REGULATION (EEC) No 2340/73 OF THE COMMISSION

of 29 August 1973

amending Regulation (EEC) No 1769/72 drawing up accompanying documents and determining the obligations of wine producers and traders other than retailers

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 198/73 (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 it has become evident that this provision for grape juice and wine vinegar concerning the closing devices has entailed an expense for the parties concerned which cannot be justified by the value of the products in question ; whereas it is necessary to exempt these products from this provision ;

Whereas according to Article 13 (3) of the same Regulation, the accompanying document may be dispensed with for the transportation of grapes whether or not crushed or of grape must when the products are transported from the producer to his wine-making plant or to the wine-making establishment of which he is a member in the case of a group of producers ; whereas to avoid any discrimination it is necessary to clarify this text ;

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

(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.

HAS ADOPTED THIS REGULATION :

Article 1

The first subparagraph of Article 13 (2) of the Regulation (EEC) No 1769/72 is replaced by the following text :

'2. Member States may provide that the accompanying document shall not be established :

— for the transportation of grape juice, or wine vinegar put up in non-returnable containers with a capacity not exceeding 5 litres, labelled and with a closing device approved by a competent agency ;

— for the transportation of wine put up in non-returnable containers with a capacity not exceeding 5 litres, labelled and with a closing device approved by a competent agency and bearing the name and address or code number of the organization responsible for putting up.

Each Member State shall supply the Commission with a detailed description of the approved closing devices.'

Article 2

Paragraph 3 of Article 13 of Regulation (EEC) No 1769/72 is replaced by the following text :

'3. The accompanying document may be dispensed with for the transportation of grapes whether or not crushed or of grape must when the transportation has been effected from the vineyard or from another plant belonging to the producer of the grapes, who himself has obtained the products specified above to

— his wine-making plant in the case of the single producer

— or the wine-making establishment of which he is a Member in the case of a group of producers.

Member States shall determine the cases where an accompanying document shall be drawn up.'

Article 3

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 29 August 1973.

For the Commission

The President

François-Xavier ORTOLI