wines referred to in (a) and (b) above are labelled, the labels used must conform to the provisions of this Regulation.

CHAPTER I

DESCRIPTION OF PRODUCTS ORIGINATING WITHIN THE COMMUNITY

Section A

DESCRIPTION OF TABLE WINES

I. Labelling

Article 2

1. In the case of table wines, the description on the labelling shall include the following information:

- (a) the words 'table wine';
- (b) the nominal volume of the table wine, together with a small 'e' provided that the containers used comply with the requirements of Directive 75/106/EEC;
- (c) in the case of:
 - containers with a nominal volume of not more than 60 litres: the name or business name of the bottler and the local administrative area or part thereof in which his head office is situated,
 - other containers: the name or business name of the consignor and the local administrative area or part thereof in which his head office is situated.

Where wine is bottled in or consigned from a local administrative area or part thereof other than that mentioned above or a neighbouring local administrative area, the information referred to in the first and second indents of (c) shall include an indication of the local administrative area or part thereof where the operation took place;

- (d) in the case of:
 - (i) consignment to another Member State or export: the Member State in whose territory the grapes were harvested and made into wine, provided that both these operations took place in the same Member State,
 - (ii) table wine resulting from a coupage of products originating in more than one Member State: the words 'wine from different countries of the European Community',
 - (iii) table wine which was made in a Member State other than that in which the grapes were harvested: the initials 'EEC'.

2. In the case of table wines, the description on the labelling may be supplemented by the following information:

- (a) a statement as to whether the wine is red, rosé or white;
- (b) a brand name, in accordance with the conditions laid down in Article 8;
- (c) the names or business names of the natural or legal persons or group of persons involved in the distribution of the table wine in question, and the local administrative area or part thereof in which their head offices are situated;
- (d) a distinction awarded to one of the persons or to the group of persons referred to in (c) by an official body or a body officially recognized for the purpose, where this is likely to enhance the reputation of the table wine concerned and provided that such distinction is governed by implementing rules or, failing this, by provisions of the Member State concerned;

- (e) where the table wine is not consigned to another Member State or exported and if the conditions laid down in paragraph 1 (d) (ii) are not fulfilled: the Member State in whose territory the grapes were harvested and made into wine;
- (f) the actual and/or total alcoholic strength;
- (g) a recommendation to the consumer as to the use of the wine;
- (h) details as to:
- the type of product,
 - the particular colour of the table wine,
- in so far as this information is governed by implementing rules or, failing this, by provisions of the Member State concerned. However, the use of this information may be confined to the table wines referred to in paragraph 3.

3. In the case of table wines described in accordance with Article 54 (2) and (3) of Regulation (EEC) No 337/79, the description may be further supplemented by the following information:

- (a) the name of a geographical unit which is smaller than the Member State, in accordance with the conditions laid down in Article 4;
- (b) the name of one or two vine varieties, in accordance with the conditions laid down in Article 5;
- (c) the vintage year in accordance with the conditions laid down in Article 6;
- (d) details regarding the method of production of the table wine as described on a list to be adopted. This list may include only those descriptions which are governed, as to the conditions for their use, by provisions of the producer Member States;
- (e) an award granted by an official body or a body recognized for the purpose to a specified quantity of table wine, provided that the information is accompanied by a statement of the vintage year and the award can be proved by an appropriate document.

The Member States shall notify the Commission on any awards that may be granted to table wines in their territory and of the rules that are applied in this connection;

- (f) a statement that the wines were bottled:
- either at the vineyard where the grapes used were harvested and made into wine, or
 - by a group of vineyards, or

- in an undertaking situated in the wine-growing area indicated, with which the vineyards where the grapes used were harvested are connected as members of a group of vineyards and which made wine from the said grapes;

- (g) the name of the vineyard or group of vineyards where the table wine in question was made, where this is likely to enhance the reputation of the wine and in so far as such information is governed by implementing rules or, failing this, by provisions of the producer Member State;

- (h) information concerning:

- the history of the wine in question, the undertaking of the bottler or an undertaking of a natural or legal person or group of persons involved in the distribution of the wine,
- the natural or technical conditions governing the production of the wine, or
- the ageing of the wine,

provided that this information is used in accordance with the conditions laid down by implementing rules;

- (i) the words:

- 'Landwein' for table wines originating in Germany and in the province of Bolzano in Italy,
- 'vin de pays' for table wines originating in France or in Luxembourg,
- 'vino tipico' for table wines originating in Italy, including the province of Bolzano,

provided that the producer Member States concerned have laid down rules for the use of these descriptions.

These rules shall provide that these terms be used in conjunction with a specific geographical reference and reserved for table wines meeting certain production requirements, particularly as regards vine varieties, minimum natural alcoholic strength by volume and organoleptic characteristics.

For table wines marketed in their territory and described in accordance with the preceding subparagraph, Member States may authorize the replacement of the words 'Landwein', 'vin de pays' and 'vino tipico' by the corresponding words in one or more of their official languages.

Article 3

1. Only the information specified in Article 2 shall be allowed for the description on the labelling of table wines.

However:

- additional or derogating rules may be laid down in respect of table wines intended for export, in so far as the legislation of third countries makes this necessary,
- pending application of Community provisions on dietetic foodstuffs, Member States may, in respect of table wines marketed in their territory, allow information to be given as to the dietetic use of such products.

2. In the case of table wines obtained on their territory, Member States may make compulsory, dispense with or restrict the use of certain particulars referred to in Article 2 (2) and (3).

3. Each Member State shall allow the description of table wines which originate in other Member States and are distributed in its territory, provided such description conforms to Community legislation and is allowed in the producer Member State in accordance with this Regulation.

However, Member States may, for a transitional period ending on 31 August 1981, make compulsory the indication of the actual alcoholic strength by volume of table wines distributed in their territory.

Within the aforesaid period the Council shall decide, on a proposal from the Commission and by a qualified majority, upon common arrangements in respect of the indication of the actual alcoholic strength by volume applicable after this period.

4. In the case of table wines distributed in their territory, Member States may allow information concerning the bottler and the place of bottling to be given in the form of a code.

5. In the case of table wine, an indication of all or part of the name of a specified region, as defined in Article 3 of Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions ⁽¹⁾ shall be given in the form of a code.

However, the Member States may prescribe other appropriate measures for their territory in order to avoid confusion with the specified region in question.

6. In the description of a table wine on the label, the information specified in Article 2 shall be given in one or more of the official languages of the Community.

⁽¹⁾ See page 48 of this Official Journal.

However:

- (a) one of the official languages of the Member State of origin shall be used:
- for the name of a geographical unit which is smaller than the Member State, as referred to in Article 2 (3) (a), and
 - for the information in respect of bottling, as referred to in Article 2 (3) (f).

Such information may:

- also be given in another official language of the Community, or
- be given solely in another official language of the Community where the latter is equated with the official language in that part of the territory of the Member State of origin in which the geographical unit referred to is situated,

where this practice is traditional and customary in the Member State concerned;

- (b) it may be decided that the information as to:

- the type of product or a particular colour, as referred to in Article 2 (2) (h),
- the method of production of the table wine, as referred to in Article 2 (3) (d), and
- the natural or technical conditions governing the production or the ageing of the table wine, as referred to in Article 2 (3) (h),

is to be provided solely in one of the official languages of the Member State of origin;

- (c) indication of the words 'wine from different countries of the European Community' referred to in Article 2 (1) (d) (ii) shall be repeated, on a supplementary label if necessary, in an official language of the Member State in which the wine is offered to the consumer, if this indication appears on the label in another official language of the Community.

For the description of table wines intended for export the implementing procedure may allow other languages to be used.

Article 4

1. In the description of a table wine on the labelling, the name of a 'geographical unit which is smaller than the Member State', as referred to in Article 2 (3) (a), shall be taken to mean the name of:

- a small locality or group of localities,
- a local administrative area or part thereof,
- a wine-growing subregion or part thereof,
- a region other than a specified region.

The geographical units referred to in the preceding subparagraph shall constitute production areas within the meaning of the first subparagraph of Article 54 (3) of Regulation (EEC) No 337/79.

2. In the case of table wines produced in their territory and described in accordance with Article 54 (2) and (3) of Regulation (EEC) No 337/79 the producer Member States may prohibit the use of one or more names of geographical units which are smaller than the Member State, as referred to in paragraph 1.

3. The use of one of the names referred to in paragraph 1 to describe a table wine shall be subject to the condition that it cannot be identified:

- either with the name of a production area of another table wine to which the Member State concerned has ascribed one of the terms 'Landwein', 'vin de pays' or 'vino tipico',
- or with the set of particulars giving the geographical designation of a quality wine psr, named after the specified region, or, where appropriate, named in accordance with the provisions of Article 14 (1),
- or with the description of an imported wine referred to in Article 28,

and that there is no risk of confusion with a quality wine psr or with an imported wine.

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

- Moselle luxembourgeoise,
- Puglie,
- Abruzzi,
- Sardegna,
- Romagna,
- Monferrato,
- Friuli,
- Ischia.

Article 5

1. The name of a vine variety, as referred to in Article 2 (3) (b), to describe a table wine may be used on the labelling only if:

- (a) that variety is on the list of vine varieties drawn up in accordance with Article 30 of Regulation (EEC)

No 337/79 for the administrative unit in which the grapes used to produce the table wine in question were harvested; however, this provision shall not apply to wines as referred to in Article 13 (4) of Council Regulation (EEC) No 347/79 of 5 February 1979 on general rules for the classification of vine varieties ⁽¹⁾;

(b) the name of the variety is that given:

- in the classification of vine varieties for the administrative unit referred to in (a),
- where appropriate, on a list of synonyms to be drawn up; this list may provide that a given synonym may be used only to describe a table wine produced in the areas of production in which such use is traditional and customary;

(c) with the exception of any products used for sweetening, the table wine concerned is made entirely from grapes of the variety specified;

(d) that the variety determines the nature of the table wine in question;

(e) it is accompanied by the name of a geographical unit which is smaller than the Member State concerned, as referred to in Article 4 (1);

(f) the name of that variety does not cause confusion with the name of a specified region or geographical unit used to describe a quality wine psr or an imported wine.

2. By way of derogation from paragraph 1 and subject to Article 7, producer Member States may allow the indication of:

- the names of two vine varieties for one and the same table wine, provided that it is obtained entirely from the varieties named, or
- the name of one vine variety, if at least 85 % of the product concerned is obtained, after deduction of the quantity of the products used for possible sweetening, from grapes of the variety named, and provided that the variety determines the nature of the product in question.

Article 6

1. Mention of the vintage year as referred to in Article 2 (3) (c) on the labels of table wines shall be allowed

⁽¹⁾ See page 75 of this Official Journal.

only if all the grapes used to produce the table wine concerned were harvested in that year.

2. By derogation from paragraph 1 and without prejudice to Article 7, producer Member States may allow the indication of the vintage if at least 85 % of the table wine concerned is obtained, after deduction of the quantity of the products used for possible sweetening, from grapes harvested in the year to be shown.

Article 7

The first subparagraph of Article 54 (3) of Regulation (EEC) No 337/79 and Articles 5 (2) and 6 (2) of this Regulation may be applied simultaneously only if at least 85 % of the table wine resulting from the coupage comes from the production area, the vine variety and the vintage year given in the description of the table wine.

Article 8

Labelling used for the description of a table wine may not bear brand names containing words, parts of words, signs or illustrations which:

- (a) are likely to create a false impression of a person, in particular the bottler, involved in the distribution of the product described;
- (b) include the name of a quality wine psr, or may lead to confusion with the description of a quality wine psr;
- (c) in the case of table wines described in accordance with Article 54 (2) and (3) of Regulation (EEC) No 337/79, contain false or misleading information, particularly in respect of geographical origin, vine variety, vintage year or superior quality; or
- (d) in the case of table wines other than those referred to in (c), contain information concerning geographical origin, vine variety, vintage year or superior quality.

II. Official documents and registers

Article 9

1. In the case of table wines, the description in the official documents shall include the following information:

- (a) the words 'table wine';

- (b) a statement as to whether the wine is red, rosé or white;

- (c) in the case of:

- (i) consignment to another Member State or export: the name of the Member State in whose territory the grapes were harvested and made into wine, provided that both these operations took place in the same Member State;
- (ii) table wine resulting from a coupage of products originating in more than one Member State: the words 'wine from different countries of the European Community';
- (iii) table wine which was made into wine in a Member State other than that in which the grapes were harvested: the initials 'EEC'.

2. The description of table wines in the official documents shall also include the information specified in Article 2 (2) and (3) and set out below, in so far as it appears or is intended to appear on the labels:

- (a) the vintage year;
- (b) the name of a geographical unit which is smaller than the Member State concerned;
- (c) the name of one or two vine varieties;
- (d) a statement as to the method of production or the type of product, except as to the residual sugar content;
- (e) as appropriate, the words 'Landwein', 'vin de pays', 'vino tipico' or corresponding words in an official Community language.
- (f) the particulars of the natural or technical conditions governing the production of the wine.

Article 10

1. In the case of table wines, the description in the registers kept by producers shall include the information specified in:

- Article 9 (1) (a) and (b),
- Article 9 (2), in so far as it is intended to appear on the label or, in the absence of a label, in the accompanying document.

2. In the case of table wines, the description in the registers kept by persons other than producers shall include:

- the information specified in Article 9 (1),
- the number of the accompanying document and the date on which it was drawn up.

III. Commercial documents

Article 11

1. Where an accompanying document has not been drawn up for a table wine, the description in the commercial documents referred to in Article 1 (2) (c) shall comprise:

- the information specified in Article 9 (1), and
- the information specified in Article 9 (2) in so far as it appears on the labelling.

2. Where the description of the table wines in the commercial documents also includes the information specified in Article 2, such information must conform to the provisions of Articles 4, 5, 6, 7 and 8.

3. In the case of table wines distributed in their territory, Member States may allow the information specified in Article 2 to be given in the commercial documents in the form of a code. This code must be such as to enable the inspection authority to identify rapidly the description of the table wine concerned.

Section B

DESCRIPTION OF QUALITY WINES PRODUCED IN SPECIFIED REGIONS

I. Labelling

Article 12

1. In the case of quality wines psr, the description on the labelling shall include the following information:

- (a) the specified region of origin;
- (b) one of the expressions referred to in the second subparagraph of Article 16 (5) of Regulation (EEC) No 338/79;
- (c) the nominal volume of the table wine, together with a small 'e' provided that the containers used comply with the requirements of Directive 75/106/EEC;
- (d) in the case of:
 - containers with a nominal volume of not more than 60 litres: the name or business name of the bottler and the local administrative area or part thereof in which his head office is situated,
 - other containers: the name or business name of the consignor and the local administrative area or part thereof in which his head office is situated.

Where wine is bottled in or consigned from a local administrative area or part thereof other than that

mentioned above or a neighbouring local administrative area, the information referred to in the first and second indents of (d) shall be accompanied by an indication of the local administrative area or part thereof where the operation took place;

- (e) in the case of consignment to another Member State or export, the Member State in which the specified region is situated.
2. In the case of quality wines psr, the description on the labelling may be supplemented by the following information:
- (a) a statement as to whether the wine is red, white or rosé;
 - (b) the vintage year, in accordance with the conditions laid down in Article 16;
 - (c) a brand name, in accordance with the conditions laid down in Article 18;
 - (d) the names or business names of the natural or legal persons or group of persons involved in the distribution of the quality wine psr in question and the local administrative area or part thereof in which their head offices are situated;
 - (e) a distinction awarded to one of the persons or to the group of persons referred to in (d) by an official body or a body officially recognized for the purpose, where this is likely to enhance the reputation of the quality wine psr concerned and provided that such a distinction is governed by implementing rules or, failing this, by the provisions of the Member State concerned;
 - (f) the Member State of origin, in so far as paragraph (1) (e) does not require this to be given;
 - (g) the actual and/or total alcoholic strength by volume;
 - (h) a recommendation to the consumer as to the use of the wine;
 - (i) additional details of a traditional kind, provided that they are used in the manner prescribed by the laws of the producer Member State and are entered in a list to be drawn up;
 - (j) — the Community expression 'quality wine produced in a specified region', or 'quality wine psr' if it does not appear pursuant to paragraph (1) (b), or
 - a specific traditional expression if it does not appear pursuant to paragraph (1) (b);
 - (k) details as to:
 - the method of production,
 - the type of product,
 - the particular colour of the quality wine psr,

in so far as this information is prescribed in Community legislation or by the producer Member State. However, the use of such information may be prohibited in the description of quality wines psr originating in a specified region where it is not traditional;

- (l) the name of a geographical unit which is smaller than the specified region, in accordance with the conditions laid down in Article 14;
- (m) the name of the vineyard or group of vineyards where the quality wine psr in question was made, where this is likely to enhance the reputation of the wine and in so far as such information is governed by implementing rules or, failing this, by provisions of the producer Member States;
- (n) the name of one or two vine varieties, in accordance with the conditions laid down in Article 15;
- (o) a quality control number allotted by an official body to the quality wine psr in question;
- (p) an award granted by an official body or a body officially recognized for the purpose to the quality wine psr in question, provided that the award can be proved by an appropriate document;
- (q) a statement that the wines were bottled:
 - either at the vineyard where the grapes used were harvested and made into wine,
 - or by a group of vineyards,
 - or in an undertaking situated in the specified region indicated or in the immediate vicinity of that region, with which the vineyards where the grapes used were harvested are connected as members of a group of vineyards, and which made wine from the said grapes;
- (r) during a transitional period ending on 31 August 1981 an indication that the wines were bottled in the specified region, in so far as such indication is traditional and customary in the specified region concerned;
- (s) the number of the container;
- (t) information concerning:
 - the history of the wine in question, the undertaking of the bottler or an undertaking of a natural or legal person or group of persons involved in the distribution of the wine,
 - the natural or technical conditions governing the production of the wine, or
 - the ageing of the wine,

provided that this information is used in accordance with the conditions laid down by implementing rules.

Article 13

1. Only the information specified in Article 12 shall be allowed for the description on the label of a quality wine psr.

However:

- additional or derogating rules may be laid down in respect of quality wines psr intended for export, in so far as the legislation of third countries makes this necessary,
- pending application of Community provisions on dietetic foodstuffs, Member States may, in respect of quality wines psr marketed in their territory, allow information to be given as to the dietetic use of such products.

2. In the case of quality wines psr obtained on their territory, Member States may make compulsory, dispense with or restrict the use of certain particulars referred to in Article 12 (2), except for those referred to in the first indent of (j).

3. Each Member State shall allow the description of quality wines psr which originate in other Member States and are distributed in its territory, provided such description conforms to Community legislation and is allowed in the producer Member State in accordance with this Regulation.

However, Member States may, for a transitional period ending on 31 August 1981, make compulsory the indication of the actual alcoholic strength by volume of quality wines psr distributed in their territory.

Within the aforesaid period the Council shall decide, on a proposal from the Commission and by a qualified majority, on common arrangements to apply subsequent to this period in respect of indication of the actual alcoholic strength by volume.

4. In the case of products distributed in their territory, Member States may allow information concerning the bottler and the place of bottling to be given in the form of a code.

5. An indication of all or part of the name of a specified region, as defined by Article 3 of Regulation (EEC) No 338/79, other than the indication which may be used for the quality wine psr in question, shall be given in the form of a code.

However, Member States may lay down other appropriate measures for their territory, in particular as regards the size of the letters of this indication, to avoid confusion concerning the geographical origin of the wine.

6. In the description of quality wines psr on the labelling, the information specified in Article 12 shall be given in one or more of the official languages of the Community.

However:

- (a) one of the official languages of the Member State of origin shall be used for:
- the name of the specified region in which the quality wine psr concerned originates,
 - one of the specific traditional expressions referred to in the second subparagraph of Article 16 (5) of Regulation (EEC) No 338/79,
 - the name of a geographical unit which is smaller than the specified region, as referred to in Article 12 (2) (l),
 - the name of the vineyard or group of vineyards, as referred to in Article 12 (2) (m), and
 - information in respect of bottling, as referred to in Article 12 (2) (q).

The information specified in the first, third, fourth and fifth indents may:

- also be given in another official language of the Community, or
- be given solely in another official language of the Community where the latter is equated with the official language in that part of the territory of the Member State of origin in which the specific region referred to is situated,

where this practice is traditional and customary in the Member State concerned;

- (b) it may be decided that the information as to:
- the method of production, the type of product or a particular colour as referred to in Article 12 (2) (k), and
 - the natural or technical conditions governing the production or the ageing of the quality wine psr, as referred to in Article 12 (2) (t),

shall be provided solely in one of the official languages of the Member State of origin.

For the description of quality wines psr intended for export, the implementing procedure may allow other languages to be used.

Article 14

1. In the description of a quality wine psr on the labelling, the name of a 'geographical unit which is smaller than the specified region', as referred to in Article 12 (2) (l), shall be taken to mean the name of:

- a small locality or group of localities,
- a local administrative area or part thereof,
- a wine-growing subregion or part thereof.

2. The producer Member States may allocate the name of a geographical unit which is smaller than the specified region in question to quality wine psr provided that:

- this geographical unit is well defined,
- all the grapes from which the wines have been produced originate in that unit.

3. Where a quality wine psr is obtained from products of grapes harvested in different geographical units as referred to in paragraph 1 situated within the same specified region, the only information allowed in addition to the name of the specified region shall be the name of the larger geographical unit covering all the wine-producing areas concerned.

However, subject to Article 17, producer Member States may allow the use of the name of a geographical unit as referred to in paragraph 1 for a quality wine psr:

- (a) obtained from a mixture of grapes, grape musts, new wines still in fermentation or, during a transitional period ending on 31 August 1981, wines, originating in the geographical unit whose name is to be used for the description with a product obtained in the same specified region but outside that unit, provided that at least 85 % of the quality wine psr concerned is obtained from grapes harvested in the geographical unit whose name it bears;
- (b) having been sweetened with a product obtained in the same specified region.

4. The name of a specified region and the name of a geographical unit as referred to in paragraph 1 may not be conferred on:

- a wine resulting from the mixture of a quality wine psr with a product obtained outside the specified region in question,
- a quality wine psr which has been sweetened with a product obtained outside the specified region in question,

unless these wines are on the list to be drawn up pursuant to Article 6 (3) of Regulation (EEC) No 338/79.

Article 15

1. The name of a vine variety as referred to in Article 12 (2) (n) to describe a quality wine psr may be used on the labelling only if:

- (a) that variety is on the list drawn up by the Member States pursuant to Article 4 (1) of Regulation (EEC) No 338/79, designating the vine varieties which are suitable for producing each of the quality wines psr produced in their territory;
- (b) the name of the variety is that given:
 - in the classification of vine varieties for the administrative unit concerned,
 - where appropriate, on a list of synonyms to be drawn up; this list may provide that a given synonym may be used only to describe a quality wine psr produced in the areas of production in which such use is traditional and customary;
- (c) with the exception of any products used for sweetening, the quality wine psr is made entirely from grapes of the variety specified;
- (d) that variety determines the nature of the quality wine psr in question;
- (e) the name of that variety does not cause confusion with the name of a specified region or geographical unit used to describe another quality wine psr or an imported wine.

2. By way of derogation from paragraph 1 and subject to Article 17, producer Member States may allow the indication of:

- the names of two vine varieties for one and the same quality wine psr provided that it is obtained entirely from the varieties named, or
- the name of one vine variety, if at least 85 % of the product concerned is obtained, after deduction of the quantity of the products used for possible sweetening, from grapes of the variety named, and provided that the variety determines the nature of the product in question.

Article 16

1. Mention of the vintage year as referred to in Article 12 (2) (b) on the labels of quality wines psr shall be

allowed only if all the grapes used to produce the quality wine psr concerned were harvested in that year.

2. By derogation from paragraph 1 and without prejudice to Article 17, producer Member States may allow an indication of the vintage if at least 85% of the quality wine psr concerned is obtained, after deduction of the quantity of the products used for possible sweetening, from grapes harvested in the year to be shown.

Article 17

Point (a) of the second subparagraph of Article 14 (3), the second indent of Article 15 (2) and Article 16 (2) may be applied simultaneously only if at least 85% of the quality wine psr resulting from the mixture comes from the geographical unit which is smaller than the specified region, from the vine variety and from the vintage year given in the description of the quality wine psr.

Article 18

Labels used for the description of a quality wine psr may not bear brand names containing words, parts of words, signs or illustrations which:

- (a) are likely to create a false impression of a person, in particular the bottler, involved in the distribution of the product described;
- (b) include the name of a table wine or are likely to cause confusion with the description of a table wine or another quality wine psr; or
- (c) contain false or misleading information, particularly in respect of geographical origin, vine variety, vintage year or superior quality.

II. Official documents and registers*Article 19*

1. In the case of quality wines psr, the description in the official documents shall include the following information:

- (a) the words 'quality wine psr';
- (b) where appropriate, one of the expressions referred to in the second subparagraph of Article 16 (5) of Regulation (EEC) No 338/79;
- (c) the specified region;
- (d) a statement as to whether the wine is red, rosé or white;

(e) in the case of consignments to another Member State or export: the Member State to which the specified region belongs.

2. The description of quality wines psr in the official documents shall also include the information specified in Article 12 (2) and set out below, in so far as it appears or is intended to appear on the labelling:

- (a) the vintage year;
- (b) specific details of a traditional kind for the purpose of indicating quality;
- (c) a statement as to the method of production, a particular colour, or the type of product except as regards the residual sugar content;
- (d) the name of a geographical unit which is smaller than the specified region;
- (e) the name of one or two vine varieties;
- (f) the particulars of the natural or technical conditions governing the production of the wine.

Article 20

1. In the case of quality wines psr, the description in the registers kept by producers shall include the information specified in:

- Article 19 (1) (a), (b), (c) and (d),
- Article 19 (2), in so far as it is intended to appear on the labelling or, in the absence of labelling, in the accompanying document.

2. In the case of quality wines psr, the description in the registers kept by persons other than producers shall include:

- the information specified in Article 19 (1),
- the number of the accompanying document and the date on which it was drawn up.

III. Commercial documents

Article 21

1. Where an accompanying document has not been drawn up for a quality wine psr, the description in the commercial documents referred to in Article 1 (2) (c) shall comprise:

- the information specified in Article 19 (1), and
- the information specified in Article 19 (2) in so far as it appears on the label.

2. Where the description of quality wines psr in the commercial documents also includes the information

specified in Article 12, such information must conform to the provisions of Articles 14, 15, 16, 17 and 18.

3. In the case of quality wines psr distributed in their territory, Member States may allow the information specified in Article 12 to be given in the commercial documents in the form of a code. This code must be such as to enable the inspection authority to identify rapidly the description of the quality wine psr concerned.

Section C

DESCRIPTION OF PRODUCTS OTHER THAN TABLE WINES AND QUALITY WINES PSR

I. Labelling

Article 22

1. Where products other than table wines and quality wines psr are labelled, the labelling used shall give the following information:

- (a) the type of product, using:
 - that definition contained in Community legislation which gives the most accurate description of the product concerned, or
 - for products in circulation in the territory of the Member States in question, words other than those prescribed by Community provisions, where their use is traditional and customary in the Member State concerned;
- (b) in the case of:
 - grape must and concentrated grape must: the density,
 - partially fermented grape must and new wine still in fermentation: the total alcoholic strength by volume,
 - other wine: the actual and/or total alcoholic strength by volume;
- (c) the nominal volume of the product, together with a small 'e' provided that the containers used comply with the requirements of Directive 75/106/EEC;
- (d) in the case of:
 - containers with a nominal volume of not more than 60 litres: the name or business name of the bottler and the local administrative area or part thereof in which his head office is situated,
 - other containers: the name or business name of the consignor and the local administrative area or part thereof in which his head office is situated;

(e) in the case of consignment to another Member State or export:

- for wines: the Member State in whose territory the grapes were harvested and made into wine, provided that both these operations took place in the same Member State,
- for grape musts: the Member State in whose territory the grapes were harvested and production was carried out, provided that both these operations took place in the same Member State;

(f) in the case of wines and grape musts:

- which result from a coupage of products originating in more than one Member State: the words 'made from products of different countries of the European Community',
- which were not produced in the Member State in which the grapes were harvested: the initials 'EEC':

(g) any restriction on use imposed by Community legislation.

2. The description of these products on the labelling may be supplemented by indicating:

- (a) the vintage year;
- (b) the names or business names of the natural or legal persons or group of persons involved in the distribution of the product in question and the local administrative area or part thereof in which their head offices are situated;
- (c) where the product is not consigned to another Member State or exported and the conditions laid down in paragraph (1) (f) are not fulfilled: the name of the Member State in whose territory the grapes were harvested and production took place.

3. Where partially fermented grape must is intended for direct human consumption, its description on the labelling may be supplemented by information concerning:

- (a) the geographical unit, within the meaning of Article 4 (1), from which the must originates, provided that the conditions concerning table wine laid down in Article 4 (3) are satisfied;
- (b) the name of a vine variety;
- (c) a statement as to whether the product is red, rosé or white.

Article 23

1. Only the information specified in Article 22 shall be allowed for the description on the labelling of products other than table wines and quality wines psr. However, in the implementing rules additional provisions may be

laid down in respect of products other than table wines and quality wines psr intended for export, in so far as the legislation of third countries makes this necessary.

2. Each Member State shall allow the description of products other than table wines and quality wines psr which originate in other Member States and are distributed in its territory, provided such description conforms to Community legislation and is allowed in the producer Member State in accordance with this Regulation.

However, Member States may:

- for products other than table wines and quality wines psr obtained in their territory, make compulsory, prohibit or restrict the use of certain information specified in Article 22 (2) and (3),
- authorize, pending the application of Community provisions on dietetic foodstuffs, information concerning the dietetic use of grape musts marketed in their territory.

3. An indication of the vintage year as referred to in Article 22 (2) (a) to describe a product other than a table wine or a quality wine psr may be given on the labelling only if all the grapes used for making the product in question were harvested in that year.

The indication of a vine variety as referred to in Article 22 (3) (b) to describe a product other than a table wine or a quality wine psr may be given on the labelling only if conditions corresponding to those set out in Article 5 (1) are satisfied.

4. In the description of products other than table wine and quality wines psr on the labelling the information specified in Article 22 shall be given in one or more of the official languages of the Community. For the description of products other than table wines and quality wines psr intended for export, provision may be made under the implementing rules for other languages to be used.

II. Official documents and registers

Article 24

1. In the case of products other than table wines and quality wines psr, the description in the official documents shall include the following information:

- (a) a statement as to whether the product is red, rosé or white,
- (b) the type of product, using:

- that definition contained in Community legislation which gives the most accurate description of the product concerned, or
 - for products in circulation in the territory of the Member State in question, words other than those prescribed by Community provisions, where their use is traditional and customary in the Member State concerned;
- (c) in the case of consignment to another Member State or export:
- for wines: the Member State in whose territory the grapes were harvested and made into wine, provided that both these operations took place in the same Member State,
 - for grape musts: the Member State in whose territory the grapes were harvested and production carried out, provided that both these operations took place in the same Member State;
- (d) for wines and grape musts:
- which result from a coupage of products originating in more than one Member State: the words 'made from products of different countries of the European Community',
 - which, in the case of grape musts, were not produced, and, in the case of wine, were not turned into wine, in the Member State in which the grapes were harvested: the inscription 'EEC'.

2. The description in the official documents of products other than table wines and quality wines psr shall also include:

- (a) for products intended for processing into table wine and for wines suitable for yielding table wine: the information specified in Article 9 (2);
- (b) for products intended for processing into quality wine psr: the information specified in Article 19 (1) (c) and, where appropriate, in Article 19 (2);
- (c) for other products: the information specified in Article 22 (2) (a) and (c) and in Article 22 (3),

in so far as it is intended to appear on the labelling of table wines and of quality wines psr obtained from the products referred to in (a) and (b) or on the labelling of the products referred to in (c).

Article 25

1. In the case of products other than table wines or quality wines psr the description in the registers kept by producers shall include:

- the information referred to in Article 24 (1) (a) and (b),

- the information specified in Article 24 (2), in so far as such information is intended to appear on the labelling or, in the absence of a labelling, in the accompanying document.

2. In the registers kept by persons other than producers, the description of these products shall include:

- the information specified in Article 24 (1),
- the number of the accompanying document and the date on which it was drawn up.

III. Commercial documents

Article 26

1. If no accompanying document has been drawn up for a product other than a table wine or a quality wine psr, the description in the commercial documents referred to in Article 1 (2) (c) shall include at least the information referred to in Article 24 (1).

2. If the vintage year or vine variety are indicated as well, this information must be given in accordance with Article 23 (3).

3. If, for grape musts, partially fermented grape musts and new wines still in fermentation, intended for processing into table wine and wines suitable for yielding table wine, the description in the commercial documents also includes information specified in Article 2, such information must conform to the provisions of Articles 4, 5, 6, 7 and 8.

4. If, for grape musts, partially fermented grape musts and new wines still in fermentation, intended for processing into quality wines psr, the description in the commercial documents also includes information specified in Article 12, such information must conform to the provisions of Articles 14, 15, 16, 17 and 18.

5. The information given in the commercial documents for the products referred to in paragraphs 3 and 4 shall be consistent with that given in the accompanying documents.

6. In the case of products other than table wines or quality wines psr distributed in their territory, the Member States may permit the information referred to in Article 22 to be entered in commercial documents by means of a code. This code must be such that the body responsible for inspections can rapidly identify the description of the product concerned.

CHAPTER II

DESCRIPTION OF PRODUCTS ORIGINATING IN THIRD COUNTRIES

Section A

LABELLING

Article 27

1. The description on the labelling of imported wines intended for direct human consumption not included on the list referred to in Article 28 (1) shall include the following information:

- (a) the word 'wine';
- (b) the nominal volume of the imported wine, together with a small 'e' provided that the containers used comply with the requirements of Directive 75/106/EEC;
- (c) where these wines:
 - have been placed, in the Community, in containers with a nominal volume of not more than 60 litres: the name or business name of the bottler and the commune or part thereof in which his head office is situated. However, where bottling was carried out in a local administrative area or part thereof other than that mentioned above or a neighbouring local administrative area, the mention of the bottler's head office shall specify the local administrative area or part thereof where bottling was carried out,
 - have been placed, outside the Community, in containers with a nominal volume of not more than 60 litres: the name or business name of the importer and the local administrative area or part thereof in which his head office is situated,
 - are put up in other containers:
 - the name or business name of the importer and of the local administrative area or part thereof where his head offices are situated, or
 - if the importer and consignor are not the same, the name or business name of the consignor and the local administrative area or part thereof where his head offices are situated;
- (d) the third country of origin, as stated in the documents referred to in Council Regulation (EEC) No 354/79 of 5 February 1979 laying down general rules for the import of wines, grape juice and grape must ⁽¹⁾ accompanying the wine in question when it is imported.

2. The description on the labelling of wines as referred to in paragraph 1 may be supplemented by the following information:

- (a) a statement as to whether the wine is red, rosé or white;
- (b) a brand name, in accordance with the conditions laid down in Article 34;
- (c) the names or business names of the natural or legal persons or group of persons involved in the distribution of the imported wine and the local administrative area in which their head offices are situated;
- (d) the actual and/or total alcoholic strength by volume;
- (e) a recommendation to the consumer as to the use of the wine;
- (f) information concerning:
 - the history of the wine in question, the undertaking of the bottler or an undertaking of a natural or legal person or group of persons involved in the distribution of the wine,
 - the natural or technical conditions governing the production of the wine, or
 - the ageing of the wine,
 provided that this information is used in accordance with the conditions laid down by implementing rules;
- (g) a distinction awarded to one of the persons or to the group of persons referred to in (c) by an official body or a body officially recognized for the purpose, where this is likely to enhance the reputation of the imported wine concerned and provided that such distinction is governed by Community implementing rules or, failing this, by provisions of the third country of origin.

Article 28

1. The description on the labelling of imported wines intended for direct human consumption, described by reference to a geographical area and contained on a list to be drawn up, shall include the following information:

- (a) the name of a geographical unit situated in the third country concerned, in accordance with the conditions laid down in Article 31;
- (b) the nominal value of the imported wine, together with a small 'e', provided that the containers used comply with the requirements of Directive 75/106/EEC;

⁽¹⁾ See page 97 of this Official Journal.

(c) where these wines:

- have been placed, in the Community, in containers with a nominal volume of not more than 60 litres: the name or business name of the bottler and the local administrative area or part thereof in which his head office is situated. However, where bottling was carried out in a local administrative area or part thereof other than that mentioned above or a neighbouring local administrative area, the mention of the bottler's head office shall specify the local administrative area or part thereof where bottling was carried out,
- have been placed, outside the Community, in containers with a nominal volume of not more than 60 litres: the name or business name of the importer and the local administrative area or part thereof in which his head office is situated,
- are put in other containers:
 - the name or business name of the importer and of the local administrative area or part thereof where his head offices are situated, or
 - if the importer and consignor are not the same, the name or business name of the consignor and the local administrative area or part thereof where his head offices are situated;

(d) the third country of origin, as stated in the documents referred to in Regulation (EEC) No 354/79 accompanying the wine in question when it is imported.

The list referred to in the first subparagraph may include only imported wines for which, in each case, the conditions of production are recognized as being equivalent to those for a quality wine psr or for a table wine bearing an indication of geographical origin.

2. The description on the labelling of wines as referred to in paragraph 1 may be supplemented by the following information:

- (a) the word 'wine', which may or may not be accompanied by a statement as to whether the wine is red, rosé or white;
- (b) the name of a geographical unit other than that included on the list referred to in paragraph 1, in accordance with the conditions laid down in Article 31;
- (c) details:
 - accompanying the geographical ascription to emphasize the typically regional character of the wine in question, or
 - regarding superior quality,
 in so far as they are prescribed by the national provisions of the third country in which the wine

originates for the domestic market of that country and are recognized by the Community;

- (d) the name of one or of two vine varieties, in accordance with the conditions laid down in Article 32;
- (e) the vintage year, in accordance with the conditions laid down in Article 33;
- (f) the actual and/or total alcoholic strength by volume;
- (g) a brand name, in accordance with the conditions laid down in Article 34;
- (h) the names or business names of the natural or legal persons or group of persons involved in the distribution of the imported wine, and the local administrative area or part thereof in which their head offices are situated;
- (i) a recommendation to the consumer as to the use of the wine;
- (k) details concerning:
 - the method of production,
 - the type of product,
 - the particular colour of the product,
 in so far as such information is traditional and customary and defined by provisions laid down by the third country of origin;
- (l) the name of the vineyard or group of vineyards where the wine in question was made, where this is likely to enhance the reputation of the wine and in so far as such information is governed by provisions laid down by the third country of origin;
- (m) a quality control number allotted to the wine in question by an official body;
- (n) an award granted to the wine in question by an official body or a body officially recognized for the purpose, provided that the award can be proved by an appropriate document;
- (o) a statement that the wines were bottled:
 - either at the vineyard where the grapes used were harvested and made into wine,
 - or by a group of vineyards,
 - or in an undertaking situated in the wine-growing area indicated, with which the vineyards where the grapes used were harvested are connected as members of a group of vineyards, and which made wine from the said grapes;
- (p) information concerning:
 - the history of the wine in question, the undertaking of the bottler or an undertaking of

a natural or legal person or group of persons involved in the distribution of the wine,

- the natural or technical conditions governing the production of the wine, or
- the ageing of the wine,

provided that this information is used in accordance with the conditions laid down by implementing rules;

- (q) a distinction awarded to one of the persons or to the group of persons referred to in (h) by an official body or a body officially recognized for the purpose, where this is likely to enhance the reputation of the imported wine concerned and provided that such distinction is governed by Community implementing rules or, failing this, by provisions of the third country of origin.

Article 29

1. Where imported products other than wines as referred to in Article 27 and 28 are labelled, the labelling used shall give the following information:

- (a) the type of product, using that definition contained in Community legislation which gives the most accurate description of the product concerned;
- (b) in the case of:
- grape must and concentrated grape must: the density,
 - wine: the actual and/or total alcoholic strength by volume;
- (c) the nominal volume of the imported product, together with a small 'e' provided that the containers used comply with the requirements of Directive 75/106/EEC;
- (d) the name or business name of the importer and the local administrative area or part thereof in which his head offices are situated, or, where the imported product is put up in containers with a nominal volume of more than 60 litres and where the importer and consignor are not the same, the name or business name of the consignor and the local administrative area or part thereof where his head offices are situated;
- (e) where:
- the wines or grape musts in question were produced in the third country in which all the grapes used were harvested: the third country concerned,
 - the conditions of the first indent are not fulfilled: the words 'imported product'.

2. The description used in labelling the products referred to in paragraph 1 may be supplemented by indicating the names or business names of the natural or legal persons or group of persons involved in the distribution of the product in question and the local administrative area or part thereof in which their head offices are situated.

Article 30

1. Only the information specified in Articles 27 to 29 shall be allowed for the description on the labelling of products originating in third countries.

2. The information referred to in paragraph 1 may be supplemented by other optional information to be determined in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79 in the light of experience and of the corresponding provisions adopted in respect of products originating in the Community.

3. In accordance with the same procedure:

- use of the information specified in Articles 27 (2), 28 (2) and 29 (2) may be made compulsory, prohibited or restricted,
- small quantities of wine originating in third countries may be exempted from the application of Articles 27 (1) and 28 (1) (b), (c) and (d).

4. Member States may, for a transitional period ending on 31 August 1981, make it compulsory for the actual alcoholic strength by volume to be indicated in the case of imported wines as referred to in Articles 27 and 28 which are distributed in their territory.

Within the aforesaid period, the Council shall decide, on a proposal from the Commission and by a qualified majority, on common arrangements to apply subsequent to this period in respect of the indication of the actual alcoholic strength by volume.

5. Special conditions may be laid down as regards inspection to ensure compliance with the provisions governing the description on the labelling of imported products, with particular reference to the geographical origin, references to superior quality, the vine variety and the bottler.

6. In the case of products distributed in their territory, Member States may allow the information concerning the bottler, the place of bottling or, where appropriate, the importer, to be given in the form of a code approved by the competent national authorities.

7. In the description of imported products on the labelling, the information specified in Articles 27, 28 and 29 shall be given in one or more of the official languages of the Community.

However,

- the name of a geographical unit within the third country concerned, as referred to in Article 28 (1) (a) and (2) (b),
- references to superior quality, as referred to in Article 28 (2) (c),
- details concerning the method of production, the type of product or a particular colour, as referred to in Article 28 (2) (k),
- the name of a vineyard or group of vineyards, as referred to in Article 28 (2) (l),
- information in respect of bottling, as referred to in Article 28 (2) (o),

shall be given in one of the official languages of the third country of origin. Such information may also be given in an official language of the Community.

The use of certain terms resulting from the translation of the information referred to in the second subparagraph may be governed by implementing rules.

8. (a) The names or business names of the natural or legal persons or group of persons involved in the distribution of the imported product, including the names of the bottler and the importer, and the local administrative area or part thereof in which their head offices are situated as referred to in:
- Article 27 (1) (c),
 - Article 27 (2) (c),
 - Article 28 (1) (c),
 - Article 28 (2) (h),
 - Article 29 (1) (d),
 - Article 29 (2);
- (b) references to superior quality, as referred to in Article 28 (2) (c);
- (c) the name of vineyard or group of vineyards, as referred to in Article 28 (2) (l),

may be used only where this is not likely to cause confusion with the name of a region used to describe a quality wine psr or another imported wine.

9. Pending application of Community provisions on dietetic foodstuffs, Member States may, in respect of imported wines marketed in their territory, allow

information to be given as to the dietetic use of such products.

Article 31

1. Where, pursuant to Article 28 (1) (a) and (2) (b), an imported wine is described on the label by means of a geographical description, use may be made only of the name of a geographical unit:

- (a) which denotes a clearly defined wine-producing area:
- which is smaller than the territory of the third country in question,
 - which produces the grapes from which the product was made,
 - in which grapes yielding wines conforming to standard quality criteria are harvested;
- (b) which is used on the domestic market of the third country of origin to describe the wines and is intended for such purpose in provisions laid down by that country;
- (c) which is not likely to be confused with information used to describe a quality wine psr, a table wine or another imported wine.

2. The name of a geographical unit used to describe a table wine or a quality wine psr or the name of a given region may not be used to describe an imported wine, whether in the language of the producing country in which that unit or region is situated, or in any other language.

3. Derogations from paragraph 1 (a) may be allowed as regards the use of the name of a geographical unit to describe a wine resulting from a mixture, provided that they:

- conform to the provisions of the third country of origin, and
- are approximately equivalent to the derogations allowed under Article 14 (3) for quality wines psr.

Derogations from paragraph 2 may be allowed where the geographical name of a wine produced in the Community is the same as the name of a geographical unit situated in a third country, where such name is used in that country to describe a wine in accordance with traditional and consistent usage and on condition that its use is governed by rules in that country.

Article 32

1. The name of a vine variety, as referred to in Article 28 (2) (d), to describe an imported wine may be used on the label only if:

(a) the name of that variety and any synonym are included on a list to be drawn up for each third country; however, such a list may not include names of varieties whose cultivation is prohibited by provisions of the third country concerned or which are likely to cause confusion with:

- the name of a specified region or of a geographical unit used to describe a quality wine psr, a table wine or another imported wine,
- the name of another genetically different variety grown within the Community;

(b) the product concerned is made entirely from grapes of the variety in question.

2. Derogations from paragraph 1 (b) may be allowed, provided that they:

- conform to the provisions of the third country of origin, and
- are approximately equivalent to the derogations allowed under Articles 5 (2) and 15 (2) for table wines and quality wines psr.

Article 33

1. Mention of the vintage year as referred to in Article 28 (2) (e) on the labelling of imported wines shall be allowed only if:

- (a) all the grapes used for the production of the wine concerned were harvested in that year;
- (b) it is accompanied by the name of a geographical unit;
- (c) it is allowed by the provisions of the third country concerned.

2. Derogations from paragraph 1 (a) may be allowed in certain cases, provided that they:

- conform to the provisions of the third country of origin, and
- are approximately equivalent to the derogations allowed under Articles 6 (2) and 16 (2) for table wines and quality wines psr.

Article 34

The labelling used for the description of an imported wine may not bear brand names containing words, parts of words, signs or illustrations which:

- (a) are likely to create a false impression of a person, in particular the bottler, involved in the distribution of the product described;
- (b) include the name of a table wine or a quality wine psr, may cause confusion with the description of a table wine, a quality wine psr or an imported wine on the list referred to in Article 28 (1) or with an illustration used to distinguish one of these wines;
- (c) contain false or misleading information, particularly in respect of geographical origin, vine variety, vintage year or superior quality,

Section B

OFFICIAL DOCUMENTS AND REGISTERS

Article 35

1. In the case of imported wines intended for direct human consumption which are not on the list referred to in Article 28 (1) the description in the official documents shall include the following information:

- (a) the word 'wine';
- (b) a statement as to whether the wine is red, rosé or white;
- (c) the third country of origin, as stated in the documents referred to in Regulation (EEC) No 354/79 accompanying the wine in question when it is imported.

2. In the case of wines intended for direct human consumption, described by means of a geographical ascription and contained in the list referred to in Article 28 (1), the description in the official documents shall include the following information:

- (a) the name of a geographical unit, as referred to in Article 28 (1) (a);
- (b) a statement as to whether the wine is red, rosé or white;
- (c) the third country of origin.

The description in the official documents of the wines referred to in the previous subparagraph shall also include the information specified in Article 28 (2) and

set out below, in so far as it appears or is intended to appear on the labelling:

- (a) the name of a geographical unit, as referred to in Article 28 (2) (b);
- (b) an indication of superior quality;
- (c) the name of one or of two vine varieties;
- (d) the vintage year;
- (e) a statement as to the method of production or the type of product except as regards the residual sugar content;
- (f) the particulars of the natural or technical conditions governing the production of wine.

3. In the case of imported products other than wines as referred to in Articles 27 and 28, the description in the official documents shall include the following information:

- (a) the type of product, using that definition contained in Community legislation which gives the most accurate description of the product concerned;
- (b) where:
 - the wines or grape musts in question were produced in the third country in which all the grapes used were harvested: the name of the third country concerned,
 - the conditions of the first indent are not fulfilled: the words 'imported product'.

Article 36

The description in the registers shall include:

- (a) in the case of imported wines intended for direct human consumption which are not on the list referred to in Article 28 (1):
 - the information specified in Article 35 (1),
 - the number of the accompanying document and the date on which it was drawn up;
- (b) in the case of imported wines intended for direct human consumption, described by means of a geographical ascription and on the list referred to in Article 28 (1):
 - the information specified in the first subparagraph of Article 35 (2),
 - the number of the accompanying document and the date on which it was drawn up;
- (c) in the case of imported products other than wines as referred to in Articles 27 and 28:
 - the information specified in Article 35 (3),
 - the number of the accompanying document and the date on which it was drawn up.

Article 37

The description of wines originating in third countries and intended for direct human consumption, as given in the documents drawn up by the competent authorities and laboratories of the third country concerned and presented on import, pursuant to Regulation (EEC) No 337/79 and in particular Article 50 thereof, shall include all the information necessary to enable the competent authorities of Member States or the natural or legal persons or group of persons acting on their behalf to draw up an accompanying document in accordance with the provisions of Article 35.

Section C

COMMERCIAL DOCUMENTS

Article 38

1. In the case of imported wines as referred to in Article 27, if no accompanying document is drawn up, the description in the commercial documents referred to in Article 1 (2) (c) shall include the information specified in Article 35 (1).

Where the description of the abovementioned wines in the commercial documents also includes a brand name as referred to in Article 27 (2) (b), this must conform to the provisions of Article 34.

2. In the case of imported wines as referred to in Article 28, if no accompanying document is drawn up, the description in the commercial documents referred to in Article 1 (2) (c) shall include the information specified in Article 35 (2).

Where the description of the abovementioned wines in the commercial documents also includes some of the information specified in Article 28 (2), this must conform to the provisions of Articles 31, 32, 33 and 34.

3. In the case of imported products other than wines as referred to in Articles 27 and 28, the description in the commercial documents referred to in Article 1 (2) (c) shall include at least the information specified in Article 35 (3).

4. In the case of imported products distributed in their territory, Member States may permit the information referred to in Articles 27, 28 and 29 to be entered in commercial documents by means of a code. The code must be such that the body responsible for inspections can rapidly identify the description of the product concerned.

TITLE II
PRESENTATION

Article 39

1. This Title lays down general rules governing the containers, labelling and packaging:

(a) in the case of products originating within the Community:

- of products falling within heading Nos 22.04 and 22.05 of the Common Customs Tariff, and
- of grape musts, whether concentrated or not, as defined in points 2 and 5 of Annex II to Regulation (EEC) No 337/79 and falling within heading No ex 20.07 of the Common Customs Tariff,

(b) in the case of products originating in third countries and fulfilling the conditions laid down in Articles 9 and 10 of the Treaty:

- of products falling within heading Nos 22.04 and 22.05 of the Common Customs Tariff,
- of grape musts as defined in point 2 of Annex II to Regulation (EEC) No 337/79 and falling within heading No ex 20.07 of the Common Customs Tariff,
- of concentrated grape musts as defined by Article 2 of Regulation (EEC) No 339/79 and falling within heading No ex 20.07 of the Common Customs Tariff.

However, this Title shall not apply to sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines and liqueur wines, as referred to in Annex II to Regulation (EEC) No 337/79 and Article 2 of Regulation (EEC) No 339/79.

2. The rules referred to in the preceding paragraph shall apply to products held for sale and to products put into circulation.

Article 40

1. Products to which this Title applies may be stored or transported only in containers which:

- (a) are clean inside;
- (b) have no adverse effect on the smell, taste or composition of the product in question;
- (c) are made of or lined with materials permitted to come into contact with foodstuffs;
- (d) are used solely for the storage or transport of foodstuffs.

2. Use of the containers may be subject to certain conditions to be laid down for the purpose of ensuring in particular that:

(a) the organoleptic properties and the composition of the products are preserved; or

(b) the quality and origin of the products may be distinguished.

3. The containers used for the storage of the products referred to in this Title shall be marked in indelible writing, in such a way as to enable the inspection authority to identify their contents rapidly by reference to the registers or equivalent documents.

However, in the case of containers with a nominal volume of not more than 60 litres, which are filled with the same product and stored together in the same batch, the batch as a whole may be marked instead of the individual containers, provided that the batch is clearly separated from other batches.

4. Provision may be made that containers used for transport, in particular tankers for use on road, rail or waterway, should bear in a clearly visible place and in indelible writing:

- (a) a statement that the containers have been approved for the transport of beverages and foodstuffs;
- (b) special cleaning instructions.

Article 41

1. For the purpose of Titles I and II of this Regulation, labelling shall be understood to mean all descriptions and other references, signs, designs or brand names which distinguish the product and which appear on the same container, including its sealing device, and on the tag attached to the container.

Particulars, signs and other references are not part of the labelling if they:

- are laid down by the tax provisions of Member States, or
- refer to the manufacturer or to the nominal volume of the container and are inscribed directly and indelibly thereon, or
- are used by the bottler for his own internal checks and are indicated in detailed rules to be laid down.

2. Without prejudice to Article 1 (3), labelling shall be compulsory only for containers with a nominal volume of not more than 60 litres, and from the time the product is put into circulation.

3. Labelling shall be carried out in accordance with conditions to be laid down.

Such conditions, which may differ from one product to another, shall relate in particular to:

- (a) the positioning of the labels on the containers;
- (b) the minimum size of the labels;
- (c) the arrangement on the labels of the various items comprising the description;
- (d) the size of the lettering on the labels;
- (e) the use of signs, illustrations or brand names;
- (f) the language in which the labels are worded, in so far as this is not laid down by this Regulation.

Article 42

1. For the purposes of Titles I and II of this Regulation, packaging means protective wrappings such as paper, straw coverings of all kinds, cardboard boxes and crates, used in the transport of one or more containers.

2. Apart from instructions necessary for consignment or markings appearing on packaging carried out by retailers in the presence of the purchaser, the packaging may not bear information relating to the packed product which does not conform to Articles 2, 12, 22, 27, 28 and 29.

TITLE III

GENERAL PROVISIONS

Article 43

1. The description and presentation of the products referred to in Article 1 (3), including any form of advertising, must not be liable to cause confusion as to the nature, origin and composition of the product; this shall apply to the information referred to in Articles 2, 12, 27, 28 and 29.

2. The description and presentation in advertising material must be such as not to create a false impression of the product in question, particularly as regards:

- the type of product, the colour, origin, quality, vine variety, vintage year and the contents of the containers,
- the identity or status of the natural or legal persons or group of persons involved in the production or distribution of the product in question.

Article 44

If necessary, rules may be adopted to govern the use of:

- the codes referred to in Articles 3 (4), 13 (4) and 30 (6),
- the control numbers referred to in Article 12 (2).

Article 45

1. The appellation:

- (a) 'wine' shall be restricted to products conforming to the definition in point 8 of Annex II to Regulation (EEC) No 337/79;
- (b) 'table wine' shall be restricted to products conforming to the definition given in point 11 of that Annex.

2. Without prejudice to the provisions for the harmonization of laws, the possibility for the Member States to allow:

- the use of the word 'wine' accompanied by the name of a fruit and in the form of a composite name to describe products obtained by the fermentation of fruit other than grapes,
- other composite names including the word 'wine',

shall not, however, be affected by the provisions of paragraph 1.

In the event of use of the composite names referred to in the previous subparagraph, any confusion with the products referred to in paragraph 1 must be avoided.

Article 46

1. The products referred to in the first subparagraph of Article 1 (1) and the first subparagraph of Article 39 (1) the description or presentation of which does not conform to the provisions of this Regulation may not be held for sale, put into circulation in the Community or exported.

2. The bodies appointed by the Member States shall be responsible for ensuring compliance with the provisions of this Regulation.

Article 47

1. For a transitional period ending on 31 August 1979, Member States may, by way of derogation from this Regulation, authorize the use of supplementary information permitted on that date for products distributed in their territory.

2. Other transitional provisions shall be laid down in respect of:

- the placing on the market of products whose description and presentation do not conform to the provisions of this Regulation,
 - the use of stocks of labels and other labelling accessories printed before the date of entry into force of this Regulation.
3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

presentation of wines and grape musts ⁽¹⁾, as last amended by Regulation (EEC) No 1475/77 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

References to the Articles of the repealed Regulation shall be read in accordance with the table of equivalence set out in the Annex.

Article 48

1. Council Regulation (EEC) No 2133/74 of 8 August 1974 laying down general rules for the description and

Article 49

This Regulation shall enter into force on 2 April 1979:

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

ANNEX

TABLE OF EQUIVALENCE

Regulation (EEC) No 2133/74

Article 43a
Article 44
Article 45
Article 46

This Regulation

Article 44
Article 45
Article 46
Article 47

⁽¹⁾ OJ No L 227, 17. 8. 1974, p. 1.

⁽²⁾ OJ No L 164, 2. 7. 1977, p. 1.

COUNCIL REGULATION (EEC) No 356/79

of 5 February 1979

on general rules governing the special distillation of table wines referred to in Article 58 of Regulation (EEC) No 337/79

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 58 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas Article 58 (1) of Regulation (EEC) No 337/79 provides for the special distillation of table wines, for producer associations only, when the total volume of supplies available in the Community, including imports of wine from Algeria, Morocco and Tunisia — hereinafter referred to as the Maghreb countries — is such as to disturb the Community market; whereas the conditions in which the special distillation may take place should be defined;

Whereas the criteria for initiating distillation and in particular the concept of disturbance of the market should be defined;

Whereas the criteria for determining the quantities to be distilled must also be laid down;

Whereas the type of wine which is in direct competition with wines from the Maghreb countries should be determined;

Whereas provision should be made for a method of calculating the quota of each producer association in the total quantity to be distilled;

Whereas the price to be paid for the distilled wine should be specified;

Whereas, if this price does not allow the products obtained from this operation to be marketed under normal conditions, it will be necessary to provide aid;

Whereas an organization should be made responsible for applying these provisions in each Member State concerned,

Article 1

1. The decision to distil referred to in Article 58 of Regulation (EEC) No 337/79 shall be adopted when the supply situation including imports of wine from the Maghreb countries is such as to disturb the Community market within the meaning of paragraph 2 below. This situation shall be studied twice a year, the first time before 15 December, on the basis of the forward estimates, the second time before 15 April, on the basis of the corrected forward estimates. It may be decided, however, to carry out an additional assessment before 15 September if the quantities imported between 15 April and the aforesaid date are abnormally high. The dates in question are hereinafter referred to as 'assessment' dates.

2. Disturbance of the Community market shall be deemed to have occurred when the average price of table wine with an alcoholic strength by volume of not less than 11 % vol, on representative markets to be determined, remains, for at least two consecutive weeks in a month, below the average activating prices fixed for the table wines of types R I and R II.

Article 2

The quantity of wines qualifying for special distillation shall correspond to the quantity imported from the Maghreb countries between two assessment dates during the calendar months in which a disturbance within the meaning of Article 1 (2) has been ascertained.

Where import statistics are not available, an estimate may be made on the basis of import licences issued.

This quantity shall be multiplied by a standard value of 12 % vol.

Article 3

1. Producer associations producing red wine with an alcoholic strength by volume of not less than 11 % vol wishing to take advantage of special distillation

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No C 276, 20. 11. 1978, p. 1.

arrangements shall make a declaration to the competent intervention agency. The declaration shall specify:

- the average volume of wine with an alcoholic strength by volume of 11 % vol or over produced during a period to be determined,
- the average alcoholic strength by volume of the wine in question.

2. The intervention agencies shall notify the Commission of declarations made, specifying the total quantity broken down by 0.10 % vol, the weighted total alcoholic strength by volume and the total quantity expressed in % vol.

3. The authorization to distil shall be granted by the Commission as follows:

- in full for each declaration where the total quantity of table wine resulting from the declarations submitted does not exceed the total quantity determined in accordance with Article 2,
- with a *pro rata* reduction for each declaration where the total quantity of table wine resulting from the declarations submitted exceeds the quantity determined in accordance with Article 2.

4. The authorization shall be expressed in % vol.

Article 4

1. Producer associations having obtained a certain quota may conclude delivery contracts for table wines produced by the said associations themselves for the quantity in question, where appropriate through the intervention agency, with the distillers of their choice.

2. Under such contracts:

- (a) the distiller shall purchase the quantity of table wine stated in the contract;
- (b) the distiller shall distil such wine and pay for it at a price which shall not be less than the price referred to in Article 5.

3. The contracts shall specify:

- (a) the quantity, colour and actual alcoholic strength by volume of the table wines to be distilled;
- (b) the name and address of the producer;
- (c) the place at which the wine is stored;
- (d) the name of the distiller or the registered business or company name of the distillery;
- (e) the address of the distillery.

Article 5

1. The minimum buying-in price for table wines for special distillation shall be equal to the activating price for table wines of type R I.

2. This price shall apply to unpacked goods, ex producer's premises.

Article 6

Products resulting from special distillation must have an alcoholic strength of 95 % vol or more with a tolerance of 0.4 % vol.

Article 7

1. Aid shall be paid by the intervention agency for each % vol/hectolitre of wine distilled.

2. The amount of the aid shall be fixed taking into account the difference between the activating price for table wine of type R I and the price level of vinous alcohol.

Article 8

1. The Member States concerned shall appoint an intervention agency to apply the provisions of this Regulation.

2. The intervention agency of the Member State in whose territory the distillation takes place shall be responsible for payment of the aid.

Article 9

1. Council Regulation (EEC) No 1933/75 of 22 July 1975 on general rules governing the special distillation of table wines referred to in Article 33a of Regulation (EEC) No 816/70 ⁽¹⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 10

This Regulation shall come into force on 2 April 1979.

⁽¹⁾ OJ No L 198, 29. 7. 1975, p. 20.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

COUNCIL REGULATION (EEC) No 357/79

of 5 February 1979

on statistical surveys of areas under vines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas the Commission, in order to fulfil its obligations under the Treaty and the Community provisions on the common organization of the market in wine, requires accurate up to date data on the production potential of the areas under vines in the Community and on medium-term trends in production and supply;

Whereas Article 1 of Regulation No 24 on the progressive establishment of a common organization of the market in wine ⁽³⁾ provided that Member States should, not later than 31 December 1964, prepare a viticultural land register which should thereafter be kept up to date;

Whereas Commission Regulation No 26/64/EEC of 28 February 1964 laying down additional provisions for the preparation of the viticultural land register, for its management and for keeping it up to date ⁽⁴⁾, as last amended by Regulation (EEC) No 1456/76 ⁽⁵⁾, provides that the complete revision of the Community viticultural land register referred to in Article 3 (1) should take place every 10 years, beginning in 1979;

Whereas a land register in the strict sense involves major administrative work on the establishment, processing and constant updating of a list or register containing information on the owners and on all parcels of land under vines with sufficient details for their

identification; whereas viticultural land registers in this sense have been established only by some Member States, which have moreover been able to update them only partially and at irregular intervals; whereas the surveys on the areas under vines carried out by certain Member States have different reference years; whereas these national land registers and surveys do not therefore permit precise uniform synchronized observation of production potential and supply on the Community vine markets;

Whereas, in order to assess the Community wine market situation and developments therein, every 10 years basic statistical surveys covering the total areas under vines should be conducted in vine-growing holdings and, in between the basic surveys, smaller statistical surveys should be conducted only on the area under vines of wine grape varieties;

Whereas, for economic and technical reasons and in view of their limited significance on the Community wine market, vines cultivated in the open air in Member States with a total area under vines of less than 500 hectares, vines cultivated under glass and vines produced on very small areas solely for home consumption by the growers should all be excluded from the surveys;

Whereas detailed information is necessary on the use of the area under vines for the production of wine grapes, table grapes and material for vegetative propagation of vines, as well as on the varieties and the age of the vines; whereas the overproduction of table wine in particular can create serious difficulties in the wine economies of certain producer countries; whereas it is therefore necessary to record separately the area under vines intended for the production of quality wines *psr* and of table wines;

Whereas, in order to keep the development of wine production potential under constant observation, there should be annual intermediate surveys of any changes by way of grubbing, new planting or replanting in the area under vines of wine grape varieties;

Whereas the results of both the basic and the intermediate surveys should be forwarded to the Commission as quickly as possible;

(1) OJ No C 276, 20. 11. 1978, p. 1.

(2) OJ No C 296, 11. 12. 1978, p. 58.

(3) OJ No 30, 20. 4. 1962, p. 989/62.

(4) OJ No 48, 19. 3. 1964, p. 753/64.

(5) OJ No L 163, 24. 6. 1976, p. 13.

Whereas consideration should also be given to statistics resulting from the application of other Community provisions laying down measures for reorganizing Community wine production;

Whereas, since sample survey methods can produce accurate results at moderate cost over large areas under vines, Member States should be allowed to conduct the surveys either exhaustively or by sample, provided that standards of statistical reliability are laid down;

Whereas, in order to be able to assess the production of wine in the Community, information is required each year on yields per hectare and on the mean natural alcoholic strength of fresh grapes, of grape must and of wine; whereas, in view of the existence of areas with widely differing yields, the area under vines of wine grape varieties should be subdivided into yield classes;

Whereas the Commission must submit reports in order to enable the Council to examine the extent to which the surveys carried out and the information communicated can help achieve the objectives of this Regulation; whereas, where appropriate, it must propose the harmonization of the methods used;

Whereas Member States and the Commission must cooperate as fully as possible when applying this Regulation; whereas the implementing rules must be laid down after consultation with the Standing Committee for Agricultural Statistics, set up by Decision 72/279/EEC ⁽¹⁾;

Whereas the procedure to be followed by the Standing Committee for Agricultural Statistics must be laid down;

Whereas statistical surveys allow production potential to be adjusted to market demand in good time; whereas such adjustment can considerably reduce the ever-increasing costs of managing the wine market; whereas the Community should therefore be made financially responsible with regard to the expenses incurred by the Member States concerned in connection with the first basic survey under this Regulation;

Whereas the establishment of the survey system under this Regulation requires the consequent amendment of certain Community provisions in the wine sector,

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States on whose territory the total area of vines cultivated in the open air is not less than 500 hectares shall carry out:

- every 10 years basic surveys on the area under vines; the first basic survey shall be carried out in 1979, or before 1 April 1980 at the latest, and shall relate to the situation after grubbing and planting in the 1978/79 wine-growing year,
- annually from the second year after the basic surveys, intermediate surveys on the changes taking place in the areas under vines of wine grape varieties; the first intermediate survey shall be carried out in 1981 and shall relate to changes during the two wine-growing years 1979/80 and 1980/81.

2. The wine-growing year shall be that fixed on the basis of Article 5 (4) of Regulation (EEC) No 337/79.

Article 2

1. The basic surveys shall cover all holdings having a cultivated area under vines normally intended for the production for sale of grapes, grape must, wine or vegetative propagation material for vines.

2. During the basic surveys, the following particulars shall be recorded for each holding referred to in paragraph 1:

- A. agricultural area in use;
- B. area under vines cultivated.

The area under vines cultivated is to be broken down according to its normal production use into:

(a) the area under wine grape varieties, further broken down into:

- quality wines psr,
- other wines:
 - including wine compulsorily intended for the manufacture of certain potable spirits obtained from wine with a registered designation of origin;

(b) the area under table grape varieties;

(c) the area planted with root-stock for future grafting;

⁽¹⁾ OJ No L 179, 7. 8. 1972, p. 1.

(d) the area cultivated solely for the production of vegetative propagation material for vines subdivided into:

- nurseries,
- parent vines for root-stock.

Varieties which are classified simultaneously as wine grape varieties and table grape varieties shall be recorded according to their predominant use in the geographical units concerned.

3. During the basic surveys, the following particulars shall be recorded for the area under wine grape varieties:

A. Vine varieties

In the Member States concerned, a separate record shall be made for each geographical unit referred to in Article 4 (3) of those vine varieties which together constitute at least 70% of the total area under wine grape varieties, and, in any case, of those varieties which constitute 3% or more of the said area. The remaining varieties may be grouped together according to the colour of the grapes.

B. Age of the vines

The age of the vines shall be calculated from the wine-growing year in which they were planted or grafted. The age groups shall be established for each Member State concerned in accordance with the procedure laid down in Article 8.

4. This Regulation shall not affect any provisions in the Member States providing for surveys of the areas under vines which include, together with the information referred to in paragraphs 2 and 3, additional information obtained, for example, as a result of a wider field of enquiry than that referred to in paragraph 1 or from a more detailed specification of the particulars of the areas under vines and the holdings concerned. Such additional results must also be forwarded to the Commission.

Article 3

1. The Member States concerned shall submit to the Commission before 30 September of the preceding year a detailed description of the methods to be used for the basic surveys and, where appropriate, of the sampling plan.

2. The Member States concerned shall take suitable measures to limit and, where necessary, to estimate errors of observation for the total area under vines cultivated for each type of production use referred to in Article 2 (2) (B).

3. The basic surveys may either be exhaustive, or based on random sampling. As regards the results of the basic surveys carried out by random sampling, the Member States shall take all the necessary measures to ensure that the sampling error at the 68% confidence level shall be of the order of 1% at most for the survey particulars referred to in Article 2 (2) (B) within the geographical units concerned. The samples shall include holdings of all sizes.

Article 4

1. The Member States concerned shall notify the Commission of the results of the basic surveys as soon as possible but not later than 15 months after completion of the field work.

2. The results of the basic surveys shall be submitted by geographical unit in the form of a schedule of tables to be adopted in accordance with the procedure laid down in Article 8.

3. The geographical units referred to in paragraph 2, in Article 2 (2) (B) and (3) (A) and in Article 3 (3) shall be as follows:

- in the Federal Republic of Germany: the wine-growing regions defined in accordance with Article 3 of Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions ⁽¹⁾,
- in France: the departments or groups of departments listed in the Annex hereto,
- in Italy: the provinces,
- in the other Member States concerned: their entire national territory.

4. Member States which process their basic survey results electronically shall submit these results in a machine-readable form, to be determined in accordance with the procedure laid down in Article 8.

Article 5

1. The intermediate surveys shall cover the area under vines of wine grape varieties in the holdings referred to in Article 2 (1) and shall relate to changes which have taken place in that area during the preceding wine-growing year; however, the first intermediate surveys following the basic surveys shall relate to the changes during the previous two wine-growing years.

2. During the intermediate surveys the areas under vines which:

⁽¹⁾ See page 48 of this Official Journal.

- have been grubbed or are no longer cultivated,
- have been planted or replanted,

shall be recorded for the areas normally used for the production of:

- quality wines psr,
- other wines:
 - including wines compulsorily intended for the manufacture of certain potable spirits obtained from wine with a registered designation of origin,

by the vine variety and at least by the yield classes referred to in Article 6 (2). Any figures relating to the grubbing and planting of vines obtained as a result of the implementation of other Community provisions shall be taken into consideration.

3. The intermediate surveys may be either exhaustive or based on random sampling. As regards the results of the intermediate surveys carried out by random sampling, the Member States concerned shall take all necessary measures to ensure that the sampling error at the 68% confidence level shall be of the order of 3% at most for the whole of the cultivated area under vines normally intended for the production of wine grapes in the geographical units concerned.

4. The Member States concerned shall submit to the Commission before 30 June 1980 a detailed description of the methods to be used for the intermediate surveys; advance notice shall be given of any change in such methods.

5. The Member States concerned shall submit the results of the intermediate surveys to the Commission before 1 May of the year following the wine-growing years concerned. They shall be broken down into the geographical units set out in Article 4 (3) in the form of a schedule of tables to be adopted in accordance with the procedure laid down in Article 8.

6. Member States which process their intermediate survey results electronically shall submit the results referred to in paragraph 5 in a machine-readable form, to be determined in accordance with the procedure laid down in Article 8.

Article 6

1. The Member States concerned shall submit to the Commission for each wine-growing year the mean yield per hectare in terms of hectolitres per hectare of grape must or wine or in terms of decitonnes per hectare of grapes produced, with effect from the 1979/80 wine-growing year, from the areas under vines of wine

grape varieties, broken down into the yield classes referred to in paragraph 2.

2. The Member States concerned shall subdivide the areas under the vines cultivated with wine grape varieties as recorded in the basic surveys into yield classes based upon the mean yield per hectare referred to in paragraph 1 and established in accordance with the procedure laid down in Article 8.

3. The Member States concerned shall estimate the future trends over five wine-growing years in average yields per hectare for each yield class referred to in paragraph 2, taking into account agronomic and economic developments.

4. The information referred to in paragraphs 1, 2 and 3 shall be broken down by the geographical units referred to in Article 4 (3), distinguishing between the areas under vines of varieties normally intended for the production of:

- quality wines psr,
- other wines:
 - including wines compulsorily intended for the manufacture of certain potable spirits obtained from wine with a registered designation of origin.

5. The Member States concerned shall communicate to the Commission, for each wine-growing year and broken down by geographical units, estimates of the mean natural alcoholic strength by volume expressed as % vol or in °Oechsle of the fresh grapes, grape musts or wines, produced from the 1979/80 wine-growing year onwards in the areas under vines of wine grape varieties normally intended for the production of:

- quality wines psr,
- other wines:
 - including wines compulsorily intended for the manufacture of certain potable spirits obtained from wine with a registered designation of origin.

6. The annual information referred to in paragraphs 1 and 5 shall be communicated before 1 April following each wine-growing year. The information on the yield classes referred to in paragraph 2 shall be submitted within the period laid down in Article 4 (1). The estimates of future trends in average yields per hectare referred to in paragraph 3 shall be submitted:

- for the first time, before 1 October 1981,
- thereafter, every five years before 1 April.

7. The information referred to in this Article shall be forwarded to the Commission in the form of a schedule of tables to be adopted in accordance with the procedure laid down in Article 8.

Article 7

1. The Commission shall study in consultation and continuing collaboration with the Member States:

- (a) the results supplied;
- (b) the technical problems raised by the surveys and the collection of information to be communicated, with particular reference to the Community definitions relating to plantings/replantings and the definition relating to cessation of wine-growing;
- (c) the significance of the findings of the surveys and the information communicated.

2. The Commission shall submit to the Council, within one year of communication of the results by the Member States concerned, these results together with a report on experience acquired during the basic surveys.

3. The Commission shall publish the results of the intermediate surveys and the annual information referred to in Article 6 as part of the annual reports provided for in Article 31 (4) of Council Regulation (EEC) No 337/79.

Article 8

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee for Agricultural Statistics, hereinafter called 'the Committee', either on his own initiative or at the request of the representative of a Member State.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on this draft within a time limit that may be set by the chairman in accordance with the urgency of the matter. It shall act by a majority of 41 votes, the votes of Member States

being weighted as laid down in Article 148 (2) of the Treaty. The chairman shall not vote.

- 3. (a) The Commission shall adopt the proposed measures when they are in accordance with the opinion of the Committee.
- (b) When the proposed measures are not in accordance with the opinion of the Committee, or in the absence of any opinion, the Commission shall without delay submit to the Council a proposal concerning the measures to be taken. The Council shall decide by a qualified majority.
- (c) If no decision has been taken by the Council three months after a proposal has been submitted to it, the proposed measures shall be adopted by the Commission.

Article 9

The necessary expenditure for the basic survey on the situation after the 1978/79 wine-growing year shall be covered up to a lump sum to be determined in the budget of the European Communities.

Article 10

1. Council Regulation (EEC) No 978/78 of 10 May 1978 on statistical surveys of areas under vines ⁽¹⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 11

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ OJ No L 128, 17. 5. 1978, p. 1.

ANNEX

List of departments or groups of departments referred to in Article 4 (3)

FRANCE

1. Aude
 2. Gard
 3. Hérault
 4. Lozère
 5. Pyrénées-Orientales
 6. Var
 7. Vaucluse
 8. Bouches-du-Rhône
 9. Gironde
 10. Gers
 11. Charente
 12. Charente-Maritime
 13. Ardèche
 14. Aisne
 15. Seine-et-Marne
 16. Ardennes, Aube, Marne, Haute-Marne
 17. Cher, Eure-et-Loir, Indre, Indre-et-Loire, Loir-et-Cher, Loiret
 18. Côte-d'Or, Nièvre, Saône-et-Loire, Yonne
 19. Meurthe-et-Moselle, Meuse, Moselle, Vosges
 20. Bas-Rhin, Haut-Rhin
 21. Doubs, Jura, Haute-Saône, Territoire-de-Belfort
 22. Loire-Atlantique, Maine-et-Loire, Sarthe, Vendée
 23. Deux-Sèvres, Vienne
 24. Dordogne, Landes, Lot-et-Garonne, Pyrénées-Atlantiques
 25. Ariège, Aveyron, Haute-Garonne, Lot, Hautes-Pyrénées, Tarn, Tarn-et-Garonne
 26. Corrèze, Haute-Vienne
 27. Ain, Drôme, Isère, Loire, Rhône, Savoie, Haute-Savoie
 28. Cantal, Allier, Haute-Loire, Puy-de-Dôme
 29. Alpes-de-Haute-Provence, Hautes-Alpes, Alpes-Maritimes
 30. Corse-du-Sud, Haute-Corse
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COUNCIL REGULATION (EEC) No 358/79

of 5 February 1979

on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽³⁾ contains rules for the preparation and marketing of table wines; whereas it is necessary to supplement those rules by laying down corresponding provisions for all sparkling wines produced in the Community, taking into account the fact that the quality sparkling wines produced in specified regions are quality wines psr and must therefore also comply with Regulation (EEC) No 338/79 ⁽⁴⁾;

Whereas it is desirable that these sparkling wines should be governed by common rules in respect of production, marketing and controls so as to avoid distortions of competition and ensure protection of the consumer whilst maintaining qualitative distinctions;

Whereas a measure of this type will help to guide the consumer in his choice by providing the necessary assurance that each of the products offered to him satisfies specific quality requirements; whereas it will, by the same token, protect the interests of the producers, promote intra-Community trade, increase demand and therefore lead to the expansion of market outlets for wine;

Whereas all sparkling wines, together with the grape musts and wines used in producing them must be subject to minimum quality requirements; whereas it should therefore be stipulated that the abovementioned

basic products must be table wines or products suitable for yielding table wines, or quality wines psr or products suitable for yielding quality wines psr;

Whereas the quality requirements should be applied not only to the basic products but also to the methods of preparation and to the finished products; whereas it is also in the interests of both producer and consumer to provide for appropriate market preparation requirements,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules supplementing those contained in Regulation (EEC) No 337/79 as regards the production and marketing of the sparkling wines defined in item 13 of Annex II to the said Regulation.

Article 2

For products manufactured in the Community the designation:

1. 'sparkling wine' shall be reserved for wines complying with the definition in item 13 of Annex II to Regulation (EEC) No 337/79 and the provisions of Titles I and II of this Regulation;
2. 'quality sparkling wine' shall be reserved for wines complying with the definition in item 13 of Annex II to Regulation (EEC) No 337/79 and the provisions of Titles I and III of this Regulation.

TITLE I

General provisions on all the wines referred to in Article 1

Article 3

For the purposes of this Regulation:

⁽¹⁾ OJ No C 276, 20. 11. 1978, p. 73.

⁽²⁾ OJ No C 296, 11. 12. 1978, p. 58.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ See page 48 of this Official Journal.

(a) 'cuvée' means:

- the grape must,
- the wine, or
- the mixture of grape musts or wines with different characteristics,

intended for the preparation of a specific type of the wines referred to in Article 1;

(b) 'tirage liqueur' means: the product added to the cuvée to provoke secondary fermentation;

(c) 'expédition liqueur' means: the product added to the wines referred to in Article 1 to give them special taste qualities.

Article 4

1. The tirage liqueur may contain only yeast and:

- grape must,
- grape must still in fermentation,
- concentrated grape must, or
- sucrose and wine.

2. The expédition liqueur may contain only:

- sucrose,
- grape must,
- grape must still in fermentation,
- concentrated grape must,
- wine, or
- a mixture thereof,

with the possible addition of wine distillate.

Article 5

1. Without prejudice to enrichment authorized pursuant to Regulation (EEC) No 337/79 and, where appropriate, Regulation (EEC) No 338/79 for the constituents of a cuvée, any enrichment of the cuvée shall be prohibited.

However, each Member State may, where weather conditions in its territory make this necessary, authorize

the enrichment of the cuvée at the place of preparation of the sparkling wines, provided that:

- (a) none of the constituents of the cuvée has previously undergone enrichment;
- (b) the said constituents are derived solely from grapes harvested in its territory;
- (c) the process of enrichment is carried out in a single operation;
- (d) the following limits are not exceeded:

- 3.5 % vol for a cuvée composed of constituents from wine-growing zone A, provided that the natural alcoholic strength by volume of each constituent is at least 5 % vol;

however, in years when weather conditions are exceptionally unfavourable, the limit specified in the preceding subparagraph may be raised to 4.5 % vol provided that the natural alcoholic strength by volume of each constituent of the cuvée is at least 5 % vol,

- 2.5 % vol for a cuvée composed of constituents from wine-growing zone B, provided that the natural alcoholic strength by volume of each constituent is at least 6 % vol;

however, in years when weather conditions are exceptionally unfavourable, the limit specified in the preceding subparagraph may be raised to 3.5 % vol, provided that the natural alcoholic strength by volume of each constituent of the cuvée is at least 6 % vol,

- 2 % vol for a cuvée composed of constituents from wine-growing zone C I (a), C I (b), C II or C III, provided that the natural alcoholic strength by volume of each constituent is at least 7.5 % vol, 8 % vol, 8.5 % vol, or 9 % vol respectively.

The above limits shall in no way prejudice the application of the second subparagraph of Article 48 (3) (a) of Regulation (EEC) No 337/79 to cuvées intended for the preparation of sparkling wines and, up to 31 August 1987, to cuvées intended for the preparation of quality sparkling wines other than quality sparkling wines produced in specified regions;

- (e) the method used is addition of dry sucrose or of concentrated grape musts;
- (f) enrichment by the method used is practised in the Member State concerned, either traditionally or exceptionally, in accordance with the rules existing on 24 November 1974.

2. The addition of tirage liqueur and expedition liqueur shall be considered neither as enrichment nor as sweetening.

The addition of tirage liqueur may not cause an increase in the total alcoholic strength by volume of the cuvée of more than 1.5 % vol.

The addition of expedition liqueur shall be carried out in such a way as not to increase the actual alcoholic strength by volume of the wines referred to in Article 1 by more than 0.5 % vol.

3. Sweetening of the cuvée and its constituents shall be prohibited.

4. In addition to any acidification or deacidification of the constituents of the cuvée in accordance with Regulation (EEC) No 337/79 the cuvée may be subject to acidification or deacidification. Acidification and deacidification of the cuvée shall be mutually exclusive. Acidification may be carried out only up to a maximum of 1.5 g/l, expressed as tartaric acid, i.e. 20 milliequivalents per litre.

In years of exceptional weather conditions, the maximum limit of 1.5 g/l or 20 milliequivalents per litre may be raised to 2.5 g/l or 34 milliequivalents per litre, provided that the natural acidity of the products is not less than 3 g/l, expressed as tartaric acid, or 40 milliequivalents per litre.

5. Detailed rules for the application of this Article, and in particular authorizations for the exceptional enrichment or acidification referred to in the second subparagraph of the first indent and the second subparagraph of the second indent of paragraph 1 (d) and the last subparagraph of paragraph 4, shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 6

1. The carbon dioxide contained in the wines referred to in Article 1 may be produced only as a result of the alcoholic fermentation of the cuvée from which such wine is prepared.

2. Except in the case of fermentation intended to transform grapes or grape must or grape must still in fermentation directly into sparkling wine, this fermentation may result only from the addition of tirage liqueur.

It may take place only in bottles or closed vats.

3. The use of carbon dioxide in the process of racking by counter-pressure shall be authorized under

supervision and provided that it does not increase the pressure of the carbon dioxide contained in the wines referred to in Article 1.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 7

1. Member States shall exercise supervision over the production and marketing of the wines referred to in Article 1.

2. Producers of the wines referred to in Article 1 shall be required to make a declaration to this effect to the competent authority of the Member State on whose territory the wine in question is prepared.

Without prejudice to Article 53 of Regulation (EEC) No 337/79, the producers of the wines referred to in Article 1 shall keep registers of raw materials, cuvées and processing.

3. Detailed rules for the application of this Article, in particular as regards the nature of the supervision, shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 8

1. The wines referred to in Article 1 must be put up in glass bottles and stoppered with a 'mushroom' cork which has a cap and is wired to the bottle.

They shall not be held ready for sale or be put into circulation except in bottles with a label identifying them and a piece of foil covering the whole of the cork and neck of the bottle.

2. The wines referred to in Article 1 may be marked:

- 'brut': only if their residual sugar content is less than 15 g/l,
- 'extra dry': only if their residual sugar content is between 12 g/l and 20 g/l,
- 'sec': only if their residual sugar content is between 17 g/l and 35 g/l,
- 'demi-sec': only if their residual sugar content is between 33 g/l and 50 g/l,
- 'doux': only if their residual sugar content is more than 50 g/l.

3. Detailed rules for the application of this Article and any derogations from paragraph 1 shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 9

1. The provisions laid down in this Regulation, except those of Article 7, shall not apply to dietetic sparkling wines.

2. Rules applicable to the marketing of dietetic sparkling wines and designed to prevent confusion between the latter and the wines referred to in Article 1 shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

TITLE II

Special provisions on sparkling wines*Article 10*

The total alcoholic strength by volume of the cuvées intended for the preparation of sparkling wines shall be not less than 8.5 % vol.

Article 11

Without prejudice to the second subparagraph of Article 48 (3) (a) of Regulation (EEC) No 337/79, the actual alcoholic strength by volume of sparkling wines, including the alcohol contained in any expedition liqueur added, shall be not less than 9.5 % vol.

Article 12

2. Without prejudice to any more restrictive provisions which Member States may apply to sparkling wines produced within their territory, the total sulphur dioxide content of sparkling wines shall not exceed 250 mg/l.

2. Where climatic conditions have made this necessary in certain wine-growing areas of the Community, the Member States concerned may authorize the maximum total sulphur dioxide content of the wine referred to in paragraph 1 and produced within their territory to be increased by a maximum of 25 mg/l on condition that wines which have benefited from such permission are not exported from the Member States in question.

3. By 1 September 1981 the Council, acting on a proposal from the Commission and by a qualified majority, shall decide on the reduction in the maximum total sulphur dioxide content in accordance with scientific knowledge and the development of technology. To this end, the Commission will present, by 1 April 1981 at the latest, a report accompanied by suitable proposals with the aim of reducing the said

maximum content by at least 25 mg/l in so far as scientific knowledge and technological development allow.

4. The detailed rules for the application of this Article and the transitional measures for sparkling wines introduced before 24 November 1974 shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

TITLE III

Special provisions on quality sparkling wines*Article 13*

The total alcoholic strength by volume of the cuvées intended for the preparation of quality sparkling wines shall be not less than 9 % vol.

Article 14

The actual alcoholic strength by volume of quality sparkling wines, including the alcohol contained in any expedition liqueur added, shall be not less than 10 % vol.

Up to 31 August 1987, this provision shall in no way prejudice the application of the second subparagraph of Article 48 (3) (a) of Regulation (EEC) No 337/79.

Article 15

1. In preparing the tirage liqueur intended for the preparation of quality sparkling wine, only the following may be used in addition to yeasts and sucrose:

- grape must or grape must still in fermentation from which a wine suitable for yielding a table wine can be obtained,
- wines suitable for yielding a table wine,
- table wines, or
- quality wines psr.

2. Notwithstanding item 13 of Annex II to Regulation (EEC) No 337/79 quality sparkling wines, when kept at a temperature of 20 °C in closed containers, shall have an excess pressure of not less than 3.5 bar.

However, for quality sparkling wines kept in containers of a capacity of less than 25 centilitres, the minimum excess pressure shall be 3 bar.

Article 16

1. Without prejudice to any more restrictive provisions which Member States may apply to quality sparkling wines produced within their territory, the total sulphur dioxide content of quality sparkling wines shall not exceed 200 mg/l.

2. Where climatic conditions have made this necessary in certain wine-growing areas of the Community, the Member States concerned may authorize the maximum total sulphur dioxide content of the wine referred to in paragraph 1 and produced within their territory to be increased by a maximum of 25 milligrams per litre on condition that wines which have benefited from such permission are not exported from the Member States in question.

3. By 1 September 1981 the Council, acting on a proposal from the Commission and by a qualified majority, shall decide on the reduction in the maximum total sulphur dioxide content in accordance with scientific knowledge and the development of technology. To this end, the Commission will present, by 1 April 1981 at the latest, a report accompanied by suitable proposals with the aim of reducing the said maximum content by at least 25 mg/l, in so far as scientific knowledge and technological development allow.

4. The detailed rules for the application of this Article and the transitional measures for quality sparkling wines produced before 24 November 1974 shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 17

1. The duration of the process of making quality sparkling wines, including ageing at the place where they were made, may not be less than nine months from the start of the fermentation process designed to make the wines sparkling.

2. The duration of the fermentation process and of the presence of the wine on the lees may not be less than 60 days. However, if fermentation takes place in containers equipped with stirring devices, the minimum period shall be 21 days.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 18

1. Quality sparkling wines of the aromatic type may be obtained only from the varieties of vine listed in the

Annex, and in accordance with traditional practice. The addition of expedition liqueur shall be prohibited.

2. Notwithstanding Article 14, the actual alcoholic strength by volume of quality sparkling wines of the aromatic type may not be less than 6 % vol.

The total alcoholic strength by volume of quality sparkling wines of the aromatic type may not be less than 10 % vol.

3. Notwithstanding Article 15 (2), quality sparkling wines of the aromatic type, when kept at a temperature of 20 °C in closed containers, shall have an excess pressure of not less than 3 bar.

4. Notwithstanding Article 17, the duration of the process of making quality sparkling wines of the aromatic type may not be less than one month.

Article 19

Producer Member States may specify any additional or more stringent characteristics or conditions of production and movement for quality sparkling wines as referred to in this Title produced in their territory.

TITLE IV

Final provisions

Article 20

1. The analytical methods required to implement this Regulation shall be those laid down pursuant to Regulation (EEC) No 337/79.

2. However, where no Community methods of analysis are laid down the analytical methods applicable shall be:

- (a) those contained in Annex A to the International Convention for the unification of methods for the analysis and appraisal of wines, of 13 October 1954; or
- (b) where no such methods are laid down in that Annex, those traditionally employed in the Member State concerned.

Article 21

The Member States and the Commission shall communicate to each other the data required for applying this Regulation. The arrangements for communication and dissemination of these data shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 22

1. Sparkling wines within the meaning of item 13 of Annex II to Regulation (EEC) No 337/79, in respect of which proof can be supplied that they were produced before 1 September 1975 and which do not conform to the provisions of Title I, II or IV of this Regulation, may be marketed provided that they conform to the previous national provisions as regards production.

2. Member States may provide that quantities of 10 hectolitres or more of the sparkling wines referred to in paragraph 1 and produced before 1 September 1975 shall be declared to the competent authorities.

3. Without prejudice to other national provisions of the producer Member State in respect of designation,

the sparkling wines referred to in paragraph 1 may not be described as 'quality sparkling wines'.

Article 23

1. Council Regulation (EEC) No 2893/74 of 18 November 1974 on sparkling wines produced in the Community and specified in item 12 of Annex II to Regulation (EEC) No 816/70 ⁽¹⁾, as last amended by Regulation (EEC) No 1679/77 ⁽²⁾, is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 24

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

ANNEX

List of the varieties of vine from which quality sparkling wines of the aromatic type may be obtained

Aleatico N
Clairette
Gewürztraminer
Giro 'N
Huxelrebe
Macabeu, Bourboulenc
Monica N
Mauzac blanc and rosé
Muscats (all)
Perle
Prosecco
Scheurebe

⁽¹⁾ OJ No L 310, 21. 11. 1974, p. 1.

⁽²⁾ OJ No L 187, 27. 7. 1977, p. 15.

COUNCIL REGULATION (EEC) No 359/79

of 5 February 1979

on direct cooperation between the bodies designated by Member States to verify compliance with Community and national provisions 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 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, and in particular Article 64 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 64 (2) of Regulation (EEC) No 337/79, the necessary measures should be taken to ensure uniform application of Community provisions in the wine sector, particularly as regards controls; whereas this aim can only be achieved by means of direct cooperation between the bodies designated by the Member States to verify compliance with the provisions in the wine sector, as provided for in paragraph 1 of the said Article; whereas rules should be adopted for contacts between those bodies, stipulating the subjects which may form part of such cooperation;

Whereas the Member State on whose territory it is officially established that a product referred to in Article 1 (2) of Regulation (EEC) No 337/79 complies neither with the Community wine provisions nor the national provisions adopted pursuant to the former should, of its own accord, inform the competent body of the Member State from whose geographical territory the product comes and, if it does not originate there, the competent body of the Member State of origin, if non-compliance could be of specific interest to one or more of the other Member States and would be of a nature to give rise to administrative measures or judicial proceedings; whereas in order to stop the marketing of any product which does not comply with the provisions in force throughout the Community, provision should be made for the competent bodies of all Member States concerned to be informed;

Whereas an exchange of any relevant information should be established between Member States so as to render more effective the investigation of any infringement of the wine provisions; whereas, in this context, provision should be made for requesting the assistance of a qualified expert and for cooperation between the competent bodies of the various Member States, particularly if other measures have not made it possible to establish that the product in question complies with the wine provisions;

Whereas, with a view to introducing a simple procedure for this cooperation, provision should be made for regular checks on the genuineness of entries on accompanying documents and in turnover records; whereas for the same purpose it should be possible to send samples for analysis or organoleptic examination directly to the laboratories entitled to perform this task; whereas it is therefore necessary to ensure cooperation between the laboratory to which the samples have been sent and the competent body of the Member State concerned;

Whereas in this same context it should be laid down that, where the Commission has reasonable cause for suspecting that irregularities have occurred in connection with the production and marketing of one of the products referred to above, it shall inform the competent body of the Member State concerned and request it to conduct an administrative inquiry; whereas, for the purposes of efficient coordination of cooperation between the competent bodies of the various Member States, duly authorized Commission agents should be able to obtain particulars of an administrative nature of such an inquiry from the competent bodies of a Member State;

Whereas, in an effort to expedite the investigation of fraud, the body to which a request is addressed in the context of cooperation between the competent bodies of the various Member States should take action thereon as quickly as possible;

Whereas under Article 64 of Regulation (EEC) No 337/79 Member States must take the necessary measures to ensure compliance with Community provisions; whereas, however, it is not inconceivable that, in certain particular cases, a Member State may, for reasons of fact or of law, be unable to take action

⁽¹⁾ See page 1 of this Official Journal.

on all or part of a request addressed to it; whereas, in order that cooperation may not be jeopardized by cases of this nature, the reasons for such an attitude should be given;

Whereas, in order to avert the possibility of information being disclosed to non-authorized persons, it is necessary that it be covered by professional secrecy;

Whereas, in order to ensure that the cooperation referred to in this Regulation is effective, the proceedings of the Management Committee for Wine should include a regular discussion between representatives of the competent bodies of all the Member States; whereas this discussion should on the one hand deal with current questions relating to established or suspected infringements of the provisions concerned and on the other hand help to ensure the uniform application of those provisions throughout the Community;

Whereas certain provisions of this Regulation concerning direct cooperation between the competent bodies of the various Member States necessitate the drawing up of the detailed rules for its implementation,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down measures regarding the relations which the bodies (hereinafter called 'competent bodies') designated by Member States to verify compliance with Community provisions in the wine sector shall maintain between themselves and with the Commission for the prevention and investigation of any infringement of the said Community provisions and national provisions adopted pursuant thereto (hereinafter called 'wine provisions').

2. This Regulation shall not affect the application in the Member States of regulations relating to mutual assistance in criminal matters, mutual assistance in customs matters, or tax regulations.

Article 2

1. Where the competent body of a Member State in whose geographical territory one of the products referred to in Article 1 (2) of Regulation (EEC) No 337/79 is found establishes that:

- the product does not comply with the wine provisions, and
- this non-compliance is of specific interest to one or more Member States and is of a nature to give rise to administrative measures or judicial proceedings,

it shall inform:

- (a) the competent body of the Member State from whose geographical territory the product comes and, if it does not originate there, the competent body of the Member State of origin;
- (b) the competent body of any Member State concerned, should the description or presentation of the product be such as to mislead the consumer.

The competent body of any Member State concerned shall investigate whether batches of the product concerned were sent from its territory to other Member States, in which case it shall provide the competent bodies of those Member States with all relevant information.

2. The information referred to in paragraph 1 shall be accompanied by the relevant documentary or other evidence as well as by an indication of any administrative measures or judicial proceedings and shall concern in particular:

- the composition and organoleptic characteristics,
- the description and presentation,
- compliance with the rules prescribed for the preparation and marketing,

of the product in question.

Article 3

The competent body of the Member State in whose geographical territory one of the products referred to in Article 1 (2) of Regulation (EEC) No 337/79 is found:

- (a) shall request the competent body of one or more other Member States to provide it with any relevant information concerning the points mentioned in the first to third indents of Article 2 (2), if there is reasonable cause for suspecting that the product does not conform to the wine provisions.

The competent body so requested shall study in detail the grounds for suspicion brought to its attention and shall forward to the competent body making the request all information, documents or other evidence which may be relevant for clarifying the issue;

- (b) may, if there is reasonable cause for suspecting that the product does not conform to the wine provisions, request the competent body of the Member State from whose geographical territory the product comes and, if it does not originate there, the competent body of the Member State of origin:

- to appoint a qualified expert and ensure that he is present at supervisory operations,
- to take part in the concerted and rapid examination of one or more batches of the product.

Article 4

1. The competent body of the Member State in whose geographical territory one of the products listed in Article 1 (2) of Regulation (EEC) No 337/79 is found shall request:

- (a) the competent body of the Member State from whose geographical territory the product comes and, if it does not originate there, the competent body of the Member State of origin, to check the documents and the entries in the records, provided for under Article 53 of Regulation (EEC) No 337/79, where these are open to doubt;
- (b) if it deems it necessary, a laboratory as referred to in the second indent of paragraph 3 situated in the geographical territory of the Member State from which the product comes or, if it does not originate there, in the geographical territory of the Member State of origin, to make an analytical and organoleptic examination of a sample of the product which has been sent to it, where there is reasonable cause for suspecting fraud.

2. When a sample is sent to the laboratory referred to in paragraph 1 (b), the competent body making the request shall at the same time inform the competent body of the Member State in whose territory the laboratory is situated. The results of the tests referred to in paragraph 1 (b) and the interpretations of these tests shall be forwarded to the competent body making the request via the competent body of the Member State in whose territory the laboratory is situated.

3. Each Member State shall communicate to the Commission:

- the names of the competent bodies and laboratories referred to in the second subparagraph of Article 64 (1) of Regulation (EEC) No 337/79;
- those of the abovementioned laboratories entitled to carry out analyses in accordance with paragraphs 1 (b) and 2.

Article 5

1. Where the Commission has reasonable cause for suspecting that irregularities have occurred in one or more Member States in connection with the production and marketing of one of the products referred to in Article 1 (2) of Regulation (EEC) No 337/79, it shall inform the competent body concerned, which shall conduct an administrative inquiry.

The Commission may ask the competent body in question to make particulars of an administrative nature of such an inquiry available to duly authorized Commission agents.

2. The Member State shall forward the report prepared and the conclusions reached following the inquiry to the Commission.

3. Paragraph 1 shall be without prejudice to the application of Article 6 of Council Regulation (EEC) No 283/72 of 7 February 1972 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organization of an information system in this field ⁽¹⁾.

Article 6

The competent body or laboratory to which a request of the type mentioned in the preceding Articles is addressed shall take action on it as quickly as possible.

However, if such a request cannot be met, whether wholly or partially, the competent body concerned shall without delay inform the competent body making the request or, where Article 5 is concerned, the Commission, stating the reasons.

Article 7

The content of the exchange of information provided for in this Regulation shall be covered by professional secrecy. It may not be communicated to any persons other than those who, by reason of their duties in the Member States or in the institutions of the Communities, are required to have knowledge thereof for the purposes of carrying out these duties.

Article 8

Representatives of the Member States on the competent bodies referred to in Article 1 shall meet at regular intervals within the Management Committee for Wine set up by Article 66 of Regulation (EEC) No 337/79 in order to discuss:

- the problems raised by the application of this Regulation, and in particular to examine procedures for exchanging information and to draw conclusions,
- any other problem relating to the uniform supervision of Community provisions in the wine sector.

⁽¹⁾ OJ No L 36, 10. 2. 1972, p. 1.

Article 9

If necessary, detailed rules for implementing this Regulation shall be adopted as regards:

- exchange of information, bearing in mind the need to proceed rapidly,
- sampling and dispatch of samples by the competent body making the request and also acceptance of responsibility for their costs of analysis by that body,
- acceptance of responsibility by the competent body making the request for the expenses incurred by a qualified expert in a Member State other than that in whose service he is employed.

Article 10

1. Council Regulation (EEC) No 1439/78 of 19 June 1978 on direct cooperation between the bodies designated by Member States to verify compliance with Community and national provisions in the wine sector ⁽¹⁾ is hereby repealed.

2. References to the Regulation repealed by paragraph 1 shall be construed as references to this Regulation.

Article 11

This Regulation shall enter into force on 2 April 1979.

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

Done at Brussels, 5 February 1979.

For the Council

The President

P. MEHAIGNERIE

⁽¹⁾ OJ No L 173, 29. 6. 1978, p. 2.