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REGULATION (EEC) No 1699/70 OF THE COMMISSION

of 25 August 1970

on the control of certain products in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES;

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 816/70[1] of 28 April 1970 laying down additional provisions for the common organisation of the market in wine, as amended by Regulation (EEC) No 1253/70,[2] and in particular Articles 27 (5), 28 (5) and 35 thereof;

Whereas the first subparagraph of Article 27 (4) of Regulation (EEC) No 816/70 provides that grape juice and concentrated grape juice originating in the Community may not be turned into wine or be used in wine production; whereas the second subparagraph of the same paragraph provides that, with the exception of alcohol, potable spirits and piquette, neither wine nor any other beverage intended for direct human consumption may be made from wine lees, grape marc, wines fortified for distillation and diluted vinous alcohol, if those products are produced in the Community;

Whereas the third and fourth subparagraphs of Article 27 (4) lay down that, regarding Community products, piquette, in so far as its production is authorised by the Member State concerned, may be used only for distillation or for consumption in the families of individual wine growers, and whereas wine fortified for distillation and diluted vinous alcohol may be used only for distillation;

Whereas the first subparagraph of Article 28 (2) of Regulation (EEC) No 816/70 prohibits the following products being turned into wine and their use in wine production: imported fresh grapes, imported grape must, imported concentrated grape must, imported grape must in fermentation and imported grape juice whatever its added sugar content;

Whereas the second subparagraph of the same paragraph stipulates that neither wine nor any other beverage intended for direct human consumption may be made from imported wine lees, imported grape marc, imported piquette, imported wine fortified for distillation and imported diluted vinous alcohol, except from imported wine fortified for distillation and intended for the production of potable spirits;

Whereas, in order to ensure that those products are used in accordance with the above-mentioned provisions, a form of control should be established which may be limited to products enjoying free circulation;

Whereas, in the event of those products being dispatched from one Member State to another, this control may be rendered easier by a special entry being made in the documents referred to in Article 39 of Council Regulation (EEC) No 542/69[3] of 18 March 1969 on Community transit and in Article 1 of Commission Regulation (EEC) No 2313/69[4] of 19 November 1969 on the internal Community transit document laid down for the purpose of certifying the Community nature of goods;

Whereas control of the use of the products in question cannot be complete unless it is made obligatory for the parties concerned, or as a provisional measure for Member States, to keep turnover records showing the use made of the product; whereas, for certain uses, allowance may be made for losses resulting from processing;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Wine;

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[1] OJ No L 99, 5.5.1970, p. 1.
[2] OJ No L 143, 1.7.1970, p. 1.
[3] OJ No L 77, 29.3.1969, p. 1.
[4] OJ No L 295, 24.11.1969, p. 8.

HAS ADOPTED THIS REGULATON:

Article 1

The use of the following products which satisfy the conditions laid down in Articles 9 and 10 of the Treaty establishing the European Economic Community shall be subject to control:

(a) products originating in the Community:
- grape juice, in containers holding 2 litres or more,
- concentrated grape juice, in containers holding 2 litres or more,
- wine lees,
- grape marc,
- piquette,
- wine fortified for distillation,
- diluted vinous alcohol;

(b) products not originating in the Community:
- fresh grapes, with the exception of table grapes,
- grape must, in containers holding 2 litres or more,
- concentrated grape must, in containers holding 2 litres or more,
- grape must in fermentation, in containers holding 2 litres or more,
- imported grape juice, whether or not concentrated, whatever its added sugar content, in containers holding 2 litres or more,
- wine lees,
- grape marc,
- piquette,
- wine fortified for distillation,
- diluted vinous alcohol.

Article 2

Where, for the purposes of dispatching the products referred to in Article 1 from one Member State to another, document T2 referred to in Article 39 of Regulation (EEC) No 542/69 or document T2L referred to in Article 1 of Regulation (EEC) No 2313/69 is used, Section 31 of the document shall include, in addition to the description of goods, one of the following statements:

(a) products originating in the Community:

(aa) for grape juice or concentrated grape juice:
- 'non admis à la vinification ni à l'utilisation en vinification';
- 'nicht zugelassen zur Weinbereitung oder zur Verwendung bei der Weinherstellung';
- 'non ammesso alla vinificazione nè all'utilizzo nella vinificazione';
- 'niet toegelaten voor wijnbereiding, noch voor gebruikmaking bij wijnbereiding';

(not to be made into wine nor to be used in the making of wine)

(bb) for wine lees or grape marc:
- 'non admis à l'élaboration de vin ni de boisson destinés à la consommation humaine direct, à l'exception de l'alcool, de l'eau-de vie et de la piquette, pour autant que la fabrication de cette dernière est autorisée par l'Etat Membre concerné';
- 'nicht zugelassen zur Bereitung von Wein oder irgendeines Getränks zum unmittelbaren menschlichen Verbrauch mit Ausnahme von Alkohol, Branntwein und Tresterwein, sofern die Herstellung des letzteren vom betreffenden Mitgliedstaat zugelassen wird';
- 'non ammessi all'elaborazione di vino o di bevande destinati al consumo diretto, ad accezione dell'alcole, dell'acquavite e del vinello, sempre che la fabbricazione di quest'ultimo sia autorizzata dallo Stato membro interessato';
- 'niet toegelaten voor vervaardiging van wijn of andere dranken bestemd voor rechtstreekse menselijke consumptie met uitzondering van alcohol, brandewijn en piquette, voor zover de ve vaardiging van laatstgenoemd produkt door de betrokken Lid-Staat toegestaan';

(not to be used for the preparation of wine or of beverages intended for direct human consumption, with the exception of alcohol, potable spirits and piquette, in so far as the making of the latter is authorised by the Member State concerned)

(cc) for piquette, in so far as its production is authorised by the Member State concerned, for wine fortified for distillation or for diluted vinous alcohol:
- 'destiné a la distillation';
- 'zur Destillation bestimmt';

— 'destinato alla distillazione';

— 'bestemd voor distillatie';
(intended for distillation)

(b) products not originating in the Community:

(aa) for fresh grapes, grape must, concentrated grape must, grape must in fermentation, grape juice or concentrated grape juice:

— 'non admis à la vinification ni à l'utilisation en vinification';

— 'nicht zugelassen zur Weinbereitung oder zur Verwendung bei der Weinherstellung';

— 'non ammessi nè alla vinificazione nè all'utilizzo per vinificazione';

— 'niet toegelaten voor de wijnbereiding noch voor gebruikmaking bij wijnbereiding';
(not to be made into wine nor to be used in the making of wine)

(bb) for wine lees, grape marc, piquette or diluted vinous alcohol:

— 'non admis à l'élaboration de vin ni de boisson destinés à la consommation humaine directe';

— 'nicht zugelassen zur Bereitung von Wein oder irgendeines Getränks zum unmittelbaren menschlichen Verbrauch';

— 'non ammessi nè all'elaborazione di vino nè a quella di bevande destinati al consumo diretto';

— 'niet toegelaten voor vervaardiging van wijn of van andere dranken bestemd voor rechtstreekse menselijke consumptie';
(not to be used for the preparation of wine or any beverage intended for direct human consumption)

(cc) for wine fortified for distillation:

— 'destiné à la production d'eau-de-vie';

— 'zur Herstellung von Branntwein bestimmt';

— 'destinato alla produzione d'acquavite';

— 'bestemd voor de vervaardiging van brandewijn';
(intended for the production of potable spirits).

Article 3

1. Member States shall take all measures necessary to ensure control of the storage, movement, destination or use of the products referred to in Article 1.

They may exempt retailers from certain provisions on control.

2. Member States shall see that the agencies appointed to exercise this control on their territory are informed of every instance where one of the products referred to in Article 1 is imported.

3. The measures referred to in paragraph 1 shall oblige any natural or legal person producing, marketing or using one of the products referred to in Article 1 to keep turnover records in respect of the product, indicating its nature and its volume.

Hoewever, this shall not prevent turnover records being kept by the competent agency of a Member State, until detailed rules for applying Article 29 of Council Regulation (EEC) No 816/70 take effect.

4. Any quantity of one of the products referred to in Article 1 produced in the Community shall be entered in the turnover records on the date of its production.

Any quantity of one of the above-mentioned products coming from a third country and imported into a Member State shall be entered in the turnover records not later than the day on which product is put into free circulation.

5. The processing of a product shall be considered as a withdrawal from stock. The turnover records shall indicate the quantity of the product which results from processing.

Article 4

Where a product is used as intended, allowance shall be made for losses which occur during processing or are due to factors relating to the nature of the product. Such losses may not exceed those normally incurred during the processing in question.

Article 5

Member States shall notify the Commission, not later than 31 October 1970, of the provisions they have made in order to ensure that the measures provided for in this Regulation are observed.

Article 6

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, 25 August 1970.

For the Commission

The President

Franco M. MALFATTI