

Official Journal

ISSN 0378-6978

L 128

Volume 44

10 May 2001

of the European Communities

English edition

Legislation

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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.

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 883/2001

of 24 April 2001

laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Articles 1(3), 46, 59(3), 60(4), 61(4), 63(8), 64(5) and 68(3) thereof,

Whereas:

- (1) Title VII of Regulation (EC) No 1493/1999 lays down general rules on trade with third countries and refers for the rest to detailed implementing rules to be adopted by the Commission.
- (2) Until now, those rules have been contained in a large number of Community regulations. In the interests of both economic operators in the Community and the authorities responsible for applying Community rules, all those provisions should be brought together in a single text, and the Commission Regulations regarding subjects now covered by this Regulation should be repealed, namely: Regulation (EEC) No 3388/81 of 27 November 1981 laying down special detailed rules in respect of import and export licences in the wine sector ⁽³⁾, as last amended by Regulation (EC) No 2739/1999 ⁽⁴⁾; Regulation (EEC) No 3389/81 of 27 November 1981 laying down detailed rules for export refunds in the wine sector ⁽⁵⁾, as last amended by Regulation (EC) No 2730/95 ⁽⁶⁾; Regulation (EEC) No 3590/85 of 18 December 1985 on the certificate and analysis report required for the importation of

wine, grape juice and grape must ⁽⁷⁾, as last amended by Regulation (EC) No 960/98 ⁽⁸⁾; Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine sector products and amending Regulation (EEC) No 3388/81 laying down special detailed rules in respect of import and export licences in the wine sector ⁽⁹⁾, as last amended by Regulation (EC) No 2512/2000 ⁽¹⁰⁾; and Regulation (EC) No 1281/1999 of 18 June 1999 laying down detailed rules implementing the entry price arrangements for grape juice and musts ⁽¹¹⁾.

- (3) This Regulation should include the current rules and should adapt them to the new requirements of Regulation (EC) No 1493/1999. Those rules should also be simplified and made more coherent and certain gaps should be filled in.
- (4) Commission Regulation (EC) No 1291/2000 lays down common detailed rules for applying the system of import and export licences and advance fixing certificates for agricultural products ⁽¹²⁾. Those rules should be supplemented by rules specific to the wine sector, particularly as regards presenting applications and the information which should appear in licence applications and licences.
- (5) Under Article 59(1) of Regulation (EC) No 1493/1999, all imports into the Community are subject to presentation of an import licence. The grant of all export refunds should be subject to presentation of an export licence.
- (6) To take account of changes in alcoholic strength as a result of long journeys, particularly during loading and unloading of the products concerned, an additional tolerance should be allowed, over and above the margin of error provided for in the analysis method used under Commission Regulation (EEC) No 2676/90 of

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 341, 28.11.1981, p. 19.

⁽⁴⁾ OJ L 328, 22.12.1999, p. 60.

⁽⁵⁾ OJ L 341, 28.11.1981, p. 24.

⁽⁶⁾ OJ L 284, 28.11.1995, p. 6.

⁽⁷⁾ OJ L 343, 20.12.1985, p. 20.

⁽⁸⁾ OJ L 135, 8.5.1998, p. 4.

⁽⁹⁾ OJ L 161, 12.7.1995, p. 2.

⁽¹⁰⁾ OJ L 289, 16.11.2000, p. 21.

⁽¹¹⁾ OJ L 153, 19.6.1999, p. 38.

⁽¹²⁾ OJ L 152, 24.6.2000, p. 1.

- 17 September 1990 determining Community methods for the analysis of wines ⁽¹⁾, as last amended by Regulation (EC) No 1622/2000 ⁽²⁾.
- (7) If the system of import and export licences is to operate correctly, a certain minimum amount of information should be given in the licences. It is therefore essential that the competent authority issuing the licences be informed by the party concerned of the country of origin or destination of the product. Importers and exporters should be allowed to request a change in the country of origin or destination under certain circumstances.
- (8) Experience has shown that a single licence should be allowed to cover the Common Customs Tariff subheadings relating to concentrated grape juice and grape must, unconcentrated grape juice and grape must and wine of fresh grapes.
- (9) The period of validity of licences should reflect the practices and delivery periods customary in international trade. In the case of export licences, that period should be shorter in order to prevent speculation in export licence applications.
- (10) The third subparagraph of Article 59(2) of Regulation (EC) No 1493/1999 provides that the issue of licences is conditional on the provision of a security, which is forfeited in whole or in part if the transaction is not carried out or is only partially carried out. The amount of the security should be fixed.
- (11) To enable the Commission to have an overall view of trade trends, Member States should regularly communicate to it information concerning the quantities and products for which they have issued import licences. It is desirable that such communications should be sent weekly and should follow a uniform format. However, in order to ensure proper management of the market in wine, Member States should inform the Commission immediately if the quantities for which import licence applications have been submitted seem likely to cause a market disturbance.
- (12) Article 63(7) of Regulation (EC) No 1493/1999 provides for export licences as the basis for ensuring compliance with the export volume obligations arising from the agreements concluded in the Uruguay Round of multilateral trade negotiations. Precise rules should therefore be laid down on the lodging of applications and issue of licences.
- (13) Past experience of applying the rules on the issue of export licences in the wine sector has shown that the quantities available for export need to be better distributed throughout the wine year to ensure that they are not exhausted prematurely. The total quantity available each wine year should be divided into two-month periods, each subject to management measures providing in particular for quantities not used in one period to be carried forward to the next.
- (14) A period of reflection is needed at the beginning of each wine year so that the market situation can be assessed with a view to fixing refund rates at appropriate levels. Accordingly, no export licence applications should be submitted until 16 September of each year.
- (15) Article 4 of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽³⁾, as last amended by Regulation (EC) No 90/2001 ⁽⁴⁾, introduces the possibility of extending the validity of export licences to products other than those indicated in the licence, provided that those products belong to the same category or product group to be determined. Product groups as provided for in Article 4 of Regulation (EC) No 800/1999 should also be introduced in the wine sector, for reasons of proportionality, to prevent excessive penalties.
- (16) The Commission should be able to adapt the special measures it may take to ensure that the volume available for each period is complied with according to the product category and zone of destination. In addition, to prevent certain exporters from lodging speculative applications for quantities greatly exceeding their requirements and to prevent such practices from damaging exporters who apply for their real requirements, the volume which any exporter may apply for should be restricted to the quantity available for each period.
- (17) Decisions on export licence applications should be notified only after a reflection period. That period should allow the Commission to assess the quantities applied for and the expenditure involved and to adopt any special measures which might have to be applied to the applications concerned.
- (18) In order to ensure that the arrangements function properly and to prevent speculation, licences should not be transferable.

⁽¹⁾ OJ L 272, 3.10.1990, p. 1.

⁽²⁾ OJ L 194, 31.7.2000, p. 1.

⁽³⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁴⁾ OJ L 14, 18.1.2001, p. 22.

- (19) To manage these arrangements the Commission should have precise information on the licence applications lodged and the use of licences issued. In the interests of administrative efficiency, a standard form should be used for communications between Member States and the Commission.
- (20) Article 60(2) of Regulation (EC) No 1493/1999 lays down that, for juices and musts for which the application of customs duties depends on the import price of the product, the actual amount of this price is verified either by checking every consignment or by using a flat-rate import value. The current features of the arrangements for importing grape juices and musts into the Community, in particular the irregularity of such imports, in terms of both volume and frequency and the places of import and the origin of these products, do not permit the calculation of representative flat-rate import values to verify the actual amount of the import price. Under these circumstances, this price should be verified by checking every consignment.
- (21) The import price on the basis of which imported products are classed in the Common Customs Tariff must be equal to the fob price of those products plus the cost of insurance and transport to the place of entry into Community customs territory.
- (22) Refunds should be fixed periodically. Experience gained regarding price trends in international trade shows that it is adequate to fix refunds at least once each wine year.
- (23) Steps should be taken to ensure that table wines qualifying for refunds have the quality characteristics of table wines of the production region from which they come, and the Member States should take all necessary steps to perform the checks.
- (24) In order to obtain a refund, exporters should be required to provide proof that the products concerned meet the Community quality standards, and to inform the competent authority of the Member State of both the origin and the quantities of wines involved. To that end, they should indicate, among other things, the numbers and dates of the accompanying documents provided for in Commission Regulation (EEC) No 2238/93 of 26 July 1993 on the accompanying documents for the carriage of wine products and the relevant records to be kept⁽¹⁾, as amended by Regulation (EC) No 1592/1999⁽²⁾. However, under Article 4 of Regulation (EEC) No 2238/93, the Member States may provide that the said document need not be drawn up for certain products in certain cases. It is therefore necessary, to ensure effective supervision, to provide that Member States may not avail themselves of that provision in the context of the refund system.
- (25) In the case of deliveries for victualling ships and aircraft qualifying for refunds, it is not always easy to obtain the necessary documents in good time, particularly in non-producer Member States, on account of the difficulty of ascertaining the delivery dates in advance. It should be borne in mind that production of the required proof may thus represent a disproportionate burden in relation to the small quantities of table wines which normally make up such individual deliveries for traders who do not employ the procedure laid down in Article 26 of Regulation (EC) No 800/1999 or in Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽³⁾, as amended by Regulation (EEC) No 2026/83⁽⁴⁾.
- (26) Article 68(1) of Regulation (EC) No 1493/1999 provides that the imported products covered by that Article should 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. The requirements which the analysis report should meet should be laid down.
- (27) Provision should be made under Article 68(2)(b) of Regulation (EC) No 1493/1999 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. To simplify controls, the requirement as to quantity may be considered to be met in the case of imports from third countries whose total annual exports to the Community are already very small. In this case, to avoid deflection of trade, the wines must not only originate in those countries but must be imported from them.
- (28) For the sake of harmonisation, the exemption from the requirement to present a certificate and analysis report for wine products being imported into the Community should be in line with the customs rules on exemption and the arrangements applicable to documents accompanying consignments of wine products within the Community.
- (29) Some third countries, having established an effective system for inspecting their wine producers,

⁽¹⁾ OJ L 200, 10.8.1993, p. 10.

⁽²⁾ OJ L 188, 21.7.1999, p. 33.

⁽³⁾ OJ L 62, 7.3.1980, p. 5.

⁽⁴⁾ OJ L 199, 22.7.1983, p. 12.

implemented by their bodies or services, referred to in Article 68(1)(a) of Regulation (EC) No 1493/1999, have expressed an interest in the possibility of authorising the producers themselves to issue certificates and analysis reports. With a view to facilitating trade with those third countries, provided that they have concluded undertakings with the Community which include clauses concerning closer cooperation on the prevention of fraud and that they maintain good trade relations with the Community, it is appropriate to authorise those concerned to consider documents issued by the producers themselves as documents issued by the said bodies or services of the third countries, in a manner similar to that already allowed for wines of Community origin, provided that they give appropriate assurances and exert proper control over the issue of such documents. It should be stipulated from the outset that these rules will apply only for a trial period in order to test the effectiveness of the new system.

- (30) Lists containing the names and addresses of the agencies and laboratories authorised in third countries to draw up certificates and analysis reports should be published so that the authorities in the Community which supervise the import of wine products can, where necessary, carry out the requisite checks.
- (31) In order to facilitate controls by the competent authorities of Member States, the form and, where necessary, the content of the certificate and analysis report provided for, and the requirements for their use should be laid down.
- (32) The certificate and, where appropriate, the analysis report relating to each consignment of imported product should be checked in order to prevent fraud. To this end, the document(s) must accompany each consignment until it is placed under Community control.
- (33) To take commercial practice into account, where a consignment of wine is split up, the competent authorities should be empowered to have extracts of the certificate and the analysis report drawn up under their supervision to accompany each new consignment resulting from the splitting.
- (34) In view of the need to ensure swift and effective protection of consumers, it is essential to provide for the possibility of suspending the new arrangements before the end of the trial period in the event of fraud or a health risk to consumers.
- (35) Simple rules should also be laid down regarding the documents to be produced for imports from a third country other than the country of origin of the wine product, where that product has not undergone substantial processing.
- (36) It is clear from Article 45 of Regulation (EC) No 1493/1999 that wine products may be offered for direct human consumption in the Community only if they have been produced using oenological practices permitted in the Community. Moreover, where an imported product has undergone enrichment, acidification or deacidification, provision should be made for authorisation of direct human consumption of that product in the Community only if the limits specified for the Community wine-growing zone whose natural production conditions are equivalent to those in the region in which the imported product originates have been complied with.
- (37) The task of the exporters and the authorities should be simplified by requiring a statement that the alcohol added to liqueur wines and wines fortified for distillation is of vinous origin to be included in the V I I document without requiring a separate document for this statement. For the same reason, the V I I document should be permitted to serve as the certificate testifying to the designation of origin required for imports of wines eligible for a tariff reduction. However, no certificate or analysis report is required in the case of some wines, provided a certificate of designation of origin is presented. It should be permitted to use the V I I document to certify the designation of origin of the said liqueur wines and the section relating to the analysis report need not be completed.
- (38) Under Article 68(1)(b) of Regulation (EC) No 1493/1999, wines other than sparkling wines and liqueur wines originating in a third country and intended for direct human consumption may not be imported into the Community if their total alcoholic strength by volume or their total acidity, exceeds or fails to reach certain limit values. However, Article 68(2)(a) of that Regulation provides for exceptions where a wine designated by a geographical indication has special quality characteristics.
- (39) In the case of certain wines originating in Hungary and Switzerland, which have their own special quality and are produced in limited quantities, the maximum total alcoholic strength or the minimum total acidity are exceeded or not attained, respectively, owing to special traditional production methods. The marketing of those wines on the Community market should be permitted. However, to ensure compliance with the requirements to be met before that right may be enjoyed, certification by an official body of the country of origin should be

required on the import document introduced by this Regulation.

- (40) When the agreements on the control and reciprocal protection of wine names were concluded between the European Community and Hungary and Romania, respectively ⁽¹⁾, the Community undertook to grant the derogation applicable to Hungarian wines for an unlimited period and to grant the same derogation for certain quality wines originating in Romania.
- (41) The definitions of some of the products listed in Annex I to Regulation (EC) No 1493/1999 can be applied only to products obtained in the Community. It is therefore necessary for the corresponding products originating in third countries to be defined. The definitions of those products originating in third countries to which this Regulation applies should be as close as possible to the definition of the Community product.
- (42) Commission Regulation (EC) No 1608/2000 ⁽²⁾, as last amended by Regulation (EC) No 731/2001 ⁽³⁾, which laid down transitional measures pending the introduction of definitive measures for the application of Regulation (EC) No 1493/1999, kept in force until 31 January 2001 certain provisions regarding the subjects covered by this Regulation. Accordingly, in order to prevent any interruption in trade in the products covered by those provisions and by this Regulation, the latter should apply as from 1 February 2001.
- (43) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

CHAPTER I

IMPORT AND EXPORT LICENCES

Article 1

Common implementing rules

The common detailed rules for applying the system of import and export licences and advance-fixing certificates for agricultural products as laid down in Regulation (EC) No

1291/2000 shall apply to the licences referred to in this Chapter.

Article 2

Information given on the licence

1. Where the Combined Nomenclature code specifies the alcoholic strength of a product, a tolerance of 0,4 % by volume shall be allowed in relation to that specification for the purposes of the licence.

Box 20 of import licences and export licences shall contain one of the following entries:

- 'Tolerancia de 0,4 % vol'
- 'Tolerance 0,4 % vol'
- 'Toleranz 0,4 % vol'
- 'Αvoχή 0,4 % vol'
- 'Tolerance of 0,4 % vol'
- 'Tolérance de 0,4 % vol'
- 'Tolleranza di 0,4 % vol'
- 'Tolerantie van 0,4 % vol'
- 'Tolerância de 0,4 % vol'
- 'Sallittu poikkeama 0,4 til-%'
- 'Tolerans 0,4 vol %'.

2. Box 8 of import licence applications and import licences shall show the country of origin.

Box 7 of export licence applications and licences shall show the country of destination or the zone of destination as referred to in Article 9(6) of this Regulation. Where the zone of destination is indicated, the box 'compulsory: yes' shall be ticked. Where the country of destination is indicated, the box 'compulsory: no' shall be ticked. In addition, box 20 of export licence applications and licences shall contain the entry: 'zone X compulsory'. At the request of the party concerned, the country of destination may be replaced by another country belonging to the same zone of destination.

3. Box 14 of import licence applications and import licences shall contain the following additional information regarding the colour of wine or must: 'white' or 'red/rosé'.

4. Applicants may include in a single import licence application products falling within more than one tariff code, by completing boxes 15 and 16 of the application as follows:

⁽¹⁾ OJ L 337, 31.12.1993, pp. 94 and 178.

⁽²⁾ OJ L 185, 25.7.2000, p. 24.

⁽³⁾ OJ L 102, 12.4.2001, p. 33.

- box 15: description of the product as given in the Combined Nomenclature,
- box 16: CN codes.

The product descriptions and CN codes specified in the application shall also be specified on the import licence.

Article 3

Period of validity

1. Import licences shall be valid from their date of issue as defined in Article 23(1) of Regulation (EC) No 1291/2000 until the end of the fourth month following that date.
2. Export licences shall be valid from their date of issue as defined in Article 23(2) of Regulation (EC) No 1291/2000 until the end of the second month following that date, but may under no circumstances remain valid beyond 31 August of the GATT year in progress.

Article 4

Securities

1. The security for import licences shall be as follows:
 - concentrated grape juice and musts: EUR 2,5/hl,
 - other grape juice and musts: EUR 1,25/hl,
 - still wines and fortified wines: EUR 1,25/hl,
 - sparkling wines and liqueur wines: EUR 2,5/hl.
2. The security for export licences shall be EUR 8 per hectolitre for products falling within CN codes 2009 60 11, 2009 60 19, 2009 60 51, 2009 60 71, 2204 30 92 and 2204 30 96 and EUR 2,5 per hectolitre for all other products.

Article 5

Communications on import licences

Every Thursday, or on the first working day thereafter if the Thursday is a public holiday, Member States shall forward to the Commission, using the model shown in Annex I, information on the quantities and countries of origin of products for which import licences have been issued during the preceding week, broken down by Combined Nomenclature codes and the nomenclature codes of the countries for the Community statistics on external trade.

If the quantities for which import licence applications have been made in a Member State appear to pose a risk of disturbance for the market, that Member State shall immediately inform the Commission accordingly and shall communicate the quantities concerned, broken down by type of product.

CHAPTER II

SPECIAL EXPORT LICENCE ARRANGEMENTS UNDER THE GATT AGREEMENTS

Article 6

Aim

Under the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, hereinafter called 'the Agreement', this Chapter lays down additional rules applying to the issue of export licences with advance fixing of the refund.

Article 7

Staggering of the total quantity over the year and lodging of applications

1. The total quantity available for each GATT year shall be divided into six parts. Export licence applications may be lodged for:
 - 25 % of the total quantity, until 15 November,
 - 25 % of the total quantity, until 15 January,
 - 15 % of the total quantity, until 15 March,
 - 15 % of the total quantity, until 30 April,
 - 10 % of the total quantity, until 30 June,
 - 10 % of the total quantity, until 31 August.
2. Unused quantities from one period shall be automatically transferred to the following period within that year.
3. Export licence applications for the first period may be lodged from 16 September onwards each year.

Article 8

Categories and groups of products

1. The product categories referred to in the second paragraph of Article 14 of Regulation (EC) No 1291/2000 are listed in Annex II to this Regulation.

2. The product groups referred to in the second indent of the first subparagraph of Article 4(2) of Regulation (EC) No 800/1999 which may be entered on the licence application and licence in accordance with the fourth paragraph of Article 14 of Regulation (EC) No 1291/2000 are listed in Annex III hereto.

Article 9

Export licence applications

1. Applications for export licences may be lodged with the competent authorities from Wednesday until 1 p.m. on the following Tuesday.

2. Export licence applications lodged for a period as referred to in paragraph 1 by a single exporter may not exceed a maximum quantity of 30 000 hectolitres per zone of destination as referred to in paragraph 6. Applications relating to the same zone must be lodged with the competent body and grouped in a single communication.

If an exporter lodges applications for an overall quantity of more than 30 000 hectolitres for a single zone, all applications concerned shall be rejected by the body with which they were lodged.

Where the overall quantity still available for a zone is less than 30 000 hectolitres, the body with which the applications are lodged shall reduce the applications of exporters which exceed it to bring them in line with the quantity available.

3. Export licences shall be issued on the Monday following the Tuesday referred to in paragraph 1, or the next working day if the Monday is a public holiday, provided that the Commission has not taken other specific measures in the mean time.

4. If the quantities for which licence applications have been made, as notified to the Commission on the set day under Article 12(1), exceed the quantities still available for a period as referred to in Article 7(1), the Commission shall set an acceptance percentage applying to all the applications in question and suspend lodging of licence applications until the beginning of the following period.

5. If issuing the licences applied for entails a risk of premature exhaustion of the budget for the wine sector set under the Agreement, the Commission may accept the applications pending, or reject the applications for which export licences have not yet been granted and suspend lodging of applications for at most 10 working days, although a decision to extend suspension may be taken by the procedure laid down in Article 75 of Regulation (EC) No 1493/1999.

If issuing the licences applied for entails a risk of overrun of the budget for the wine sector set under the Agreement, the Commission may set an acceptance percentage applying to all the applications in hand and suspend lodging of applications up to the end of the wine year.

6. The measures provided for in paragraphs 4 and 5 may be adjusted for the category of products and the zone of destination. The zones of destination shall be:

- zone 1: Africa,
- zone 2: Asia and Australasia,
- zone 3: eastern Europe, including the CIS, and
- zone 4: western Europe.

The countries in each zone of destination are listed in Annex IV.

7. In cases where the quantity applied for is refused or reduced, the security referred to in Article 4(2) against the quantity for which the application is not accepted shall be immediately released.

8. By way of derogation from paragraph 3, in the event that a single acceptance percentage of less than 85 % is set, licences shall be issued on the third working day following publication of that percentage in the *Official Journal of the European Communities*. Prior to issue, exporters may either withdraw their applications, in which case the security referred to in Article 4(2) of this Regulation shall be released immediately, or expressly accept the licence, in which case the licence may be issued forthwith.

Article 10

Transfer of licences

Export licences issued shall not be transferable.

Article 11

Tolerance

Additional quantities exported within the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 shall not be eligible for the refund.

At least one of the following entries shall be made in box 22 of licences:

- Restitución válida para ... (cantidad por la que se haya expedido el certificado) como máximo
- Restititionen omfatter højst ... (den mængde, licensen er udstedt for)

- Erstattung gültig für höchstens ... (Menge, für die die Lizenz erteilt wurde)
- Επιστροφή που ισχύει για ... (ποσότητα για την οποία εκδίδεται το πιστοποιητικό) κατ' ανώτατο όριο
- Refund valid for not more than ... (quantity for which licence is issued)
- Restitution valable pour ... (quantité pour laquelle le certificat est délivré) au maximum
- Restituzione valida al massimo per ... (quantitativo per il quale è rilasciato il titolo)
- Restitutie voor ten hoogste ... (hoeveelheid waarvoor het certificaat is afgegeven)
- Restituição válida para ... (quantidade em relação à qual é emitido o certificado), no máximo
- Vientituki voimassa enintään ... (määrä, jolle todistus on annettu) osalta
- Bidrag som gäller för högst ... (kvantitet för vilken licensen skall utfärdas).

Article 12

Communications from Member States

1. Member States shall, each Wednesday or the following working day if the Wednesday is a public holiday, notify the Commission of the following:
 - (a) the applications for export licences with advance fixing of the refund lodged between Wednesday of the preceding week and Tuesday, or the absence of applications;
 - (b) the quantities for which export licences were issued on the preceding Monday or, as the case may be, within the interval referred to in Article 9(8);
 - (c) the quantities for which licence applications have been withdrawn pursuant to Article 9(8) during the preceding week.

Those notifications shall also specify the zone of destination as referred to in Article 9(6).

2. Member States shall notify to the Commission before the 15th of each month for the previous month:
 - (a) the quantities for which licences have been issued but not used, together with the zone of destination as referred to in Article 9(6);
 - (b) the quantities for which refunds have been granted without a licence under the second subparagraph of Article 4(1) of Regulation (EC) No 800/1999.

These notifications shall specify the quantities referred to in paragraph 1 and the refund rate.

3. Notifications under paragraph 1 shall specify:
 - (a) the quantity in hectolitres for each 12-figure product code of the agricultural product nomenclature for export refunds. Where a licence is issued for more than one 11-figure code in the same category as referred to in Annex II, the category number is to be given;
 - (b) the quantity for each code, broken down by destination if the refund rate differs according to destination;
 - (c) the refund rate applicable in respect of the quantities covered by paragraph 1(c).

If the refund rate is modified during the licence application period, applications must be broken down for each period having a different refund rate.

4. All notifications under paragraphs 1, 2 and 3, including 'nil' notifications, shall be made using the model in Annex V.

Article 13

Commission decisions

1. If, in the light of notifications under Article 12(2)(a), an adequate quantity becomes available again, the Commission may decide to reopen the lodging of applications for export licences.
2. The Commission shall inform Member States once a month of the extent to which the quantities and expenditure specified in the annual commitment level provided for in the Agreement for the GATT year have been used up and, when the time comes, of their exhaustion.

CHAPTER III

ENTRY PRICE ARRANGEMENTS FOR GRAPE JUICE AND MUST

Article 14

Verification by consignment

1. For products falling within CN codes 2009 60 and 2204 30, listed in Annex I, Part Three, Section I, Annex 2, to the Common Customs Tariff and subject to the entry price arrangements, the actual import price shall be verified by checking every consignment.

2. 'Consignment' means the goods presented under a declaration of release for free circulation. Each declaration may cover only goods of one and the same origin falling within a single Combined Nomenclature code.

Article 15

Checking

1. The import price on the basis of which the products referred to in Article 14 are classed in the Combined Nomenclature must be equal to the fob price of those products in their country of origin plus the cost of insurance and transport to the place of entry to the Community customs territory.

2. Where the import price cannot be determined on the basis of paragraph 1 of this Article, the products referred to in Article 14 shall be classed in the Combined Nomenclature on the basis of the customs value determined in accordance with Articles 30 and 31 of Council Regulation (EEC) No 2913/92 ⁽¹⁾.

CHAPTER IV

EXPORT REFUNDS IN THE WINE SECTOR

Article 16

Frequency

Export refunds in the wine sector shall be reviewed periodically, at least once each wine year.

Article 17

Licence requirement

Except for supplies for the special purposes referred to in Article 36 of Regulation (EC) No 800/1999 and supplies of the quantities referred to in Annex III(K) to Regulation (EC) No 1291/2000, refunds shall be granted on production of proof that the products have been exported under an export licence.

Article 18

Proof

1. Refunds shall be granted on production of proof that the products exported were accompanied on export by an analysis certificate issued by an official body of the producer Member State or the exporting Member State certifying that they meet the Community quality standards for the products in question or, in the absence of such standards, the national standards applied by the exporting Member State.

In the case of table wines or liqueur wines other than liqueur wines psr, proof shall further be furnished to show that they have been approved by a tasting committee appointed by the exporting Member State. Where this Member State is not the producer, proof shall also be provided that the wine in question is a Community table wine or liqueur wine.

The certificate referred to in the first subparagraph shall mention at least the following:

- (a) for table wine and liqueur wine other than liqueur wine psr:
 - the colour,
 - the total alcoholic strength by volume,
 - the actual alcoholic strength by volume,
 - the total acidity,
 - where appropriate, that the wine in question is wine as referred to in Article 28(1) of Regulation (EC) No 1493/1999 produced in excess of the normal quantity, or the quantity of such wine in the case of exports of wine resulting from coupage or blending;
- (b) for concentrated grape must, the measurement recorded at a temperature of 20 °C by refractometer used in accordance with the method referred to in Annex I(6) to Regulation (EC) No 1493/1999.

2. Exporters shall be obliged to inform the competent authority of the Member State:

- (a) for wines resulting from coupage, the origin and quantities of wines used;
- (b) the numbers and dates of the accompanying documents.

3. If the table wine for which a refund is requested results from coupage, as defined by Title II of Chapter V of Regulation (EC) No 1622/2000, or from blending of table wines qualifying for different refund rates, the amount of the refund shall be calculated in proportion to the quantities of table wine in the coupage or blend.

Article 19

Checks by the Member States

1. Member States may provide that the approval referred to in the second indent of Article 18(1) is to be granted by regional committees which certify that the wine has the quality characteristics of table wines of the production regions from which it comes.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

2. Member States shall take all necessary steps to perform the checks referred to in Articles 17 and 18. However, Article 18, with the exception of paragraph 2(b) thereof, shall not apply to the table wine supplies referred to in Article 36(1)(a) of Regulation (EC) No 800/1999 for which the procedure referred to in Article 26 of the said Regulation or in Regulation (EEC) No 565/80 is not applied.

3. For the purposes of Article 18(2)(b), exporting Member States may not avail themselves of Article 4(2) of Regulation (EC) No 2238/93.

- 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).

CHAPTER V

Article 22

CERTIFICATES AND ANALYSIS REPORTS FOR WINE, GRAPE JUICE AND MUST ON IMPORT

Exemptions

Section 1

General

Article 20

Documents required

The certificate and the analysis report referred to in Article 68(1)(a)(i) and (ii), respectively, of Regulation (EC) No 1493/1999 shall form a single document:

- (a) the 'certificate' part of which shall be made out by a body of the third country in which the products originated;
- (b) the 'analysis report' part of which shall be made out by an official laboratory recognised by the third country in which the products originated.

Article 21

Contents of the analysis report

The analysis report shall include 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,

1. No certificate or analysis report need be presented for products originating in and coming from third countries in labelled containers of not more than five litres fitted with a non-reusable closing device where the total quantity transported, whether or not made up of separate consignments, does not exceed 100 litres.

2. In addition, no certificate and analysis report need be presented for:

- (a) quantities of products not exceeding 30 litres per traveller contained in the personal luggage of travellers within the meaning of Article 45 of Council Regulation (EEC) No 918/83 ⁽¹⁾;
- (b) quantities of wine not exceeding 30 litres sent in consignments from one private individual to another, within the meaning of Article 29 of Regulation (EEC) No 918/83;
- (c) wine and grape juice in labelled containers of not more than five litres fitted with a non-reusable closing device, originating in and coming from third countries whose annual imports into the Community are less than 1 000 hectolitres. The countries concerned are listed in Annex VI hereto;
- (d) wine and grape juice forming part of the belongings of private individuals who are moving house;
- (e) wine and grape juice for trade fairs as defined in the relevant provisions of Regulation (EEC) No 918/83, provided that the products in question are put up in labelled containers of not more than two litres fitted with a non-reusable closing device;
- (f) quantities of wine, grape must and grape juice imported for the purpose of scientific and technical experiments, subject to a maximum of one hectolitre;

⁽¹⁾ OJ L 105, 23.4.1983, p. 1.

(g) wines and grape juice for diplomatic, consular or similar establishments, imported as part of their duty-free allowance;

(h) wines and grape juice held on board international means of transport as victualling supplies.

3. The case of exemption referred to in paragraph 1 may not be combined with the cases of exemption referred to in paragraph 2.

— the actual alcoholic strength by volume,

— the total acidity,

— the total sulphur dioxide content.

Article 25

Description of documents

1. V I 1 forms shall comprise a typed or handwritten original and a simultaneously produced copy, in that order. V I 2 forms shall comprise an original and two copies, in that order. The V I 2 form shall be an extract made out in accordance with the specimen shown in Annex X, containing the data appearing on a V I 1 document or another V I 2 extract and stamped by a Community customs office.

Both the original and the copy shall accompany the product. V I 1 and V I 2 forms must be completed either in typescript or by hand, or by equivalent technical means recognised by an official body. Handwritten forms shall be completed in ink and in capital letters. No erasures or overwriting shall be permitted. Any alterations shall be made by crossing out the incorrect particulars and, where appropriate, adding those required. Any change made in this way must be approved by its author and stamped, as the case may be, by the official agency, the laboratory or the customs authorities.

2. V I 1 documents and V I 2 extracts shall bear a serial number allocated, in the case of V I 1 documents, by the official agency whose officer signs the certificate and, in the case of V I 2 extracts, by the customs office which stamps them in accordance with Article 28(2) and (3).

Article 26

Simplified procedure

1. V I 1 documents drawn up by wine producers in the third countries listed in Annex IX which have offered special guarantees accepted by the Community shall be considered as certificates or analysis reports drawn up by agencies and laboratories included in the list referred to in Article 29 provided that the producers have received individual approval from the competent authorities of those third countries and are subject to inspection by the latter.

2. Approved producers as referred to in paragraph 1 shall use V I 1 forms giving in box 10 the name and address of the official agency of the third country which approved them. Producers shall complete the form, entering in addition:

Article 23

Exclusion

This Chapter shall not apply to Boberg liqueur wines accompanied by a certificate of designation of origin.

Section 2

Requirements to be met and detailed rules for drawing up and using the certificate and analysis report for imports of wine, grape juice and grape must

Article 24

V I 1 document

1. The certificate and analysis report for each consignment intended for import into the Community shall be drawn up on a single V I 1 document. 'Consignment' means the quantity of a product consigned by one consignor to one consignee.

This document shall be drawn up on a V I 1 form corresponding to the specimen shown in Annex VII and complying with the technical requirements set out in Annex VIII. It shall be signed by an officer of an official body and by an official of a recognised laboratory as referred to in Article 29.

2. Where the product concerned is not intended for direct human consumption, the analysis report section of the V I 1 form need not be completed.

In the case of wine put up in labelled containers of a capacity not exceeding 60 litres, fitted with non-reusable closing devices, and provided that the wine originates in a country appearing in Annex IX which has offered special guarantees accepted by the Community, the analysis report section of the V I 1 form need be completed only in respect of:

- in box 1, their names and addresses and their registration numbers in the third countries listed in Annex IX,
- in box 11, at least the particulars referred to in Article 24(2).

They shall sign in the space provided in boxes 10 and 11, after striking out the words 'name and title of official'.

Neither stamps nor the name and address of the laboratory shall be required.

Article 27

Derogations

1. Application of Articles 24(2) and 26 may be suspended if it is found that the products to which these measures apply have been the subject of falsification likely to result in a health risk to consumers or of oenological practices not authorised in the Community.

2. Articles 24(2) and 26 shall apply until the entry into force of the agreement resulting from the negotiations with the United States of America on an agreement on trade in wine, but not later than 31 December 2003.

Article 28

Use

1. The original and the copy of V I 1 documents or V I 2 extracts shall be handed over to the competent authorities of the Member State in which the customs formalities required for putting into free circulation the consignment to which they relate are carried out, on completion of those formalities.

The authorities shall, where necessary, endorse the back of the V I 1 document or the V I 2 extract. They shall return the original to the person concerned and keep the copy for at least five years.

2. Where a consignment is to be reconsigned complete before entry into free circulation, the new consignor shall give the customs authorities supervising the consignment the V I 1 document or the V I 2 extract relating to that consignment as well as, if appropriate, a V I 2 form completed consecutively.

The authorities shall verify that the particulars entered on the V I 1 document agree with those entered on the V I 2 form or that the particulars entered on the V I 2 extract agree with those entered on the V I 2 form completed consecutively, and

shall then stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse the document or previous extract accordingly. They shall return the extract and the original of the V I 1 document or the previous V I 2 extract to the new consignor and keep the copy of the document or previous extract for at least five years.

However, a V I 2 form need not be completed where a consignment of a product is re-exported to a third country.

3. Where a consignment is split before it enters into free circulation, the person concerned shall give the original and the copy of the V I 1 document or the V I 2 extract relating to the consignment to be split to the customs authorities supervising that consignment, together with a V I 2 form and two copies completed consecutively for each new consignment.

The authorities shall verify that the particulars entered on the V I 1 document or on the V I 2 extract correspond to those on the V I 2 form completed consecutively for each new consignment, and shall then stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse accordingly the back of the V I 1 document or the V I 2 extract on which it was based. They shall return the V I 2 extract together with the V I 1 document or the V I 2 extract previously completed to the person concerned and keep a copy of each of these documents for at least five years.

Article 29

List of competent bodies

1. The Commission shall draw up and update lists containing the names and addresses of the agencies and laboratories, and of the wine producers authorised to draw up V I 1 documents, on the basis of notifications from the competent authorities of third countries. It shall publish these lists in the 'C' series of the *Official Journal of the European Communities*.

2. The notifications from the competent authorities of third countries referred to in paragraph 1 shall contain:

- (a) the names and addresses of the official agencies and laboratories approved or appointed for the purpose of drawing up V I 1 documents;
- (b) the names, addresses and official registration numbers of the wine producers authorised to draw up V I 1 documents.

The lists shall contain only agencies and laboratories as referred to in point (a) of the first subparagraph which have been authorised by the competent authorities of the third country concerned to provide the Commission and the

Member States, on request, with any information required to evaluate the data appearing on the document.

3. The lists shall be updated, in particular to take account of changes of address and/or name of agencies or laboratories.

Article 30

Indirect imports

In cases where a wine is exported from a third country in whose territory it was prepared (hereinafter: 'the country of origin') to another third country (hereinafter: 'the exporting country'), from which it is then exported to the Community, the competent authorities of the exporting country may draw up the V I I document for the wine concerned on the basis of a V I I document or equivalent drawn up by the competent authorities of the country of origin, without having to perform further analyses on the wine, if that wine:

- (a) has already been bottled and labelled in the country of origin and remains so; or
- (b) is exported in bulk from the country of origin and bottled and labelled in the exporting country without any further processing.

The competent authority of the exporting country shall certify on the V I I document that the wine in question is a wine to which the first subparagraph refers and that it fulfils the conditions set out therein.

Article 31

Conformity of oenological practices

1. Subject to Article 45 and Article 46(1)(a), (b) and (c) of Regulation (EC) No 1493/1999 and the provisions adopted to implement them, products originating in third countries may be offered or delivered for direct human consumption only if they were produced, in the case of the oenological practices referred to in Annex V(C), (D) and (E) of Regulation (EC) No 1493/1999, in compliance with the limits specified for the Community wine-growing zone in which the natural production conditions are equivalent to those in the production region in which they originate.

The assessment of the equivalence of production conditions shall be conducted on the basis of proposals from the competent authorities of the third country concerned, in accordance with the procedure laid down in Article 75 of Regulation (EC) No 1493/1999.

2. Where the competent authorities of a Member State suspect that a product originating in a third country does not comply with paragraph 1, they shall inform the Commission thereof without delay.

Article 32

Special rules for particular wines

1. In the case of liqueur wines and wines fortified for distillation, the V I I documents shall be recognised as valid only where the official agency as referred to in Article 29 has entered the following in box 15:

'the alcohol added to this wine is certified as being wine alcohol'.

The entry shall be accompanied by the following information:

- (a) the full name and address of the issuing agency;
- (b) the signature of an official of the agency;
- (c) the agency's stamp.

2. For wines eligible for a tariff reduction on importation into the Community, the V I I documents may serve as a certificate testifying to the designation of origin which is entitled to such arrangements, where the official agency has entered the following in box 15:

'the wine covered by this document is certified as having been produced in the ... wine-growing region and was given the designation of origin shown in box 6 in accordance with the provisions of the country of origin'.

The entry shall be accompanied by the information provided for in the second subparagraph of paragraph 1.

CHAPTER VI

ANALYTICAL DEROGATIONS FOR CERTAIN IMPORTED WINES

Article 33

1. The following wines may be imported into the Community for direct human consumption:

- (a) wines originating in Hungary, with a total alcoholic strength by volume exceeding 15 % vol, without enrichment, designated:
 - (i) by the words 'Tokaji Aszu' or 'Tokaji Aszu-eszencia' or 'Tokaji Eszencia' or 'Tokaji Szamorodni'; or

(ii) by the term 'Kueloenleges Minoeségue bor' (superior quality wine), supplemented by a geographical indication and by one of the following:

- 'késöl szüretelésü bor',
- 'válogatott szüretelésü bor',
- 'töppedt szőlőből készült bor',
- 'aszubor';

(b) wines originating in Switzerland, comparable to quality wines *psr* when they are compulsorily designated by a geographical indication and having a total acidity, expressed as tartaric acid, of less than 4,5 but more than 3 grams per litre, and are at least 85 % derived from grapes of one or more of the following vine varieties:

- Chasselas,
- Müller-Thurgau,
- Sylvaner,
- Pinot noir,
- Merlot;

(c) wines originating in Romania, with a total alcoholic strength by volume exceeding 15 % vol, without enrichment, designated 'VSOC' or 'Vinuri de calitate superioara cu denumire de origine si trepte de calitate' and bearing one of the following geographic indications:

- Cernavoda,
- Cotnari,
- Medgidia,
- Murfatlar,
- Nazarcea,
- Pietroasa.

2. For the purposes of paragraph 1(a), (b) and (c), the official agency of the country of origin authorised to draw up document V I 1 as referred to in this Regulation shall enter the following in box 15 of that document:

'It is hereby certified that this wine meets the conditions laid down in Article 68(1)(b)(i)((ii)) of Regulation (EC) No 1493/1999 and in Regulation (EC) No 883/2001'.

The official agency shall authenticate this entry by affixing its stamp.

CHAPTER VII

DEFINITIONS OF CERTAIN PRODUCTS IN THE WINE SECTOR ORIGINATING IN THIRD COUNTRIES

Article 34

Definitions

The definitions of the following products in the wine sector, originating in third countries and falling within CN codes 2009 and 2004, shall be as shown in Annex XI:

- (a) fresh grape must with fermentation arrested by the addition of alcohol;
- (b) concentrated grape must;
- (c) rectified concentrated grape must;
- (d) liqueur wine;
- (e) sparkling wine;
- (f) aerated sparkling wine;
- (g) semi-sparkling wine;
- (h) aerated semi-sparkling wine;
- (i) wine of overripe grapes.

CHAPTER VIII

FINAL PROVISIONS

Article 35

Repeal

Regulations (EEC) No 3388/81, (EEC) No 3389/81, (EEC) No 3590/85, and (EC) No 1685/95 and (EC) No 1281/1999 are hereby repealed.

Article 36

Entry into force

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

It shall apply from 1 February 2001.

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

Done at Brussels, 24 April 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

ISSUE OF IMPORT LICENCES**Notifications as referred to in Article 5**

Period from ... to ...

Quantity in hl

Code	Country of origin	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
036	Switzerland								
046	Malta								
etc.	etc.								
	All third countries								

This table includes the following figures:

column 1: sparkling wines,

column 2: red and rosé wines,

column 3: white wines,

column 4: liqueur wines,

column 5: fortified wines,

column 6: grape juice and grape must,

column 7: concentrated grape juice and grape must,

column 8: other products, to be specified in a note.

ANNEX II

Product categories as referred to in Article 8(1)

Code	Category
2009 60 11 9100 2009 60 19 9100 2009 60 51 9100 2009 60 71 9100 2204 30 92 9100 2204 30 96 9100	1
2204 30 94 9100 2204 30 98 9100	2
2204 21 79 9910 2204 29 62 9910 2204 29 64 9910 2204 29 65 9910	3
2204 21 79 9100 2204 29 62 9100 2204 29 64 9100 2204 29 65 9100	4.1
2204 21 80 9100 2204 29 71 9100 2204 29 72 9100 2204 29 75 9100	4.2
2204 21 79 9200 2204 29 62 9200 2204 29 64 9200 2204 29 65 9200	5.1
2204 21 80 9200 2204 29 71 9200 2204 29 72 9200 2204 29 75 9200	5.2
2204 21 83 9100 2204 29 83 9100	6.1
2204 21 84 9100 2204 29 84 9100	6.2
2204 21 94 9910 2204 21 98 9910 2204 29 94 9910 2204 29 98 9910	7
2204 21 94 9100 2204 21 98 9100 2204 29 94 9100 2204 29 98 9100	8

ANNEX III

Product groups as referred to in Article 8(2)

Product code of the agricultural product nomenclature for export refunds	Group
2009 60 11 9100 2009 60 19 9100 2009 60 51 9100 2009 60 71 9100	A
2204 30 92 9100 2204 30 96 9100	B
2204 30 94 9100 2204 30 98 9100	C
2204 21 79 9100 2204 21 79 9200 2204 21 79 9910 2204 21 83 9100	D
2204 21 80 9100 2204 21 80 9200 2204 21 84 9100	E
2204 29 62 9100 2204 29 62 9200 2204 29 62 9910 2204 29 64 9100 2204 29 64 9200 2204 29 64 9910 2204 29 65 9100 2204 29 65 9200 2204 29 65 9910 2204 29 83 9100	F
2204 29 71 9100 2204 29 71 9200 2204 29 72 9100 2204 29 72 9200 2204 29 75 9100 2204 29 75 9200 2204 29 84 9100	G
2204 21 94 9910 2204 21 98 9910	H
2204 29 94 9910 2204 29 98 9910	I
2204 21 94 9100 2204 21 98 9100	J
2204 29 94 9100 2204 29 98 9100	K

ANNEX IV

List of countries by zone of destination, as referred to in Article 9(6)**Zone 1: Africa**

Angola, Benin, Botswana, British Indian Ocean Territory, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (Brazzaville), Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mayotte, Mozambique, Namibia, Niger, Nigeria, Rwanda, Saint Helena and Dependencies, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe.

Zone 2: Asia and Australasia

Afghanistan, American Oceania, Australian Oceania, Bahrain, Bangladesh, Bhutan, Brunei, Cambodia, China, Federated States of Micronesia, Fiji, French Polynesia, Hong Kong, India, Indonesia, Iran, Iraq, Japan, Jordan, Kiribati, Kuwait, Laos, Lebanon, Macau, Malaysia, Maldives, Marshall Islands, Mongolia, Myanmar, Nauru, Nepal, New Caledonia and Dependencies, New Zealand, New Zealand Oceania, North Korea, Northern Marianas, Oman, Pakistan, Papua New Guinea, Philippines, Pitcairn, Qatar, Samoa, Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Taiwan, Thailand, Tonga, Tuvalu, United Arab Emirates, Vanuatu, Vietnam, Wallis and Futuna, West Bank and Gaza Strip, Yemen.

Zone 3: Eastern Europe and the countries of the Community of Independent States

Albania, Armenia, Azerbaijan, Belarus, Czech Republic, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Poland, Russia, Slovakia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan.

Zone 4: Western Europe:

Andorra, Ceuta and Melilla, Gibraltar, Faeroe Islands, Iceland, Liechtenstein, Malta, Norway, San Marino, Vatican City.

ANNEX V

Notifications as referred to in Article 12(4)

Export licence application

Consignor:

Date:

Period from Wednesday to Tuesday

Member State:

Person to be contacted:

Tel.

Fax

E-mail

Addressee: GD AGRI/E/2 — fax (32) 2 295 92 52 — e-mail: AGRI-E2@cec.eu.int

— Part A — Weekly notification: quantities applied for, Article 12(1)(a)

Product or category code	Quantities (hl)	Destination code	Refund rate

— Part B — Weekly notification: quantities issued, Article 12(1)(b)

Product or category code	Quantities (hl)	Destination code

— Part C — Weekly notification: quantities withdrawn, Article 12(1)(c)

Product or category code	Quantities (hl)	Destination code	Refund rate

— Part D — Weekly notification: quantities not used, Article 12(2)(a)

Product or category code	Quantities (hl)	Refund rate

— Part E — Weekly notification: quantities without licence, Article 12(2)(b)

Product or category code	Quantities (hl)	Destination code	Refund rate

ANNEX VI

List of countries as referred to in Article 22

- Canada
 - Iran
 - Lebanon
 - People's Republic of China
 - Taiwan
 - India
 - Bolivia
 - Republic of San Marino
-

ANNEX VII

V I 1 document as referred to in Article 24(1)

	1. Exporter <input type="checkbox"/>	THIRD COUNTRY OF ISSUE: VI1 Serial No: DOCUMENT FOR THE IMPORTATION OF WINE, GRAPE JUICE OR GRAPE MUST INTO THE EUROPEAN COMMUNITY	
	2. Consignee	(1) Obligatory only for wines benefiting from a reduced customs tariff. (2) Delete as appropriate. (3) Put an 'x' in the appropriate box.	
	3. CUSTOMS STAMP (1)		
	4. Means of transport (1)		
	5. Place of unloading (1)		
	6. Marks and reference Nos — Number and nature of packages — Description of product	7. Quantity in l/hl/kg (2)	8. Number of bottles
		9. Colour of product	
	10. CERTIFICATE The product described above (3) <input type="checkbox"/> is/ <input type="checkbox"/> is not intended for direct human consumption, complies with the conditions governing production and entry into circulation applying in the country of origin of the product and, if intended for direct human consumption, has not been subjected to oenological practices which are not permitted under current Community provisions relating to the import of the product in question. Full name and address of the official agency: _____ Place and date: _____ Signature, name and title of official: _____ Stamp: _____		
	11. ANALYSIS REPORT describing the analytical characteristics of the product described above FOR GRAPE MUST AND GRAPE JUICE: density: FOR WINE AND GRAPE MUST STILL IN FERMENTATION: total alcoholic strength: _____ actual alcoholic strength: _____ FOR ALL PRODUCTS: total dry extract: _____ total acidity: _____ volatile acidity: _____ citric acidity: _____ total sulphur dioxide: _____ (3) <input type="checkbox"/> presence/ <input type="checkbox"/> absence of products obtained from varieties resulting from interspecific crossings (direct producer hybrids) or from other varieties not of the species <i>Vitis vinifera</i> . Full name and address of the laboratory: _____ Place and date: _____ Signature, name and title of official: _____ Stamp: _____		

Attribution (entry into free circulation and issue of extracts)

Quantity	12. No and date of customs document of release for free circulation and of the extract	13. Full name and address of consignee (extract)	14. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
15. Other remarks			

ANNEX VIII

Technical rules on V I 1 and V I 2 forms referred to in Articles 24 and 25**A. Printing of forms**

1. The size of the forms is to be approximately 210 × 297 mm.
2. White paper sized for writing purposes weighing not less than 40 g/m² must be used.
3. Each form must bear the name and address or the mark of the printer.
4. The forms are to be printed in one of the official Community languages; in the case of V I 2 forms, the language of the form is to be designated by the competent authorities of the Member State where the form is to be stamped.

B. Completing the forms

1. The forms are to be completed in the language in which they are printed.
 2. Each form is to bear a serial number allocated:
 - in the case of V I 1 forms, by the official body signing the 'certificate' part,
 - in the case of V I 2 forms, by the customs office stamping them.
 3. The product description in box 6 of the V I 1 form and box 5 of the V I 2 extract must be completed in accordance with Article 32 of Regulation (EEC) No 2392/89.
-

ANNEX IX

List of countries as referred to in Article 24(2) and Article 26

- Australia
- United States of America

ANNEX X

V I 2 document as referred to in Article 25(1)

EUROPEAN COMMUNITY

1. Consignor		MEMBER STATE OF ISSUE: VI2 Serial No:	
2. Consignee		EXTRACT OF A DOCUMENT FOR THE IMPORTATION OF WINE, GRAPE JUICE OR GRAPE MUST INTO THE EUROPEAN COMMUNITY	
<p>(¹) Delete as appropriate. (²) Put an 'x' in the appropriate box. (³) Obligatory only for wines benefiting from a reduced customs tariff, for liqueur wines and for wines fortified for distillation (delete as appropriate).</p>		3. Extract V I 1 document No: issued by (name of third country) on:	
		4. Extract of V I 2 extract No: Stamped by (full name and address of the customs office within the Community): on:	
5. Marks and reference Nos — Number and nature of packages — Description of product		6. Quantity in l/hl/kg (¹)	
		7. Number of bottles	
		8. Colour of product	
<p>9. CONSIGNOR'S DECLARATION (²)</p> <p>The V I 1 document referred to in box 3 <input type="checkbox"/>/The extract referred to in box 4 <input type="checkbox"/> was completed in respect of the product described above and comprises:</p> <p><input type="checkbox"/> a CERTIFICATE to the effect that the product described above <input type="checkbox"/> is/<input type="checkbox"/> is not intended for direct human consumption, complies with the conditions governing production and entry into circulation applying in the country of origin of the product and, if intended for direct human consumption, has not been subjected to oenological practices which are not permitted under current Community provisions relating to the import of the product in question,</p> <p><input type="checkbox"/> an ANALYSIS REPORT showing that this products has the following analytical characteristics:</p> <p>for GRAPE MUST AND GRAPE JUICE: density: _____</p> <p>for GRAPE AND GRAPE MUST STILL IN FERMENTATION: total alcoholic strength: _____ actual alcoholic strength: _____</p> <p>for ALL PRODUCTS: total dry extract: _____ total acidity: _____ volatile acidity: _____</p> <p>citric acid: _____ total sulphur dioxide: _____</p> <p><input type="checkbox"/> presence/<input type="checkbox"/> absence of products obtained from varieties resulting from interspecific crossings (direct producer hybrids) or from other varieties not of the species <i>Vitis vinifera</i>,</p> <p><input type="checkbox"/> as well as an ENDORSEMENT (³) from the competent official agency certifying that:</p> <p>— the wine which is the subject of this document was produced in the region of and is recognised, according to the rules in the country of origin, as having the right to the designation of origin mentioned in box 5,</p> <p>— the alcohol added to the wine which is the subject of the present document is of vinous origin.</p>			
10. CUSTOMS STAMP		Signature:	
Declaration certified as true			
Place and date:			
Signature: _____ Stamp: _____		Full name and address of customs office concerned:	

Attribution (entry into free circulation and issue of extracts)

Quantity	11. Number and date of customs document of release for free circulation and of the extract	12. Full name and address of consignee (extract)	13. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			

ANNEX XI

Definitions referred to in Article 34

For the purposes of the provisions of this Regulation regarding importation:

- (a) 'fresh grape must with fermentation arrested by the addition of alcohol' means a product which:
- has an actual alcoholic strength by volume of 12 % vol or more but less than 15 % vol, and
 - is obtained by adding a product derived from the distillation of wine to unfermented grape must with a natural alcoholic strength by volume of not less than 8,5 % vol and derived exclusively from wine grape varieties permitted in the third country of origin;
- (b) 'concentrated grape must' means uncaramelised grape must which:
- is obtained by partial dehydration of grape must carried out by any method authorised by the provisions of the third country of origin and not prohibited by Community rules, other than by direct heat, in such a way that the figure indicated by a refractometer, used in accordance with the method prescribed in Annex XVIII to Regulation (EC) No 1622/2000 at a temperature of 20 °C, is not less than 50,9 %,
 - is derived exclusively from wine grape varieties permitted in the third country of origin, and
 - is obtained from grape must with at least the minimum natural alcoholic strength by volume laid down by the third country of origin for the preparation of wine intended for direct human consumption; that alcoholic strength may not be less than 8,5 % vol.

An actual alcoholic strength by volume of the concentrated grape must of not more than 1 % vol shall be permissible;

- (c) 'rectified concentrated grape must' means the liquid uncaramelised product which:
- (i) is obtained by partial dehydration of grape must carried out by any method authorised by the provisions of the third country of origin and not prohibited by Community rules, other than by direct heat, in such a way that the figure indicated by a refractometer, used in accordance with the method prescribed in Annex XVIII to Regulation (EC) No 1622/2000 at a temperature of 20 °C, is not less than 61,7 %;
 - (ii) has undergone treatment authorised by the provisions of the third country of origin and not prohibited by any Community rules, for deacidification and for eliminating constituents other than sugar;
 - (iii) has the following characteristics:
 - a pH of not more than 5 at 25 ° Brix,
 - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100 in grape must concentrated at 25 ° Brix,
 - a sucrose content undetectable by a method of analysis to be defined,
 - a Folin-Ciocalteu index of not more than 6 at 25 ° Brix,
 - a titratable acidity of not more than 15 milliequivalents per kilogram of total sugars,
 - a sulphur dioxide content of not more than 25 milligrams per kilogram of total sugars,
 - a total cation content of not more than 8 milliequivalents per kilogram of total sugars,
 - a conductivity at 25 ° Brix and 20 °C of not more than 120 micro-Siemens per centimetre,

- a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
 - presence of mesoinositol;
- (iv) is derived exclusively from wine grape varieties permitted in the third country of origin, and
- (v) is obtained from grape must with at least the minimum natural alcoholic strength by volume laid down by the third country of origin for the preparation of wine intended for direct human consumption; that alcoholic strength may not be less than 8,5 % vol.

An actual alcoholic strength by volume of the concentrated rectified grape must of not more than 1 % vol shall be permissible.

(d) 'Liqueur wine' means a product which:

- has an actual alcoholic strength by volume of not less than 15 % vol and not more than 22 % vol and an overall alcoholic strength by volume of not less than 17,5 % vol, and
- is obtained from grape must in fermentation, or wine, or a combination of these products, which must come from vine varieties permitted in the third country of origin for the production of liqueur wine and have an initial natural alcoholic strength by volume of not less than 12 % vol, and by the addition:
 - (i) individually or in combination, of neutral alcohol of vine origin, including alcohol produced by distilling dried grapes, having an actual alcoholic strength by volume of not less than 96 % vol, and of wine or dried grape distillate, having an actual alcoholic strength by volume of not less than 52 % vol and not more than 86 % vol,
 - (ii) together with one or more of the following products, where appropriate:
 - concentrated grape must,
 - a combination of one of the products referred to in (i) with a grape must or a grape must in fermentation.

However, certain quality liqueur wines for which the conditions of production are recognised as being equivalent to those for a quality wine psr and which appear on a list to be adopted may:

- have an overall alcoholic strength by volume of less than 17,5 % vol but not less than 15 % vol where the legislation of the third country of origin applicable thereto before 1 January 1985 expressly so provided,
- be obtained from grape must with a natural alcoholic strength by volume of less than 12 % vol but not less than 10,5 % vol;

(e) 'sparkling wine' means the product which:

- has an actual alcoholic strength by volume of not less than 8,5 % vol,
- is obtained by the first or second alcoholic fermentation of fresh grapes, grape must or wine, and
- when the container is opened, releases carbon dioxide derived exclusively from fermentation and has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers;

(f) 'aerated sparkling wine' means the product which:

- has an actual alcoholic strength by volume of not less than 8,5 % vol,
- is obtained from wine,

- releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas, and
 - has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers;
- (g) 'semi-sparkling wine' means a product which:
- has an actual alcoholic strength by volume of not less than 8,5 % vol,
 - has an excess pressure, due to endogenous carbon dioxide in solution, of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers;
- (h) aerated semi-sparkling wine" means a product which:
- has an actual alcoholic strength by volume of not less than 8,5 % vol,
 - has an excess pressure, due to carbon dioxide in solution which has been added totally or partially, of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers.
- (i) 'Wine of overripe grapes' means a product which:
- has a natural alcoholic strength by volume of more than 15 % vol,
 - has a total alcoholic strength by volume of not less than 16 % vol and an actual alcoholic strength of not less than 12 % vol,
 - is prepared in the third country of origin from grapes of wine grape varieties permitted in the third country of origin and harvested in that country,
 - has undergone ageing, where applicable.
-

COMMISSION REGULATION (EC) No 884/2001**of 24 April 2001****laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as amended by Regulation (EC) No 2826/2000 ⁽²⁾ and in particular Article 70(3) thereof,

Whereas:

- (1) In view of the establishment of the single market in the Community, which entails the abolition of boundaries between Member States, the authorities responsible for supervising the stocking and marketing of wine products must have the necessary means to carry out effective checks in accordance with uniform rules laid down at Community level.
- (2) Under Article 70(1) of Regulation (EC) No 1493/1999, wine products may be put into circulation within the Community only if accompanied by an officially checked accompanying document. Under Article 70(2) natural or legal persons who hold wine products are to be obliged to keep goods inwards and outwards registers in respect of those products.
- (3) Steps towards tax harmonisation within the Community have been taken by Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ⁽³⁾, as last amended by Directive 2000/47/EC ⁽⁴⁾ and Commission Regulations (EEC) No 2719/92 of 11 September 1992 on the accompanying administrative document for the movement under duty-suspension arrangements of products subject to excise duty ⁽⁵⁾, as last amended by Regulation (EEC) No 2225/93 ⁽⁶⁾, and (EEC) No 3649/92 of 17 December 1992 on a simplified accompanying document for the intra-Community movement of products subject to excise duty which have been released for consumption in the Member State of dispatch ⁽⁷⁾. In order to establish uniform rules applicable within the Community and to simplify administrative formalities for businesses and individuals,

the Community rules should be reviewed in the light of experience and of the requirements of the single market. In particular, documents accompanying the carriage of wine products for tax purposes should also be used to guarantee the authenticity of the products concerned.

- (4) The abovementioned provisions concerning the drawing up of accompanying administrative documents and the simplified accompanying document refer to rules on the certification of the origin and quality of certain types of wine. The rules for such certification should therefore be laid down. Rules must also be laid down for the certification of the origin of certain wines for carriage not subject to tax formalities, in particular for export. In order to simplify administrative formalities for individuals and to remove the burden of routine tasks from the competent authorities, provision should be made for the latter to authorise consignors fulfilling certain conditions to enter the wording certifying the origin of the wine in the accompanying document, without prejudice to completion of the relevant checks.
- (5) The carriage of wine products not subject to the abovementioned tax formalities should be accompanied by a document to enable the competent authorities to monitor the movement of such products. Any commercial document containing the details necessary for identifying the product and for tracking its movements may be recognised for that purpose.
- (6) The monitoring of wine products transported in bulk requires particular care since such products are more susceptible to fraudulent practices than are labelled, bottled products fitted with a non-reusable closing device. Additional information and prior validation of the accompanying document should be required in such cases.
- (7) In order to avoid needlessly complicating administrative formalities, no document should be required for carriage meeting certain criteria.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.⁽²⁾ OJ L 328, 23.12.2000, p. 2.⁽³⁾ OJ L 76, 23.3.1992, p. 1.⁽⁴⁾ OJ L 193, 29.7.2000, p. 73.⁽⁵⁾ OJ L 276, 19.9.1992, p. 1.⁽⁶⁾ OJ L 198, 7.8.1993, p. 5.⁽⁷⁾ OJ L 369, 18.12.1992, p. 17.

- (8) The documents accompanying the carriage of wine products and the relevant entries made in the registers constitute a whole. In order to ensure that by consulting the registers the competent authorities are able effectively to monitor the movement and stocking of wine products, in particular in the course of cooperation between those authorities in the different Member States, the rules concerning the keeping of records should be harmonised at Community level.
- (9) The substances used in certain oenological practices, especially enrichment, acidification and sweetening, are particularly open to the danger of fraudulent use. Records must therefore be kept concerning those substances to enable the competent authorities to supervise their movement and use.
- (10) The accompanying document for the carriage of wine products laid down by Community rules is a very useful source of information for the bodies responsible for ensuring compliance with Community and national rules in the wine sector. Member States should be allowed to lay down additional rules for the purpose of applying this Regulation for carriage beginning on their own territory.
- (11) Article 18(1) of Commission Regulation (EEC) No 2238/93 of 26 July 1993⁽¹⁾ on the documents accompanying the carriage of wine products and the records to be kept in the wine sector, as last amended by Commission Regulation (EC) No 1592/1999 of 20 July 1999⁽²⁾, introduces the possibility for the Member States to lay down additional or specific provisions for the products in question in circulation on their territory. One of those provisions stipulates that details of the density of grape may be replaced, for a transitional period, by a reference to the density expressed in degrees Oechsle. That transitional period originally expired on 31 August 1996 and was extended until 31 July 2000. This traditional practice is used mainly by small agricultural producers who still need several years to adopt the new rules on density. The date in question should therefore be replaced by 31 July 2002.
- (12) The Italian version of Commission Regulation (EC) No 2238/93 as published in the Official Journal in 1993 contains an error. The first subparagraph of Article 4(2) of the Italian version of the Regulation refers to Article 9 of Directive 92/12/EEC rather than to Directive 92/12/EEC in its entirety. The Italian authorities applied the Italian version of the Regulation and in order to permit them to take the steps necessary to apply the new, corrected text without creating difficulties for operators, Article 4(2) of this Regulation should enter into force six months later in Italy.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down detailed rules for the application of Article 70 of Regulation (EC) No 1493/1999 with regard to accompanying documents for the carriage of wine products without prejudice to the application of Directive 92/12/EEC. It lays down:

- (a) rules for certifying the origin of quality wines produced in specified regions and the provenance of table wines entitled to a geographical indication in the documents accompanying the carriage of these wines, which are also issued under Community rules based on Directive 92/12/EEC;
- (b) rules for issuing documents accompanying the carriage of the wine products listed in Article 1(2) of Regulation (EC) No 1493/1999:
- inside a Member State, where such consignments are not accompanied by a document required under Community rules based on Directive 92/12/EEC,
 - on exportation to a third country,
 - in intra-Community trade when:
 - transport is carried out by a small producer not required to draw up a simplified accompanying document by the Member State where transport begins, or
 - when the wine product being transported is not subject to excise duty;
- (c) additional provisions for drawing up:
- the accompanying administrative document or the commercial document used in its place,
 - the simplified accompanying document or the commercial document used in its place

intended to accompany the carriage of the wine products listed in Article 1(2) of Regulation (EC) No 1493/1999.

⁽¹⁾ OJ L 200, 10.8.1993, p. 10.

⁽²⁾ OJ L 188, 21.7.1999, p. 33.

2. This Regulation also lays down rules on the keeping of records of entry and withdrawal by persons holding wine products in the course of their occupation.

Article 2

Definitions

For the purposes of this Regulation:

- (a) 'competent authority' means an authority made responsible by a Member State for the implementation of this Regulation;
- (b) 'producer' means any natural or legal person or group of such persons who has or has had in his possession fresh grapes, grape must or new wine still in fermentation, and who processes them or has them processed on his behalf into wine;
- (c) 'small producer' means a producer who produces on average less than 1 000 hectolitres of wine per year. Member States shall consider the average production level over at least three consecutive years. Member States need not consider as small producers producers who buy fresh grapes or grape must to process them into wine;
- (d) 'retailer' means any natural or legal person or group of such persons whose business activity includes the sale directly to the consumer of wine in small quantities, to be defined by each Member State, having regard to the special features of trade and distribution, but not those who use cellars equipped for storing and, if appropriate, facilities for bottling wines in large quantities or who engage in itinerant trading in wine transported in bulk;
- (e) 'accompanying administrative document' means a document meeting the requirements of Regulation (EEC) No 2719/92;
- (f) 'simplified accompanying document' means a document meeting the requirements of Regulation (EEC) No 3649/92;
- (g) 'a trader who does not hold stocks' means a natural or legal person or a group of such persons buying or selling wine products on a professional basis but having no premises for the storage of such products;
- (h) 'recognised closing device' means a closing device for containers of a nominal capacity of five litres or less, as listed in Annex I;
- (i) 'bottling' means putting the products in question up for commercial purposes in containers of a capacity not exceeding 60 litres;

- (j) 'bottler' means a natural or legal person or a group of such persons carrying out bottling or having bottling carried out on their behalf.

TITLE I

Accompanying documents for the carriage of wine products

Article 3

1. All natural or legal persons, groups of persons, including traders who do not hold stocks, who have their domicile or registered place of business within the customs territory of the Community and who transport a wine product or have a wine product transported shall draw up on their own responsibility a document to accompany such transport, hereinafter called 'the accompanying document'.

The accompanying document shall include at least the following information in accordance with the instructions set out in Annex II:

- (a) name and address of consignor;
- (b) name and address of consignee;
- (c) a reference number for the purpose of identifying the accompanying document;
- (d) the date the document was drawn up and the date of dispatch where this differs from the former;
- (e) the trade description of the product being carried in accordance with Community and national rules;
- (f) the quantity of product being transported;

The document shall also include, for carriage in containers of a nominal volume of more than 60 litres:

- (g) in the case of:
 - wine: the actual alcoholic strength,
 - non-fermented products: the refractive index or the density,
 - new wine still in fermentation and grape must in fermentation: the total alcoholic strength;
- (h) in the case of wines and grape must:
 - the wine-growing zone in accordance with the demarcation shown in Annex III to Regulation (EC) No 1493/1999 from which the transported product originates, using the following abbreviations: A, B, CI(a), CI(b), CII, CIII(a) and CIII(b),

- the operations referred to in Annex II which the products transported have undergone.

2. The following shall be recognised as accompanying documents:

(a) for products subject to the formalities regarding movement laid down by Directive 92/12/EEC:

- in the case of release into circulation with the suspension of excise duty, an administrative or commercial document drawn up in accordance with Regulation (EEC) No 2719/92,

- in the case of intra-Community movement and release for consumption in the Member State of dispatch, a simplified accompanying document or a commercial document completed in accordance with Regulation (EEC) No 3649/92;

(b) for products not subject to the formalities regarding movement laid down by Directive 92/12/EEC, each document containing as a minimum the information referred to in paragraph 1, as well as any additional information required by the Member States and drawn up in accordance with this Title.

3. Member States may require the accompanying document for the transport of products as referred to in paragraph 1 commencing on their territory to be drawn up in accordance with the model set out in Annex III.

Where transport begins and ends on their territory, Member States may waive the requirement that accompanying documents be divided into boxes and that the information be numbered as in the model set out in Annex III.

4. Where an accompanying document is completed to accompany a consignment of a wine product in containers of a nominal volume of more than 60 litres, the reference number of the document must be assigned by the competent authority whose name and address are indicated thereon. That authority may be a tax inspection body.

Reference numbers shall form part of a continuous series. They shall be pre-printed on the documents accompanying the consignment.

The original of the accompanying document referred to in the first subparagraph, duly completed, and the copy thereof shall be validated beforehand and subsequently for each transport operation:

- by means of the stamp of the competent authority of the Member State in which transport begins, or
- by the consignor by means of the prescribed stamp or the mark of a stamping machine approved by the competent authority.

Where an administrative document or commercial document complying with Regulation (EEC) No 2719/92 or a simplified accompanying document or commercial document complying with Regulation (EEC) No 3649/92 is used, copies 1 and 2 shall be validated beforehand in accordance with the procedure laid down in the third subparagraph.

Article 4

Notwithstanding Article 3(1), no document shall be required to accompany:

1. in the case of wine products in containers of a nominal volume of more than 60 litres, consignments of:

(a) grapes, whether or not pressed, or grape must, transported by the grape producers themselves on their behalf from their own vineyards or another establishment belonging to them, where the total road distance does not exceed 40 km and such transport is:

- in the case of individual producers: to their wine-making establishments,

- in the case of producers belonging to groups: to the group's wine-making establishment.

In exceptional cases, the 40 km maximum distance may be increased to 70 km by the competent authorities;

(b) grapes, whether or not pressed, transported by the producers themselves or on their behalf by third parties other than the consignees, from their own vineyards:

- where such transport is to the wine-making establishment of the consignee located within the same wine-growing zone, and

- where the total road distance does not exceed 40 km. In exceptional cases the competent authorities may extend this maximum distance to 70 km;

(c) wine vinegar;

(d) any product, where the competent authority has authorised such transport, within the same local administrative unit or to a local administrative unit in the immediate vicinity or, if an individual authorisation has been given, transport within the same regional administrative unit, where the product:

- is transported between two establishments of the same undertaking, subject to the application of Article 12(2)(a), or

- does not change owner and where the transport is effected for the purpose of wine-making, processing, storage or bottling;

(e) grape marc and wine lees:

- to a distillery, where the product is accompanied by a delivery note laid down by the competent authorities of the Member State where transport begins, or
- where transport is effected for the purpose of withdrawing the product from the wine-making process under Article 27(7) of Regulation (EC) No 1493/1999;

2. in the case of products in containers of a nominal volume of 60 litres or less, and subject to Directive 92/12/EEC, consignments of:

(a) products in labelled containers fitted with a recognised non-reusable closing device bearing an indication enabling the bottler to be identified and of a nominal volume of five litres or less, where the total quantity does not exceed:

- five litres in the case of concentrated grape must, whether or not rectified,
- 100 litres for all other products;

(b) wine or grape juice intended for diplomatic representations, consulates and similar establishments, within the limits of the allowances granted them;

(c) wine or grape juice:

- contained in private household removals, and not intended for sale,
- on board ships, aircraft or trains to be consumed there;

(d) wine and grape must in fermentation transported by private individuals and intended for the personal consumption of the consignee or the consignee's family, other than consignments as referred to in (a), where the quantity transported does not exceed 30 litres;

(e) any product intended for scientific or technical experiments, where the total quantity transported does not exceed one hectolitre;

(f) commercial samples;

(g) samples for an official agency or laboratory.

In the case of exemption from the requirement to provide any accompanying document referred to in (a) to (e), the consignors, other than retailers or private individuals disposing from time to time of the product to other

private individuals, must be able at any time to prove the accuracy of all the entries laid down for the records provided for in Title II or other records required by the Member State concerned.

Article 5

1. Where the competent authority finds that a natural or legal person, or a group of such persons, who transports a wine product or causes a wine product to be transported has committed a serious infringement of Community rules in the wine sector or national provisions adopted pursuant thereto, or where that authority has a justified reason for suspecting such an infringement, it may require the following procedure to be applied:

The consignor shall complete the accompanying document and request validation by the competent authority. Validation, when granted, may be linked to conditions on the future use of the product. It shall comprise the stamp, the signature of the official of the competent authority and the date.

The above procedure shall also apply for the transport of products the production conditions or composition of which do not conform to Community or national rules.

2. For all carriage within the customs territory of the Community of third country products released into free circulation, the accompanying document shall include:

- the number of the VI 1 document, completed in accordance with Commission Regulation (EEC) No 883/2001 ⁽¹⁾,
- the date on which the document was completed,
- the name and address of the authority of the third country having completed the document or authorised its completion by a producer.

3. All persons or bodies completing accompanying documents for transport of a wine product and persons who have held such products shall keep a copy of such documents.

Article 6

1. The accompanying document shall be considered duly completed when it includes the information laid down in Article 3(1) of this Regulation. Where a document conforming to Regulation (EEC) No 2719/92 or Regulation (EEC) No

⁽¹⁾ See page 1 of this Official Journal.

3649/92 is used, it shall, in addition, contain all the information laid down in Article 3(1) of this Regulation. In addition, for the transport to a distillery of wine fortified for distillation, the accompanying administrative document or the simplified accompanying document or the commercial documents in place of the two latter documents must satisfy the requirements of Articles 68(2)(a) and 70(2)(e) of Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽¹⁾.

2. The accompanying document may be used only for a single transport operation.

A single accompanying document may be completed to accompany the transport in a single consignment from one and the same consignor to one and the same consignee of:

- two or more batches of the same category of product, or
- two or more batches of different categories of product provided they are put up in labelled containers of a nominal volume of 60 litres or less and fitted with a recognised non-reusable closing device bearing an indication enabling the bottler to be identified.

3. The documents accompanying the consignment of wine products must indicate the date on which transport commences.

In the case referred to in Article 5(1) or where the document accompanying the consignment is completed by the competent authority, the document shall be valid only if transport commences not later than the fifth working day following the date of validation or the date on which it is completed, as appropriate.

4. When products are transported in separate compartments of the same transport container or are mixed during carriage, a document must be completed to accompany each portion, whether transported separately or as a mixture. Such documents shall mention, in accordance with the rules laid down by each Member State, the use of the product of mixing.

However, consignors or empowered persons may be authorised by Member States to complete a single accompanying document for the whole product of mixing. In such cases the competent authority shall give appropriate instructions as to how proof is to be furnished concerning the category, origin and quantity of the various loads.

5. Where it is found that a consignment which must be accompanied by a document is being transported without such a document or under cover of a document containing false, erroneous or incomplete particulars, the competent authority of the Member State where this is discovered or any other agency responsible for ensuring compliance with Community

and national rules in the wine sector shall take the measures necessary:

- to regularise such transport, either by correcting any material errors or by completing a new document,
- where appropriate, to penalise any irregularities in proportion to their seriousness, in particular by applying Article 5(1).

The competent authority or other agency referred to in the first subparagraph shall stamp documents corrected or completed under that provision. Regularisation of irregularities may not delay the transport operation in question for longer than is strictly necessary.

In the event of serious or repeated irregularities, the competent regional or local authority for the place of unloading shall inform the competent regional or local authority for the place of loading. In the case of transport inside the Community, such information shall be forwarded in accordance with Commission Regulation (EC) No 2729/2000 of 14 December 2000 laying down detailed implementing rules on controls in the wine sector ⁽²⁾.

6. Where it is impossible to regularise transport operations within the meaning of the first subparagraph of paragraph 5, the competent authority or the agency that discovered the irregularity shall hold up the transport. It shall inform the consignor that the transport is being held up and of the consequences incurred. These measures may include a ban on marketing the product.

7. Where part or all of a product carried under cover of an accompanying document is refused by the consignee, the latter shall write the words 'refused by the consignee' on the back of the document, together with the date and the consignee's signature, plus, where appropriate, an indication of the quantity refused, in litres or kilograms.

In that case the product may be returned to the consignor under cover of the same accompanying document or may be kept on the premises of the carrier until a new document is completed to accompany the product when it is redispached.

Article 7

1. Accompanying documents shall be regarded as certifying the designation of origin of quality wines psr or the provenance of table wines entitled to a geographical indication when duly completed:

- by consignors who are themselves the producer of the wine transported and who neither acquire nor sell wine products obtained from grapes harvested in wine-growing areas other than those whose names they use to designate wine obtained from their own production,

⁽¹⁾ OJ L 194, 31.7.2000, p. 45.

⁽²⁾ OJ L 316, 15.12.2000, p. 16.

- by consignors not covered by the first indent, provided that the accuracy of the particulars has been certified on the accompanying document by the competent authority on the basis of the information contained in the documents accompanying previous consignments of the products in question,
 - under Article 5(1), provided the following requirements are met:
 - (a) (i) the accompanying document is completed in accordance with the model laid down for:
 - the accompanying administrative document given in the Annex to Regulation (EEC) No 2719/92, or
 - the simplified accompanying document given in the Annex to Regulation (EEC) No 3649/92, or
 - the accompanying document set out in Annex III to this Regulation; or
 - (ii) where transport does not cross the territory of another Member State, one of the documents referred to in Article 3(2)(b);
 - (b) the following is entered in the appropriate place on the accompanying document:
 - for quality wines psr: 'This document certifies the origin of the quality wines psr set out herein',
 - for table wines entitled to a geographical indication: 'This document certifies the provenance of the table wines set out herein';
 - (c) the entries referred to in (b) are validated by the competent authority by means of its stamp, the date and the signature of the person responsible, as applicable:
 - on copies 1 and 2 where the model referred to in the first and second indents of (a)(i) is used, or
 - on the original of the accompanying document and on a copy where the model set out in Annex III or another document as referred to in Article 3(2)(b) is used;
 - (d) the reference number of the accompanying document has been assigned by the competent authority;
 - (e) in the case of consignments from a Member State which is not the producer Member State, the accompanying document under cover of which the product is consigned shall certify the designation of origin or the geographical indication where it indicates:
 - the reference number,
 - the date on which it was completed,
 - the name and address of the authority referred to on the documents under cover of which the product was transported before being redispached and in which the designation of origin or the geographical indication has been certified.
- Member States may make the certification of the designation of origin of quality wines psr and the provenance of table wines produced on their territory compulsory.
2. The competent authorities of each Member State may permit consignors satisfying the conditions set out in paragraph 3 to fill in themselves, or have pre-printed, the certification of designation of origin or of provenance on the accompanying document, provided such certification:
- (a) is validated in advance by the stamp of the competent authority, the signature of the person responsible and the date, or
 - (b) is validated by the consignors themselves by means of a special stamp authorised by the competent authority and conforming to the model set out in Annex IV; the stamp may be pre-printed on the forms provided they are printed by a print-shop approved for that purpose.
3. The authorisation referred to in paragraph 2 shall be granted only to consignors:
- who regularly dispatch quality wines psr and/or table wines entitled to a geographical indication, and
 - after it is ascertained, following an initial request, that the inward and outward registers are kept in accordance with Title II and thus enable the accuracy of the particulars in the documents to be checked.
- The competent authorities may refuse to authorise consignors not offering such guarantees as those authorities consider appropriate. They may cancel the authorisation, in particular where consignors no longer meet the requirements laid down in the first subparagraph or no longer offer the guarantees required.
4. Consignors to whom the authorisation referred to in paragraph 2 is granted shall be obliged to take all necessary steps to safeguard the special stamp or the forms bearing the stamp of the competent authority or the special stamp.

5. In trade with third countries, only accompanying documents completed in accordance with paragraph 1 on export from the Member State of production shall certify:

- for quality wines psr, that the designation of origin of the product complies with the relevant Community and national provisions,
- for table wines designated under Article 51(2) and (3) of Regulation (EC) No 1493/1999, that the geographical indication of the product complies with the relevant Community and national provisions.

However, in the case of exports from a Member State which is not the producer Member State, the accompanying document completed in accordance with paragraph 1 under cover of which the product is exported shall be considered to certify the designation of origin or the geographical indication where it indicates:

- the reference number,
- the date on which it was completed, and
- the name and address of the authority referred to in paragraph 1 indicated on the documents under cover of which the product was transported before being exported and on which the designation of origin or the geographical indication has been certified.

6. The accompanying document shall be considered to certify the designation of origin of imported wine where that document is completed in accordance with Article 5(2) using one of the models referred to in point (a) of the first subparagraph of paragraph 1.

Article 8

1. Where the consignee is established within the territory of the Community, the following rules shall apply to use of the accompanying document:

- (a) where the product transported is exempt from excise duty (point 1.5, general remarks, of the explanatory notes annexed to Regulation (EEC) No 2719/92);
- (b) where a product transported within the Community is subject to excise duty and has already been released for consumption in the Member State of departure (point 1.5, general remarks, of the explanatory notes annexed to Regulation (EEC) No 3649/92);
- (c) in cases not covered by (a) or (b):
 - (i) where an accompanying document as required for transport as referred to under (a) and (b) is used:

- copy No 1 shall be kept by the consignor,
- copy No 2 shall accompany the product from the place of loading to the place of unloading and be handed to the consignee or his representative;

(ii) where another accompanying document is used:

- the original of the accompanying document shall accompany the product from the place of loading and be handed to the consignee or his representative,
- a copy shall be kept by the consignor.

2. Where the consignee is established outside the customs territory of the Community, the original and a copy or, where appropriate, copies No 1 and No 2, of the document accompanying the consignment shall be presented in support of the export declaration at the competent customs office of the exporting Member State. The customs office shall ensure that the type, date and number of the document presented are indicated on the export declaration and that the type, date and number of the export declaration are indicated on the original of the accompanying document and on the copy, or, where appropriate, copies No 1 and 2 of the accompanying document.

The customs office at the point of exit from the customs territory of the Community shall enter one of the following on the two copies of the latter document and stamp as authentic:

'EXPORTÉ', 'UDFØRSEL', 'AUSGEFÜHRT', 'EXPORTED', 'ESPORTATO', 'UITGEVOERD', 'EAXØEN', 'EXPORTADO', 'EXPORTERAD', 'VIETY',

and shall hand the stamped copies bearing the above wording to the exporter or his representative. The latter shall ensure that one copy accompanies carriage of the exported product.

3. The references referred to in the first subparagraph of paragraph 2 shall specify at least the type, date and number of the document and, as regards the export declaration, the name and address of the authority competent as regards exports.

4. Wine products which are temporarily exported under the outward processing arrangements provided for in Council Regulation (EEC) No 2913/92 ⁽¹⁾ and Commission Regulation (EEC) No 2454/93 ⁽²⁾ to one of the Member States of the European Free Trade Association (EFTA) to undergo storage, ageing and/or packaging operations shall be accompanied by the information sheet laid down by the recommendation of the Customs Cooperation Council of 3 December 1963. This sheet shall show in the boxes reserved for the description of the product, the description in accordance with Community and national rules and the quantities of wine carried.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

This information shall be taken from the original of the accompanying document under cover of which the wine was transported to the customs office where the information sheet is issued. The type, date and number of the document referred to above which accompanied the consignment previously shall also be noted on the information sheet.

Where the information sheet is duly drawn up by the competent EFTA customs office for a product as referred to in the first subparagraph being brought back into the customs territory of the Community, that document shall be regarded as equivalent to the accompanying document for transport as far as the customs office either of destination in the Community or of release for home use, provided that the document contains, in the box 'Description of goods', the information specified in the first subparagraph.

The relevant customs office in the Community shall stamp a copy or photocopy of the document delivered by the consignee or his representative and return it to him for the purposes of this Regulation.

5. For quality wines psr and table wines entitled to a geographical indication exported to third countries under cover of an accompanying document in accordance with this Regulation, the said document, equivalent to a certificate of origin or provenance of the products, must be presented in support of any other documents, to the satisfaction of the competent authority, when such wines are placed in free circulation in the Community, where the wine in question does not meet the conditions in paragraph 2 or constitute goods returned within the meaning of Regulation (EEC) No 2913/92 and its implementing provisions. Provided that the supporting documents are deemed satisfactory the customs office concerned shall endorse a copy or photocopy of the certificate of designation of origin furnished by the consignee or his representative and return it to him for the purposes of this Regulation.

Article 9

If during transport, by reason of *force majeure* or some unforeseen accident, a consignment for which an accompanying document is required must be split up or is wholly or partially lost, the carrier shall request the competent authority where the incident or the case of *force majeure* took place to make a statement of the facts.

Wherever possible, the carrier shall also notify the competent authority nearest to the place where the incident or the case of *force majeure* took place to enable it to take the necessary steps to regularise the transport operation in question. Such measures may delay the transport operation in question only for the time strictly necessary for it to be regularised.

Article 10

For the carriage of a quantity of more than 60 litres of one of the unpackaged wine products listed below, the document

specified for the consignment and a copy thereof using NCR or carbon paper or any other form of copy authorised by the competent authority shall be required:

- (a) products of Community origin:
- wine suitable for yielding table wine,
 - wine intended to be processed into quality wine psr,
 - grape must in fermentation,
 - concentrated grape must, whether or not rectified,
 - fresh grape must with fermentation arrested by the addition of alcohol,
 - grape juice,
 - concentrated grape juice,
 - table grapes intended for processing into products other than those referred to in Article 42(5) of Regulation (EC) No 1493/1999;
- (b) products not originating in the Community:
- fresh grapes, excluding table grapes,
 - grape must,
 - concentrated grape must,
 - grape must in fermentation,
 - concentrated grape must, whether or not rectified,
 - fresh grape must with fermentation arrested by the addition of alcohol,
 - grape juice,
 - concentrated grape juice,
 - liqueur wine for the preparation of products not falling within CN code 2204.
- The same shall apply to the following products, irrespective of their origin and the quantity transported, without prejudice to the exceptions referred to in Article 4:
- wine lees,
 - grape marc intended for distillation or another form of industrial processing,
 - piquette,
 - wine fortified for distillation,
 - wine from grapes of varieties not listed as wine grape varieties in the classification drawn up by the Member States under Article 19 of Regulation (EC) No 1493/1999 for the administrative unit in which they were harvested,

- products which may not be offered or delivered for direct human consumption.

The consignor shall forward the copy referred to in the first subparagraph by the swiftest method, not later than the first working day after that on which the goods leave the place of loading, to the competent authority within whose territory the place of loading is situated. The competent authority shall forward the copy by the swiftest method, not later than the first working day after that on which it is presented, or issued if the competent authority completes it, to the competent authority within whose territory the place of unloading is situated.

TITLE II

Records

Article 11

1. Natural or legal persons and groups of persons who hold wine products, for whatever professional or commercial purposes, shall be required to keep inwards and outwards registers for those products, hereinafter called 'records'.

However:

(a) records need not be kept by:

- retailers,
- those selling drinks for consumption only on the premises;

(b) records shall not be required for wine vinegar.

2. Member States may provide that:

- (a) traders who do not hold stocks shall be required to keep records in accordance with the rules and procedures they shall specify;
- (b) natural and legal persons and groups of persons who hold stocks of or offer for sale solely wine products in small containers meeting the presentation requirements referred to in Article 4(2)(a) shall not be required to keep records, provided that the entries, withdrawals and stocks may be checked at any time on the basis of other supporting documents, in particular commercial documents used for financial accounts.

3. Persons required to keep records shall record the entry and withdrawal of each batch of products as referred to in paragraph 1 to or from their premises and such of the operations specified in Article 14(1) as are carried out. Those persons must also be able to present, for each annotation in the records of the entry and withdrawal of products, a document which has accompanied the relevant consignment

or any other supporting document, in particular a commercial document.

Article 12

1. Records shall consist:

- either of fixed leaves numbered consecutively,
- or of a suitable modern accounting system, approved by the competent authorities, provided that the particulars which should be entered in the records appear therein.

However, Member States may provide that:

- (a) the records kept by traders not carrying out any of the operations specified in Article 14(1) nor performing any oenological practices may take the form of all the documents accompanying the transport of the wine products;
- (b) the records kept by producers may take the form of annotations on the reverse side of the harvest, production or stock declarations provided for in Commission Regulation (EC) No 1294/96 of 4 July 1996 ⁽¹⁾.

2. The records shall be kept separately for each undertaking, on the premises where the products are held.

However, the competent authorities may grant authorisation, where appropriate by giving instructions:

- (a) where products are held in various stores belonging to the same undertaking in the same local administrative unit or in such a unit in the immediate vicinity, for the records to be held at the registered place of business of the undertaking;

- (b) for the records to be kept by a specialist firm,

on condition that entries, withdrawals and stocks can be checked at all times at the actual place where the products are held on the basis of other supporting documents.

Where retailers selling direct to consumers belong to a single undertaking and are supplied by one or more central warehouses also belonging to that undertaking, such central warehouses shall, without prejudice to Article 11(2)(b), be obliged to keep records; deliveries to the said retailers shall be entered in such records as withdrawals.

3. For products entered in the records separate accounts shall be kept for:

⁽¹⁾ OJ L 166, 5.7.1996, p. 14.

- each of the categories set out either in Annex I to Regulation (EC) No 1493/1999 or in Article 34 of Regulation (EC) No 883/2001,
- each quality wine psr and products for processing into quality wines psr made from grapes harvested in the same specified region,
- each table wine designated by the name of a geographical area and products for processing into such table wine made from grapes harvested in the same wine-growing area.

Quality wines psr of different origins put up in containers of no more 60 litres labelled in accordance with Community provisions, that are acquired from a third party and held with a view to sale, may be entered in the same account provided that the competent authority or an agency or body empowered by that authority has given its agreement and that entries and withdrawals of each quality wine psr appear therein individually; this shall also apply for table wines designated by a geographical indication.

When a quality wine psr is downgraded, this shall be mentioned in the records.

4. Member States shall determine the maximum acceptable percentages for losses from evaporation during warehousing, processing operations or changes in product category.

Where actual losses exceed:

- during transport, the tolerances referred to in Annex II.B.1.2, and
- in the cases referred to in the first subparagraph, the maximum percentages fixed by the Member State,

the holder of the records shall report this in writing, within a period laid down by the Member States, to the competent authority for the territory in question, which shall take the necessary measures.

Member States shall specify how entries are to be made in the records concerning:

- the personal consumption of the producer and his family,
- any accidental changes in the volume of products.

Article 13

1. For every entry or withdrawal of products the records shall give:

- the control number of the product where such a number is required under Community or national provisions,

- the date of the operation,
- the actual quantity entered or withdrawn,
- the product concerned, described in accordance with the relevant Community and national provisions,
- a reference to the document which accompany or accompanied the consignment in question.

In the cases referred to in Article 7(5), a reference to the document under cover of which the product was previously transported shall be entered in the register of withdrawals.

2. Once a year, on a date which may be fixed by the Member States, the records of entry and withdrawal of products must be closed. An inventory of stocks shall be made in the context of the annual balance sheet. Existing stocks must be recorded as an entry in the records at a date following the annual balance sheet. If the annual balance sheet shows differences between the theoretical stocks and the actual stocks, this must be noted in the closed books.

Article 14

1. The records shall mention the following operations:

- increasing the alcoholic strength,
- acidification,
- de-acidification,
- sweetening,
- blending,
- bottling,
- distillation,
- the production of sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine,
- the production of liqueur wine,
- the production of concentrated grape must, whether or not rectified,
- treatment with oenological carbon,
- treatment with potassium ferrocyanide,
- fortifying wine for distillation,
- other processes involving the addition of alcohol,

- processing into a product of any other category, in particular into aromatised wine.
- treatment by electro dialysis.

Where an undertaking is authorised to keep simplified records as referred to in the second subparagraph of Article 12(1) the competent authority may accept duplicates of the notifications as provided for in Annex V.G.5. to Regulation (EC) No 1439/1999 made under Articles 22 to 29 of Commission Regulation (EC) No 1622/2000 of 24 July 2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes ⁽¹⁾ as equivalent to entries in the records for the operations of increasing alcoholic strength, acidification and de-acidification.

2. For each of the operations specified in paragraph 1, records other than those referred to in paragraph 3 shall mention:

- the operation carried out and the date,
- the nature and the quantities of the products used,
- the quantity of product obtained by means of the operation,
- the quantity of product used in increasing the alcoholic strength, acidification and de-acidification, sweetening and fortifying for distillation,
- the description of the products before and after the operation, in accordance with the relevant Community or national rules,
- the markings on the containers in which the products entered in the records were contained before the operation and are contained after the operation,
- in the case of bottling, the number of bottles filled and their content,
- in the case of contract bottling, the name and address of the bottler.

Where a product changes category without its undergoing one of the operations referred to in the first subparagraph of paragraph 1, in particular in the case of fermentation of grape must, the quantities and the type of product obtained after the change shall be noted in the records.

When wine is fortified for distillation, the information specified in Article 68(2)(a) and Article 70(2)(e) of Regulation (EC) No 1623/2000 must also be entered in the records.

⁽¹⁾ OJ L 194, 31.7.2000, p. 1.

3. For production of sparkling wine, the records shall show, for each cuvée prepared:

- the date of preparation,
- the date of bottling for quality sparkling wines and quality sparkling wines psr,
- the volume of the cuvée and the description, volume and actual and potential alcoholic strength of each of its constituents,
- each of the practices listed in Article 24 of Regulation (EC) No 1622/2000,
- the amount of tirage liqueur used,
- the amount of expedition liqueur,
- the number of bottles obtained, specifying where appropriate the type of sparkling wine, using a term relating to its residual sugar content provided the term appears on the label.

4. For the production of liqueur wine, the records shall show for each batch:

- the date of addition of any of the products listed in point 14 of Annex I.B.b to Regulation (EC) No 1493/1999,
- the nature and the volume of the product added.

Article 15

1. Holders of records shall be required to keep individual records or accounts of the entry and withdrawal of the following products and materials held by them for whatever purpose, including use on their own premises:

- sucrose,
- concentrated grape must,
- rectified concentrated grape must,
- products used for acidification,
- products used for de-acidification,
- spirits distilled from wine.

The keeping of individual records or accounts shall not provide exemption from the notifications referred to in Annex V.G.5 to Regulation (EC) No 1493/1999.

2. The individual records or accounts referred to in paragraph 1 shall show separately for each product:

(a) in the case of entries:

- the name or business name and address of the supplier, referring where appropriate to the document which accompanied transport of the product,
- the quantity concerned,
- the date of entry;

(b) in the case of withdrawals:

- the quantity concerned,
- the date of use or withdrawal,
- where appropriate, the name or business name and address of the consignee.

Article 16

1. The entries in the individual records or accounts:

- as referred to in Articles 11, 12 and 13, shall be made, in the case of entries, not later than the working day following reception and, in the case of withdrawals, not later than the third working day following dispatch,
- as referred to in Article 14, shall be made not later than the first working day following the operation and, in the case of enrichment, on the day itself,
- as referred to in Article 15, shall be made, in the case of entries and withdrawals, not later than the working day following reception or dispatch and, in the case of use, on the day of use.

However, Member States may authorise longer time limits not exceeding 30 days, particularly where computerised records are used, provided that a check can still be made on entries, withdrawals and the operations referred to in Article 14 at any time on the basis of other supporting documents and that these documents are considered reliable by the competent authority or an agency or body empowered by that authority.

2. Notwithstanding the first subparagraph of paragraph 1 and subject to any provisions adopted by the Member States under Article 17, consignments of the same product may be entered in the withdrawal register as a monthly total where the product is put up solely in containers as referred to in Article 4(2)(a).

Article 17

1. Member States may authorise adaptation of existing records and lay down additional rules or more stringent

requirements for the keeping and checking of records. In particular, they may require that separate accounts be kept for specified products or that separate records be kept for certain categories of product or for certain operations referred to in Article 14(1).

2. Where Article 5(2) is applied, Member States may lay down that the records be kept by the competent authority or by an agency or a body empowered by that agency.

TITLE III

General and transitional provisions

Article 18

1. Member States may:

- (a) provide for stock records to be kept of closing devices used for putting up products in containers of a nominal volume of five litres or less as referred to in Article 4(2)(a) be released to the market on their territory, and for indicating special particulars thereon;
- (b) require additional information on documents accompanying consignments of wine products produced on their territory where such information is necessary for checks;
- (c) lay down, where required by the application of a computerised stock records system, the place where certain obligatory information is to be entered on documents accompanying consignments of wine products where transport commences on their territory, provided that the layout of the models referred to in point (a) of the first subparagraph of Article 7(1) is not altered;
- (d) allow, for transport beginning and ending in their territory without passing through the territory of another Member State or of a third country and for a transitional period expiring on 31 July 2002, the details of the density of the grape to be replaced by the density expressed in degrees Oechsle;
- (e) lay down that documents accompanying transport completed on their territory shall indicate not only the date but also the time on which transport started;
- (f) lay down, further to Article 4(1), that no document is required where grapes, whether or not pressed, or grape must are transported by producers who belong to a producer group and have produced the grapes or grape

must themselves or by a producer group having the product in question in its possession, or where such products are transported on behalf of such producers or producer groups to a collection point or to the wine-making establishments of that group, provided such transport begins and ends within the same wine-growing zone and, where the product in question is intended for processing into quality wine psr, within the specified region concerned, including an immediately adjacent area;

(g) lay down:

- that the consignor is to complete one or more copies of documents accompanying transport operations starting on their territory,
- that the consignee is to complete one or more copies of documents accompanying transport operations which began in another Member State or in a third country and which end in their territory.

In such cases, they shall determine the use of such copies;

(h) lay down that the derogation referred to in Article 4(1)(b) regarding exemption from the use of the accompanying document for certain consignments of grapes may not be applied to transport beginning and ending on their territory;

(i) lay down that, in the case of the transport referred to in Article 10 beginning on their territory and ending on that of another Member State, the consignor must send the name and address of the competent authority of the place of unloading along with the copies made under that Article.

2. Without prejudice to Article 21 of Directive 92/12/EEC, Member States may not prohibit or hinder the movement of products put up in containers of a nominal capacity of not more than five litres as referred to in Article 4(2)(a) on grounds relating to the closing devices used, where the closing device or type of packaging used appears on the list in Annex I.

However, for products put up in their own territory, Member States may prohibit the use of certain closing devices or types of packaging appearing on the list in Annex I or make the use of such closing devices subject to certain conditions.

Article 19

1. Without prejudice to any more stringent provisions which may have been adopted by Member States for the application of their legislation or national procedures laid down for other purposes, the accompanying documents and copies required under this Regulation must be kept for at least five years from the end of the calendar year during which they were completed.

2. The records and the documents concerning the operations entered therein must be kept for at least five years

after the accounts to which they refer have been closed. Where one or more accounts in a record relating to insignificant quantities of wine are not yet closed, such accounts may be carried over to another record, provided reference is made to such carry-over in the original record. In such case, the period of five years referred to in the first subparagraph shall begin on the day of the carry-over.

Article 20

1. Each Member State shall notify the Commission of:

- the name and address of the authority or authorities responsible for implementing this Regulation,
- where appropriate, the name and address of any bodies empowered by a competent authority for the purposes of implementing this Regulation.

2. Each Member State shall notify the Commission of:

- any subsequent changes concerning the competent authorities and bodies referred to in paragraph 1,
- the measures they have taken to implement this Regulation, where those measures are of specific value for the purposes of cooperation between Member States as referred to in Regulation (EC) No 2729/2000.

Article 21

1. Regulation (EEC) No 2238/93 is hereby repealed.

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

3. However, the Italian version of Article 4(2) of Regulation (EEC) No 2238/93 shall remain in force in Italy until 30 September 2001.

Article 22

Article 4(2) of this Regulation shall enter into force in Italy on 1 October 2001.

Article 23

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

It shall apply from 1 May 2001.

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

Done at Brussels, 24 April 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

List of closing devices approved in the Community for small containers filled with wine products as referred to in Article 2(h)

1. Cylindrical stoppers made of cork or another inert substance, covered or not with a technological structure that can take the form of a cap or disc in particular. This technological structure must be rendered unusable again once opened and may be made of:
 - aluminium,
 - metal alloy,
 - shrink plastic,
 - PVC with aluminium top.
 - food-grade wax, whether or not covered with other inert substances.
 2. Flanged stoppers made of cork or another inert substance fully inserted into the neck of the bottle, filled with a metal or plastic capsule covering both the neck and the stopper and destroyed on opening.
 3. Mushroom-shaped stoppers made of cork or other inert substance, secured by ties or fastenings which must be broken on opening, the whole being sometimes covered with metal or plastic foil.
 4. Aluminium or tin screw tops, filled on the inside with a disc in cork or inert material and a safety seal which is torn off or destroyed on opening (pilfer-proof seals).
 5. Plastic screw-top capsules.
 6. Tear-off caps made of:
 - aluminium,
 - plastic,
 - a combination of the above.
 7. Metal crown stoppers fitted on the inside with a disc in cork or inert material.
 8. Closing devices which form part of packaging which cannot be reused after being opened, such as:
 - tin cans,
 - aluminium cans,
 - cardboard containers,
 - plastic containers,
 - containers made of a combination of the above materials,
 - flexible plastic bags,
 - flexible bags in a combination of aluminium and plastic,
 - tetrahedrons in aluminium foil.
-

ANNEX II

Additional instructions for drawing up the accompanying documentsA. *General rules*

1. The document must preferably be filled in by typewriter. If filled in by hand, it must be filled in in a legible and indelible manner.
2. The document must not contain any erasures or overwritten words. The accompanying document may not be used if any errors are made in filling it in.
3. Copies must either be authenticated photocopies or made using NCR or carbon paper. Any prescribed copy of an accompanying document shall be marked 'copy' or shall bear an equivalent marking.
4. Where a document completed in accordance with the model given in the Annex to Regulation (EEC) No 2719/92 (accompanying document or commercial document) or with the model given in the Annex to Regulation (EEC) No 3649/92 (simplified accompanying document or commercial document) is used to accompany a wine product not subject to the formalities for the movement of wine products laid down by Directive 92/12/EEC referred to in Article 3(2)(b), a diagonal line must be entered from corner to corner of boxes which do not apply.

B. *Special rules*

1. Indications referring to the description of the product:

1.1. Category of the product

Indicate the category into which the products fall using an expression conforming to Community rules which gives the most accurate description of the product, e.g.:

- table wine,
- quality wine psr,
- grape must,
- grape must for quality wine psr,
- imported wine.

1.2. Actual and total alcoholic strength, density.

When the accompanying document is filled in:

- (a) the actual alcoholic strength of the wine, excluding new wines still in fermentation, or the total alcoholic strength of new wine still in fermentation and part-fermented grape must must be expressed in % vol. and tenths of % vol.;
- (b) the refractive index of grape must must be obtained by the measuring method recognised by the Community. It must be expressed by the potential alcoholic strength in % vol. This may be replaced by the density expressed in grams per cm³;
- (c) the density of fresh grape must with fermentation arrested by the addition of alcohol must be expressed in grams per cm³ and the actual alcoholic strength of that product must be expressed in % vol. and tenths of % vol.;
- (d) the sugar content of concentrate grape must, rectified concentrated grape must and concentrated grape juice must be expressed by the content in grams, per litre and per kilogram, of total sugars;
- (e) the actual alcoholic strength of grape marc and of wine lees may also be indicated (optional) and expressed in litres of pure alcohol per decitonne.

This information must be expressed using the tables of equivalence recognised by the Community, contained in the rules on analysis methods.

Without prejudice to the Community provisions laying down limits for certain wine products, the following tolerances shall be allowed:

- as regards total or actual alcoholic strength, a tolerance of $\pm 0,2$ % vol.,
- as regards density, a tolerance of six units more or less to the fourth decimal place ($\pm 0,0006$),
- as regards the sugar content, ± 3 %.

2. Indications referring to the net quantity:

The net quantity:

- of grapes, concentrated grape must, rectified concentrated grape must, concentrated grape juice, grape marc and wine lees in tonnes or kilograms must be expressed by the symbols 't' or 'kg',
- of other products in hectolitres or litres must be expressed by the symbols 'hl' or 'l'.

A tolerance of 1,5 % of the total net quantity may be allowed when indicating the quantity of products carried in bulk.

3. Other indications for the carriage of products in bulk:

3.1. Wine-growing zone

Give the wine-growing zone in which the product transported originates in accordance with Annex III to Regulation (EC) No 1493/1999, using the following abbreviations: A, B, CI(a), CI(b), CII, CIII(a) and CIII(b).

3.2. Operations performed

Indicate also the operations which the products transported have undergone, using the following figures in brackets:

- 0: the product has undergone none of the following operations;
- 1: the product has been enriched;
- 2: the product has been acidified;
- 3: the product has been de-acidified;
- 4: the product has been sweetened;
- 5: the product has been fortified for distillation;
- 6: a product originating in a geographical unit other than that indicated in the description has been added to the product;
- 7: a product obtained from a vine variety other than that indicated in the description has been added to the product;
- 8: a product harvested during a year other than that indicated in the description has been added to the product;
- 9: other operations (specify).

Examples:

- for a wine originating in zone B which has been enriched, indicate B(1),
- for a grape must originating in zone CIII(b) which has been acidified, indicate CIII(b)(2).

Indications regarding the wine-growing zone and the operations performed must be given in addition to those regarding the description of the product and within the same field of vision.

C. Information required to complete the accompanying document referred to in Article 3(3) of this Regulation (Annex III)

Introductory note:

The model for the accompanying document given in Annex III must be strictly adhered to. However, the size of the boxes marked by lines and intended for the information laid down are given as a guide only.

	No of box in model given in Annex III
Consignor: full name and address including postal code	1
Reference number: a reference number which identifies the consignment in the records of the consignor (for example, the invoice number)	2
Consignee: full name and address including postal code	3
Competent authority at place of dispatch: the name and address of the competent authority responsible for checking the commercial document at the place of dispatch. This is only required in the case of carriage to another Member State or for export outside the Community.	4

	No of box in model given in Annex III
<p>Carrier: name and address of the person responsible for organising the first movement (if different from the consignor)</p> <p>Other transport details:</p> <p>Indicate:</p> <p>(a) the type of transport used (lorry, van, tanker, motor car, railway wagon, rail tanker, aeroplane)</p> <p>(b) registration number or, in the case of a ship, the name (optional)</p>	5
<p>Date of dispatch and, where so laid down by the Member State on whose territory carriage begins, the time of dispatch</p> <p>Where there is a change from one type of transport to another, the carrier loading the product must indicate on the back of the document:</p> <ul style="list-style-type: none"> — the date of dispatch, — the type of transport used and the registration number for vehicles and the name for ships, — his name, forename or company name and address including postal code 	6
<p>Place of delivery: the actual place of delivery if the goods have not been delivered to the address given for the consignee. For goods to be exported, one of the wordings given in Article 8(2) must be entered</p>	7
<p>Description of the product carried in accordance with Regulations (EEC) Nos 2392/89 ⁽¹⁾ and 3201/90 ⁽²⁾ and any national rules which apply, in particular compulsory indications</p> <p>Packages and description of goods: identification numbers and number of external packages, number of internal packages</p>	8
<p>The description may be continued on a separate sheet attached to each copy. A packing list could be used for this purpose</p> <p>For bulk carriage:</p> <ul style="list-style-type: none"> — of wine, the actual alcoholic strength, — of non-fermented products, the refractive index or density, — of products in fermentation, the total alcoholic strength, — of wines with a residual sugar content of more than four grams per litre, in addition to the actual alcoholic strength, the total alcoholic strength 	8
<p>Quantity:</p> <ul style="list-style-type: none"> — for products in bulk, the total net quantity, — for packaged products, the number and nominal volume of the containers used 	9
<p>Additional information laid down by the Member State of dispatch: where such information is laid down, the instructions of the Member State concerned must be complied with; if not, enter a diagonal line in this box</p>	10
<p>Certificate of designated origin or of provenance: see Article 7</p>	11

⁽¹⁾ OJ L 232, 9.8.1989, p. 13.

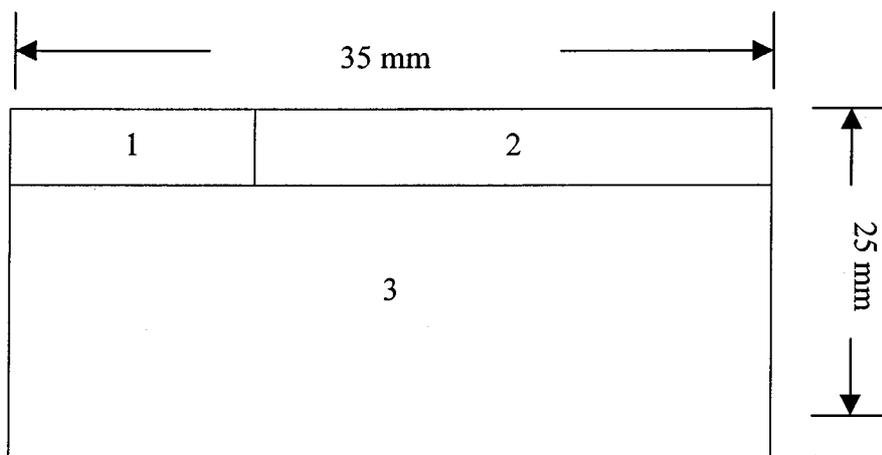
⁽²⁾ OJ L 309, 8.11.1990, p. 1.

ANNEX III

Commercial document to accompany of wine products

1. Consignor (Name and address)	2. Reference number	
	4. Competent authority at place of dispatch (Name and address)	
3. Consignee (Name and address)	6. Date of dispatch	
	7. Place of delivery	
5. Carrier and other transport details		
8. Description of product		9. Quantity
10. Additional information laid down by the Member State of dispatch		
11. Certificates (certain wines)		
12. Record of control. For use by competent authority	Signatory's company and telephone number	
	Name of signatory	
	Place and date	
	Signature	

ANNEX IV
SPECIAL STAMP



1. Device of Member State.
 2. Competent authority or body with territorial responsibility.
 3. Authentication.
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COMMISSION REGULATION (EC) No 885/2001

of 24 April 2001

amending Regulations (EEC) No 3201/90, (EC) No 1622/2000 and (EC) No 883/2001 laying down detailed rules for the application of the common organisation of the market in wine, with regard to wines originating in Canada and having the right to the designation 'Icewine'

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

domestic market of that country must be recognised by the Community before they can be used on the Community market.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, as amended by Regulation (EC) No 2826/2000 ⁽²⁾, and in particular Articles 46, 68 and 80 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1608/2000 of 24 July 2000 laying down transitional measures pending the definitive measures implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine ⁽³⁾, as last amended by Regulation (EC) No 731/2001 ⁽⁴⁾, provides for the extension until 31 March 2001 of certain provisions of the Council repealed by Article 81 of Regulation (EC) No 1493/1999 pending the finalisation and adoption of measures implementing that Regulation, in particular Council Regulation (EEC) No 2392/89 of 24 July 1989 laying down general rules for the description and presentation of wines and grape musts ⁽⁵⁾, as last amended by Regulation (EC) No 1427/96 ⁽⁶⁾.
- (2) Article 13(2)(b) and (3)(a) of Commission Regulation (EEC) No 3201/90 of 16 October 1990 laying down detailed rules for the description and presentation of wines and grape musts ⁽⁷⁾, as last amended by Regulation (EC) No 1640/2000 ⁽⁸⁾ provide for derogations from Articles 30 and 31 of Regulation (EEC) No 2392/89 for certain imported wines with regard to the possibility of using the name of a vine variety and the year of harvest.
- (3) Article 26(2)(c) of Regulation (EEC) No 2392/89 lays down that details regarding superior quality prescribed by the national provisions of a third country for the

- (4) Annex XII to Commission Regulation (EC) No 1622/2000 of 24 July 2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 ⁽⁹⁾, as amended by Regulation (EC) No 2451/2000 ⁽¹⁰⁾; provides for derogations from the sulphur dioxide content for certain wines (provided for in Article 19 of that Regulation). Annex XIII of that Regulation provides for derogations from the volatile acid content for certain wines (provided for in Article 20 of that Regulation).
- (5) Article 33 of Regulation (EC) No 883/2001 of 24 April 2001 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector ⁽¹¹⁾ provides for the possibility of analytical derogations for certain imported wines, in particular those with an actual alcoholic strength of less than 9 % vol and a total alcoholic strength by volume exceeding 15 % vol without enrichment as referred to in Article 68(2)(a) of Regulation (EC) No 1493/1999.
- (6) Wines originating in Canada with the right to the designation 'Icewine' are produced under conditions similar to those applying to Community wines with the right to the designation 'Eiswein'. In order to permit the import and marketing of Canadian wines with the right to the designation 'Icewine' with labels bearing wordings used for those wines, the above derogations are required for those wines with regard to the possibility of using on the label the name of a vine variety, the year of harvest and details regarding superior quality and the sulphur dioxide content, the volatile acid content, the actual alcoholic strength and the total alcoholic strength by volume.
- (7) Negotiations are currently underway between the Community, represented by the Commission, and Canada on a general agreement on trade in wine. Both parties wish to conclude a satisfactory agreement within a reasonable time. In order to facilitate discussions provisions should be made for the above derogations as

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 328, 23.12.2000, p. 2.

⁽³⁾ OJ L 185, 25.7.2000, p. 24.

⁽⁴⁾ OJ L 102, 12.4.2001, p. 33.

⁽⁵⁾ OJ L 232, 9.8.1989, p. 13.

⁽⁶⁾ OJ L 184, 24.7.1996, p. 3.

⁽⁷⁾ OJ L 309, 8.11.1990, p. 1.

⁽⁸⁾ OJ L 187, 26.7.2000, p. 41.

⁽⁹⁾ OJ L 194, 31.7.2000, p. 1.

⁽¹⁰⁾ OJ L 282, 8.11.2000, p. 7.

⁽¹¹⁾ See p. 1 of this Official Journal.

a transitional measure until the entry into force of the ensuing agreement.

- (8) The Management Committee for Wine has not delivered an opinion within the time limit laid down by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3201/90 is amended as follows:

- (a) the following indent is added to Article 13(2)(b):
 ‘— Canada, if described by the term “Icewine”;
- (b) the following indent is added to Article 13(3)(a):
 ‘— Canada, if described by the term “Icewine”;
- (c) the following Chapter is added after ‘Chapter 3a Australia’ in Annex I:
 ‘4. CANADA
 — “Icewine”, possibly with the term “VQA” or the words “Vintners Quality Alliance”.’

Article 2

1. The following paragraph is added to Annex XII to Regulation (EC) No 1622/2000:

‘In addition to Annex V(A) to Regulation (EC) No 1493/1999, the maximum sulphur dioxide content for white wine originating in Canada and with the right to the designation “Icewine”, with a residual sugar content, expressed as invert sugar, of not less than five g/l, shall be increased to 400 mg/l.’

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

Done at Brussels, 24 April 2001.

2. The following subparagraph is added to Annex XII to Regulation (EC) No 1622/2000:

‘(g) for wines originating in Canada:

35 milliequivalents per litre for wines with the right to the designation “Icewine”.’

Article 3

Regulation (EC) No 883/2001 is amended as follows:

1. The following subparagraph (d) is added to Article 33(1):
 ‘(d) wines originating in Canada, with an actual alcoholic strength of not less than 7 % vol and a total alcoholic strength by volume exceeding 15 % vol, without enrichment, designated:
 — by a geographical indication, and
 — by the term “Icewine”,
 under the conditions laid down by the legislation of the Provinces of Ontario and British Columbia.’
2. A reference to subparagraph (d) is added to Article 33(2).
3. The word ‘Canada’ is deleted from Annex VI.

Article 4

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

For the Commission
 Franz FISCHLER
 Member of the Commission