REGULATION (EEC) No 2098/73 OF THE COMMISSION

of 31 July 1973

providing for a temporary derogation from Regulation (EEC) No 1769/72

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 organization of the market in wine, as last amended by Regulation (EEC) No 2680/72 [2], and in particular Articles 29 (3) and 35 thereof;

Whereas the first subparagraph of Article 13 (2) of Commission Regulation (EEC) No 1769/72 [3] of 26 July 1972 drawing up accompanying documents and determining the obligations of wine producers and traders other than retailers, as last amended by Regulation (EEC) No 189/73 [4], allows Member States to provide that the accompanying document shall not be required in the case of grape juice, wine or wine vinegar put up in labelled containers of a capacity not exceeding 5 litres, provided that the closing devices of such containers have been approved by a competent agency, are not suitable for re-use and bear the name and address or code number of the bottler; whereas, in the case of the new Member States, Regulation (EEC) No 930/73 [5] postponed until 1 September 1973 the date on which the procedure provided for the said Regulation (EEC) No 1769/72 is to take effect.

Whereas that date poses problems for the United Kingdom and Ireland, in that it is going to be impossible for bottlers in those countries to complete by then the necessary technical modifications to closing devices; whereas a special exemption, lasting six months, should therefore be made in respect of those two Member States; whereas in order to avoid causing difficulties in trade within the Community, such exemption should be so limited as to apply only within the territories of the two Member States concerned;

Whereas 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

Until 1 March 1974, the United Kingdom and Ireland may authorize the movement within their territories without an accompanying document of products as specified in Article 13 (2) of Regulation (EEC) No 1769/72 put up in containers of a capacity not exceeding 5 litres, even though the closing devices of such containers do not satisfy the provisions of that Article as regards the name and address or code number of the bottler.

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, 31 July 1973.

For the Commission

The President

François-Xavier ORTOLI

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(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 289, 27. 12. 1972, p. 1.
(3) OJ No L 191, 21. 8. 1972, p. 1.
(4) OJ No L 23, 29. 1. 1973, p. 3.
(5) OJ No L 90, 6. 4. 1973, p. 23.