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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

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COMMISSION OF THE EUROPEAN COMMUNITIES

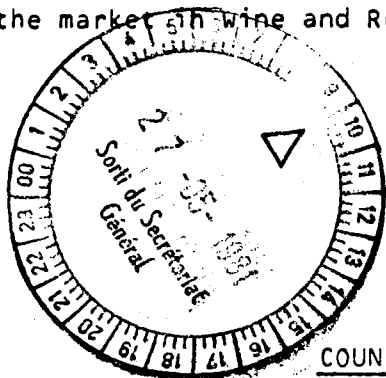
COM(81) 247 final

Brussels, 20 May 1981

Proposal for a

COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 337/79 on the common organization of the market in wine and Regulation (EEC) No 950/68 on the Common Customs Tariff



Proposal for a

COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 338/79 laying down special provisions relating to quality wines produced in specified regions

Proposal for a

COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 339/79 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries

(submitted to the Council by the Commission)

COM(81) 247 final

EXPLANATORY MEMORANDUM

This document contains three proposals for Regulations amending:

- Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organisation of the market in wine,
- Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions, and
- Council Regulation (EEC) No 339/79 of 5 February 1979 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries.

I. In 1980 extensive changes were made to Regulation (EEC) No 337/79, the basic regulation in the wine sector, particularly as regards control of the development of wine-growing potential. On that occasion it was not possible to introduce certain amendments which experience has shown to be necessary.

This proposal, which does not make any fundamental changes in the basic regulation, is intended to adjust some of its provisions in particular as regards:

- extension of the derogation permitting the distillation of wines with an alcoholic strength of less than 9.5% vol. to wines which are subject to the observance of a minimum price,
- the deadline for concluding long-term storage contracts for grape musts and concentrated grape musts, and the duration of such contracts,
- the raw materials used in making "British", "Irish" and "home-made" wines,
- the obligations on producers as regards entries in the registers and the notification of enrichment, acidification and deacidification,
- extension of the possibility of collaboration between the control authorities of Member States to the authorities of non-member countries which are interested in such collaboration,
- certain oenological practices, to take account of technical progress,

- the way of expressing the concentration of musts so as to simplify analytical checks (refractometer),
- the definition of grape juice to take account of the Directive on the approximation of the laws of the Member States concerning fruit juices and certain similar products,
- more precise definitions of sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine to enable control of those products to be reinforced.

II. Under Regulation (EEC) No 338/79 the processing of grapes into quality wines produced in specified regions and the preparation of quality sparkling wines produced in specified regions are permitted only within the specified region whose name the wines bear. By way of derogation, such operations may be authorised outside that region. Experience has shown the need to demarcate precisely both the specified regions and the areas in which the abovementioned operations are permitted. This will align Community rules on those applied in most wine-growing countries and facilitate the task of the anti-fraud services.

It is also advisable to postpone by one year the end of the transitional period which expires on 31 August as regards:

- the preparation of quality sparkling wines produced in specified regions in Italy for which the compulsory length of the preparation process may be fixed at between six and nine months instead of not more than nine months;
- the use of the names of certain specified regions to designate both table wines and quality wines produced in those specified regions.

III. Since Regulation (EEC) No 337/79 has altered the definitions of certain Community wine products, it is necessary to adjust the definitions of the corresponding products originating in non-member countries contained in Regulation (EEC) No 339/79.

This proposal therefore provides for:

- indication of the concentration of grape musts by refractometer,
- the insertion of a definition of rectified concentrated grape must, and
- more precise definitions of sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine.

Adoption of these three proposals for Regulations will not have any financial consequences for the Community Budget.

PROPOSAL FOR
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 337/79 on the common organisation of the
market in wine and Regulation (EEC) No 950/68 on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Having regard to the opinion of the Economic and Social Committee, (*)

Whereas experience gained in applying Council Regulation (EEC)
No 337/79 (1), as last amended by Regulation (EEC)
No 3456/80 (2), shows the need to adjust certain provisions so as to
improve the management of the market in table wine and to take account of
technical problems, particularly as regards oenological practices;

Whereas under Article 15a of Regulation (EEC) No 337/79 the marketing of
table wines may be prohibited even if their actual alcoholic strength is
not more than 9.5% vol.; whereas any decision to subject wines to such a
prohibition must be accompanied by a decision to allow them to be
distilled as provided for in Article 15a;

(*)

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(1) OJ No L 54, 5. 3.1979, p. 1

(2) OJ No L 360, 31.12.1980, p. 18

Whereas, in order to perform enrichment, producers must have at their disposal during the wine-making period musts which have been the subject of long-term storage contracts; whereas the present provisions of Article 8 of Regulation (EEC) No 337/79 make this impossible in certain cases; whereas those provisions should therefore be amended as regards the duration of contracts and the deadline for their conclusion;

Whereas, to enable musts to be marketed as far as possible in accordance with market requirements, it is necessary to allow grape musts which are the subject of storage contracts to be processed into concentrated grape musts even during the period of validity of such contracts;

Whereas the products falling within heading No 22.07 of the Common Customs Tariff referred to in the second indent of the first subparagraph of Article 14a(1) of Regulation (EEC) No 337/79 are at present obtained exclusively from concentrated grape must; whereas it therefore appears unnecessary to include grape musts and grapes in the system of aid provided for in respect of the manufacture of those products or of the products referred to in the third indent of the same subparagraph;

Whereas it is necessary to amend Article 24(1) of Regulation (EEC) No 337/79 to bring it into line with similar provisions contained in certain Regulations on the common organisation of other sectors;

Whereas experience has shown the advisability of limiting producers' obligations to the notification of actual new planting, replanting and grubbing;

Whereas, to make it easier to check whether Community provisions regarding oenological practices are being complied with, the obligations of producers in respect of notification and entries in the registers referred to in Article 36 of Regulation (EEC) No 337/79 should be specified in greater detail;

Whereas exemption from the obligation laid down in Article 40 of the said Regulation should be granted to producers who are already subject to an obligation to distil all of the wine in question and producers who, in order to comply, would have to deliver very small quantities of alcohol;

Whereas, so as to reinforce the system of prevention and detection of infringements in the wine sector, it appears appropriate to extend the possibility of maintaining direct relations, which at present applies to the competent authorities of Member States, to the authorities of non-member countries which have concluded an agreement or arrangement with the Community in respect of such collaboration;

Whereas, for the purposes of harmonisation, certain concentrated products falling within the scope of Regulation (EEC) No 337/79 must be subjected, for determining the degree of concentration, to the refractometric method laid down for processed fruit and vegetables and contained in Annex III to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organisation of the market in products processed from fruit and vegetables (3), as last amended by Regulation (EEC) No /81 (4); whereas it is therefore necessary to amend the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 (5), as last amended by Regulation (EEC) No 3000/80 (6);

Whereas, to take account of Council Directive 75/726/EEC of 17 November 1975 on the approximation of the laws of the Member States concerning fruit juices and certain similar products⁽⁷⁾; it should be specified, in point 6 of Annex II to Regulation (EEC) No 337/79, that grape juices may be obtained from concentrated grape must, thus bringing that Regulation into line with the said Directive;

Whereas, to reduce the possibility of fraud, the definitions of sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine should be made more precise, by specifying not only the excess pressure but also the minimum carbon dioxide content,

(3) OJ No L 73, 21. 3.1977, p. 1

(4) OJ No L

(5) OJ No L 172, 27. 7.1968, p. 1

(6) OJ No L 315, 29.11.1980, p. 1

(7) OJ No L 311, 1.12.1975, p. 40

HAS ADOPTED THIS REGULATION:

Article 1

The Articles of Regulation (EEC) No 337/79 are hereby amended as follows:

1. Article 6(2) is amended to read as follows:

"2. With the exception of table wines of types R III, A II and A III, table wines with an actual alcoholic strength by volume equal to or below 9.5% shall be excluded from all intervention measures provided for in this Title other than those provided for in Articles 11, 13 and 15a."

2. Article 8 is amended to read as follows:

"Article 8"

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

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

- contracts valid for a period of three months, hereinafter called 'short-term contracts',
- contracts valid for a period of eight months, hereinafter called 'long-term contracts'.

It may be decided that long-term contracts concluded in respect of grape musts are to remain valid where the musts are processed into concentrated grape musts or rectified concentrated grape musts.

2. If the market situation so requires, and in particular: where preventive distillation is decided on pursuant to Article 11, the conclusion of short-term contracts may be permitted between 1 September and 15 December following.

- where a decision is taken to allow long-term private storage contracts for table wines to be concluded, the conclusion of long-term contracts may be permitted between 16 December and 31 January following; grape musts and concentrated grape musts intended for the production of grape juice may be excluded.

3. The decision referred to in the third subparagraph of paragraph 1, the decision to allow the conclusion of storage contracts in accordance with paragraph 2, and detailed rules for the application of this Article, shall be adopted in accordance with the procedure laid down in Article 67."

3. The second indent of Article 11(1) and the second subparagraph of Article 11(2) are deleted.

4. Article 14a(1) and (2) are amended to read as follows:

" 1. A system of aid is hereby set up for the use of:

- grape musts and concentrated grape musts produced within the Community, for the purpose of manufacturing grape juice,
- concentrated grape musts produced in wine-growing zones C III(a) and C III(b), for the purpose of manufacturing in the United Kingdom and in Ireland products falling within heading No 22.07 of the Common Customs Tariff in respect of which, by virtue of the first subparagraph of Article 54(1), the use of a composite name including the word "wine" may be allowed by those Member States,
- concentrated grape musts produced within the Community, as the main element in a set of products marketed in the United Kingdom and Ireland with clear instructions for the consumer to obtain from it a beverage in imitation of wine (home-made wine).

However, where it appears that the restriction on the granting of aid provided for in the second indent of the first subparagraph gives rise to the distortion of competition the Council, acting by a qualified majority on a proposal from the Commission, shall decide to extend the granting of the aid to concentrated grape musts produced in other regions of the Community.

2. The system of aid provided for in the first indent of paragraph 1 may also be applied to the use of grapes of Community origin."
5. Article 24(1) is amended to read as follows:
 - "1. The general rules for the interpretation of the Common Customs Tariff and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall be incorporated in the Common Customs Tariff."
6. Article 30b(2) is amended to read as follows:
 - "2. By a date to be determined by the Member States for each wine-growing year, any natural or legal person or group of persons having grubbed, replanted or newly planted vines during the wine-growing year shall so inform in writing the competent body of the Member State on whose territory the operation was carried out."
7. The second subparagraph of Article 36(1) is amended to read as follows:

"Each of the processes referred to in the first subparagraph must be entered in the registers referred to in Article 53(2).
The quantities of any substance authorised by this Regulation for carrying out one of the processes referred to in Articles 33 and 34, held in the exercise of their profession by natural or legal persons or groups of persons, at the same time and in the same place as fresh grapes, grape must,

partially fermented grape must, new wine still in fermentation or wine in bulk, must be entered in a goods inwards and stock utilisation register.

Any producer who has carried out one of the processes referred to in Articles 33 and 34 during a wine-growing year shall notify the competent body of the Member State on whose territory the process was performed, by a date to be determined by each Member State, of the volumes of products involved and the quantities of substances used.

By 1 September each year, Member States shall notify the Commission of the volumes of products subjected to the processes referred to in Articles 33 and 34 and the quantities of substances used in those processes."

8. Article 40(1), (2) and (3) are amended to read as follows:

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

The additional rate to be fixed shall be not higher than:

- 2% for producers whose vineyards are situated in the Italian or Greek parts of wine-growing zones C,
- 6% for producers other than those referred to in the preceding indent.

It shall be fixed before 16 December each year on the basis of data contained in the forward estimate. The rate actually applied must, however, be such as to ensure that each region of the Community bears a fair share of the obligations and that the obligatory distillation of wines obtained from table grapes provided for in Article 41 is taken into account.

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

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

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

- who produce quality wines p.s.r.; the exception shall relate to the part of their production to which this designation applies,
- who are exempt under Article 39(2) and (5) and the second subparagraph of (6),
- who produce wines made from table grapes; the exception shall relate to the quantities to be distilled pursuant to Article 41,
- for whom the quantity of pure alcohol resulting from the said increase is less than 10 litres.

3. The buying-in price for wine delivered for distillation under paragraph 1 shall be:

- 70% of the guide price for table wine of type A I which enters into force in the year of the harvest concerned, for the products referred to in the first indent of paragraph 2,
- 50% of the guide price referred to in the preceding indent, for the producers referred to in the second indent of paragraph 2.

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

9. The second subparagraph of Article 41(2) is deleted.

10. The first subparagraph of Article 46(1) is amended to read as follows:

"1. Only those oenological practices and processes referred to in this Regulation, in particular in Annex III, or in other Community rules applicable to the wine sector shall be authorised for the products defined in points 1 to 5a, 8 to 11 and 13 of Annex II and for concentrated grape musts, rectified concentrated grape musts and sparkling wines defined pursuant to Article 1(4)(c)."

11. In Article 46(3), the first and third subparagraphs are deleted.

12. The fourth subparagraph of Article 64(1) is amended to read as follows:

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

(1) OJ No 36, 10.2.1972, p. 1 "

13. Article 64(3) is amended to read as follows:

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

Article 2

Annex II to Regulation (EEC) No 337/79 is hereby amended as follows:

1. Point 5 is amended to read as follows:

"5. Concentrated grape must: uncaramelized grape must which is:

- obtained by partial dehydration of grape must carried out by any authorised method 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 III to Regulation (EEC) No 516/77) at a temperature of 20°C is not less than 51.9%,
- derived exclusively from vine varieties referred to in Article 49,
- produced within the Community, and

- obtained from grape must having at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which the grapes were harvested."

2. Point 5a is amended to read as follows:

"5a. Rectified concentrated grape must: the liquid uncaramelized product which:

- is obtained by partial dehydration of grape must carried out by any authorised method 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 III to Regulation (EEC) No 516/77) at a temperature of 20°C is not less than 70.5%; Member States may, however, allow a different figure for products used on their territory, provided it is not lower than 51.9%;
- has undergone authorised treatment for deacidification and elimination of constituents other than sugar, so that its acidity, expressed as tartaric acid, is not greater than 1 g/kg of total sugars and its ash content is not greater than 1.2 g/kg of total sugars;
- has a:
 - total phenol content of between 100 and 400 mg/kg of total sugars,
 - simple phenol content of not less than 50% of total phenols,
 - sucrose content of less than 20 g/kg of total sugars;
- is derived exclusively from the vine varieties referred to in Article 49;
- is produced within the Community;
- is obtained from grape must having at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which the grapes were harvested."

3. Point 6 is amended to read as follows:

"6. Grape juice: the liquid product obtained by appropriate treatment rendering it fit for consumption as it is and which has an actual alcoholic strength by volume of not more than 1%; it may be obtained from:

- unfermented but fermentable grape must, and/or
- concentrated grape must, including concentrated grape must defined in accordance with Article 1(4)(c)."

4. Point 7 is amended to read as follows:

"7. Concentrated grape juice: uncaramelized grape juice obtained by partial dehydration of grape juice carried out by any authorised method 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 III to Regulation (EEC) No 516/77) is not less than 51.9%."

5. Point 13 is amended to read as follows:

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

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

all suitable for yielding table wine;

- of table wine; or
- of quality wine p.s.r.

and which, when the container is opened, releases carbon dioxide derived exclusively from fermentation and which has an excess pressure of not less than 3 bar when kept at a temperature of 20°C in closed containers and contains at least 5.9 g/l of carbon dioxide in solution."

6. Point 14 is amended to read as follows:

"14. Aerated sparkling wine: the product which:

- is obtained, subject to the provisions of Article 48(3), from table wine,
- is produced in the Community,
- releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas, and
- has an excess pressure not exceeding 3 bar when kept at a temperature of 20°C in closed containers and contains at least 5.9 g/l of carbon dioxide in solution."

7. Point 15 is amended to read as follows:

"15. Semi-sparkling wine: the product which:

- is obtained from table wine, quality wine p.s.r. or from products suitable for yielding table wine or quality wine p.s.r., provided that such wine or products have a total alcoholic strength by volume of not less than 9%,
- has an actual alcoholic strength by volume of not less than 7%,
- contains at least 2.9 g/l of endogenous carbon dioxide in solution,
- has an excess pressure of not less than 1 and not more than 2.5 bar when kept at a temperature of 20°C in closed containers,
- is put up in containers of not more than three litres."

8. Point 16 is amended to read as follows:

"16. Aerated semi-sparkling wine: the product which:

- is obtained from table wine, quality wine p.s.r. or from products suitable for yielding table wine or quality wine p.s.r.,
- has an actual alcoholic strength by volume of not less than 7% and a total alcoholic strength by volume of not less than 9%.

- contains in solution at least 2.9 g/l of carbon dioxide which has been wholly or partially added,
- has an excess pressure of not less than 1 and not more than 2.5 bar when kept at a temperature of 20°C in closed containers,
- is put up in containers of not less than three litres."

Article 3

Annex III to Regulation (EEC) No 337/79 is hereby amended as follows:

1. Point 1(f) is amended to read as follows:

"(f) addition of diammonium phosphate and ammonium sulphate up to 0.3 g/l in total and of thiamin hydrochloride up to 0.6 mg/l expressed as thiamin to encourage the growth of yeasts;"

2. Points 1(m) and 2(l) are amended to read as follows, preceded respectively by the letters (m) and (l):

"use of one or more of the following substances for deacidification purposes under the conditions laid down in Articles 34 and 36:

- neutral potassium tartrate,
- potassium bicarbonate,
- calcium carbonate, which may contain small quantities of the double calcium salt of L(+) tartaric and L(-) malic acids;"

3. Point 2(t) is deleted.

4. Point 2(w) is amended to read as follows:

"(w) the addition of up to 4 g/l of potassium bitartrate to assist the precipitation of tartar."

Article 4

In Annex IV to Regulation (EEC) No 337/79 the following point 8 is added:

"8. The demarcation of the territories covered by the administrative units mentioned in this Annex shall be that resulting from the national provisions in force on"

Article 5

Annex V to Regulation (EEC) No 337/79 is deleted.

Article 6

The Common Customs Tariff annexed to Regulation (EEC) No 950/68 is hereby amended as follows:

1. Additional Note 6 to Chapter 20 is amended to read as follows:

"6. For the purposes of subheadings 20.07 B I a) 1 aa) and 20.07 B I b) 1 aa), "concentrated grape juice (including grape must)" means grape juice (including grape must) for which the figure indicated by a refractometer (used in accordance with the method prescribed in Annex III to Council Regulation (EEC) No 516/77) at a temperature of 20°C is not less than 51.9%."

2. Additional Note 3 A to Chapter 22 is amended to read as follows:

"3. For the purposes of heading No 22.05:

A. "sparkling wine" (subheading 22.05 A) means a product having an alcoholic strength by volume of not less than 8.5%, obtained:

- either by first or second alcoholic fermentation of fresh grapes, grape must or wine, and releasing, when the container is opened, carbon dioxide derived exclusively from fermentation,
- or from wine and releasing, when the container is opened, carbon dioxide derived wholly or partly from the addition of this gas,

and having, when kept at a temperature of 20°C in closed containers, an excess pressure of not less than 3 bar and containing at least 5.9 g/l of carbon dioxide in solution;"

3. The text of subheading 22.05 B is amended to read as follows:

		Rate of duty	
Heading number	Description	Autonomous:	Conventional:
		% or levy (L)	%
1	2	3	4
22.05	B. Wine in bottles with "mushroom" stoppers held in place by ties or fastenings; wine otherwise put up with an excess pressure of not less than 1 bar but less than 3 bar, measured at a temperature of 20°C, and containing at least 2.9 g/l of carbon dioxide in solution	40 EUA per hl(a)	-

Article 7

This Regulation shall enter into force on 1 September 1981.

Article 6 shall apply with effect from 1 January 1982.

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

Done at Brussels,

For the Council
The President

PROPOSAL FOR
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 338/79 laying down special provisions
relating to quality wines produced in specified regions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Whereas in most wine-growing countries the use of a geographic name to designate a quality wine refers, firstly, to the area in which the grapes from which the wine is made were produced and, secondly, to a particular set of cultural and oenological practices; whereas, for that reason, Article 6(2) of Council Regulation (EEC) No 338/79 (3),

as last amended by Regulation (EEC) No 3456/80 (4), provides that the making of quality wines p.s.r. and the preparation of quality sparkling wines p.s.r. may, with certain exceptions, take place only within the specified region whose name the wine bears;

Whereas, furthermore, if the production of quality wines p.s.r. and quality sparkling wines p.s.r. is to depend on the natural aptitude of the land for winegrowing, the specified regions for the production of quality wines should be strictly demarcated; whereas, however, a demarcation based principally on the aptitude of the land and on the cultural practices used risks excluding from the specified region many installations for making quality wines p.s.r. or preparing quality sparkling wines p.s.r. which could be included

(1) OJ No C

(2) OJ No C

(3) OJ No L 54, 5. 3.1979, p. 48

(4) OJ No L 360, 31.12.1980, p. 18

if the demarcation were less strict; whereas the exception provided for in the third subparagraph of Article 6(2) of the abovementioned Regulation already makes it possible to solve this problem; whereas, however, so as to safeguard the designations relating to the origin of a product, it appears appropriate to reinforce production controls and to authorise winemaking and preparation outside the specified region only if such operations take place in a neighbouring geographic area which is strictly demarcated according to precise criteria;

Whereas, to avoid cases of hardship, it should nevertheless be possible to authorise persons with installations situated outside the abovementioned geographic areas to make quality wines p.s.r. or to prepare quality sparkling wines p.s.r. in those installations during a sufficiently long transitional period;

Whereas, under Article 12(5) of the abovementioned Regulation, quality sparkling wines p.s.r. produced in Italy whose preparation began before 1 September 1981 may be aged for less than the nine-month period laid down for other quality sparkling wines p.s.r.; whereas this transitional provision has proved insufficient to enable manufacturers to adjust technically and commercially to a nine-month preparation period; whereas the abovementioned date should therefore be carried forward by one year, whereby it should be made clear that the derogation applies only to quality sparkling wines p.s.r. defined by national rules adopted before 1 September 1981;

Whereas, under the second subparagraph of Article 16(4) of the abovementioned Regulation, for a transitional period expiring on 31 August 1981 the names of certain wine-growing regions may be used simultaneously to designate table wines and quality wines p.s.r.; whereas this period has proved insufficient to enable the necessary adjustments to be made to the relevant national provisions; whereas that date should therefore be carried forward by one year,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 338/79 is hereby amended as follows:

1. Article 6(2) is amended to read as follows:

"2. The processing of the grapes referred to in paragraph 1(a) into must and from must into wine and the preparation of a quality sparkling wine p.s.r. may take place only:

- a) within the specified region where the grapes used were harvested, or
- b) within a geographic area neighbouring that specified region, on condition that:
 - the Member State concerned has authorised such processing or preparation,
 - the neighbouring geographic area has been strictly demarcated taking into account in particular the limits of the local or regional geographic units,
 - the products designated by the name of the specified region and obtained from grapes harvested in that region are kept separate from wines or grape musts which are not entitled to that name throughout the operations of winemaking, preparation and storage, and
 - the identity of such products may be proved at any time, in particular by reference to the goods inwards and outwards registers.

However, Member States may permit the operations referred to in the preceding subparagraph to be carried out until 31 August 1991 in installations which, when the demarcation of the geographic area referred to in the preceding subparagraph under b) took effect, were situated outside that area, provided the conditions laid down in the preceding subparagraph under (b), third and fourth indents, are met."

2. Article 12(5) is amended to read as follows:

"5. Notwithstanding paragraph 3 above, for quality sparkling wines p.s.r. produced in Italy whose preparation began before 1 September 1982 the duration of the preparation process may be less than nine months but not less than six months, provided the quality sparkling wine p.s.r. in question was defined by national rules adopted before 1 September 1981."

3. In the second subparagraph of Article 16(4), "31 August 1981" is replaced by "31 August 1982".

Article 2

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

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

Done at Brussels,

For the Council
The President

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PROPOSAL FOR
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 339/79 defining certain products
falling within heading Nos 20.07, 22.04 and 22.05 of the
Common Customs Tariff and originating in third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on
the common organisation of the market in wine (1), as last amended by
Regulation (EEC) No 3456/80(2), and in particular Article 1(4)(c) thereof,

Having regard to the proposal from the Commission (3),

Whereas the definitions of certain Community wine products contained in
Annex II to Regulation (EEC) No 337/79 have been changed; whereas, for
the purposes of harmonisation, it is necessary to alter the definitions
of the corresponding products originating in non-member countries,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 339/79 is amended to read as follows:

"Article 2

In this Regulation:

(a) 'grape must with fermentation arrested by the addition of alcohol'
means the product which:

- has an actual alcoholic strength by volume of not less than 12%
but less than 15%, and

(1) OJ No L 54, 5.3.1979, p. 1
(2) OJ No L 360, 31.12.1980, p. 18
(3) OJ No C

- is obtained by the addition to unfermented grape must having a natural alcoholic strength by volume of not less than 8.5% of a product derived from the distillation of wine;
- (b) "concentrated grape must" means uncaramelized grape must which is obtained by partial dehydration of grape must carried out by any authorised method 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 III to Council Regulation (EEC) No 516/77 (1) at a temperature of 20°C is not less than 51.9%;
- (c) "rectified concentrated grape must" means the liquid uncaramelized product which:
- is obtained by partial dehydration of grape must, carried out by any authorised method 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 III to Regulation (EEC) No 516/77) at a temperature of 20°C is not less than 70.5%; Member States may, however, allow a different figure for products used on their territory, provided it is not lower than 51.9%;
 - has undergone authorised treatment for deacidification and elimination of constituents other than sugar, so that its acidity, expressed as tartaric acid, is not greater than 1 g/kg of total sugars and its ash content is not greater than 1.2 g/kg of total sugars;
 - has a:
 - total phenol content of between 100 and 400 mg/kg of total sugars,
 - simple phenol content of not less than 50% of total phenols,
 - sucrose content of less than 20 g/kg of total sugars;
- (d) 'liqueur wine' means the product which:
- has a total alcoholic strength by volume of not less than 17.5% and an actual alcoholic strength by volume of not less than 15% and not more than 22%, and

(1) OJ No L 73, 21.3.1977, p. 1

- is obtained from grape must or wine, which must come from vine varieties approved in the non-member country of origin for the production of liqueur wine and have a minimum natural alcoholic strength by volume of 12%:
 - by freezing, or
 - by the addition during or after fermentation:
 - (i) of a product derived from the distillation of wine, or
 - (ii) of a concentrated grape must or, in the case of certain quality liqueur wines appearing on a list to be adopted, for which such practice is traditional, of grape must concentrated by direct heat and which, apart from this operation, corresponds to the definition of concentrated grape must, or
 - (iii) of a mixture of these products.

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

- (e) 'sparkling wine' means the product having an actual alcoholic strength by volume of not less than 8.5% which:
- is obtained by the primary or secondary alcoholic fermentation of fresh grapes, grape must or wine,
 - releases, when the container is opened, carbon dioxide derived exclusively from fermentation and has an excess pressure of not less than 3 bar when kept at a temperature of 20°C in closed containers and contains at least 5.9 g/l of carbon dioxide in solution;

(f) 'aerated sparkling wine' means the product having an actual alcoholic strength by volume of not less than 8.5% which:

- 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 of not less than 3 bar when kept at a temperature of 20°C in closed containers and contains at least 5.9 g/l of carbon dioxide in solution;

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

- naturally contains at least 2.9 g/l of carbon dioxide in solution after primary or secondary alcoholic fermentation, and
- has an excess pressure of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20°C in closed containers;

(h) 'aerated semi-sparkling wine' means wine having an actual alcoholic strength by volume of not less than 8.5% which:

- contains in solution at least 2.9 g/l of carbon dioxide that has been wholly or partially added, and
- has an excess pressure of not less than 1 bar and not more than 2.5 bar when kept at a temperature of 20°C in closed containers."

Article 2

This Regulation shall enter into force on 1 September 1981.

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

Done at Brussels,

For the Council
The President