REGULATION (EEC) No 1199/74 OF THE COMMISSION

of 13 May 1974

providing for a temporary derogation from Regulation (EEC) No 1769/72 concerning the accompanying documents in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Treaty [1] concerning the Accession of new Member States to the European Economic Community and the European Atomic Energy Community, signed at Brussels on 22 January 1972, and in particular Article 63 of the Act [2] annexed thereto;

Whereas, pursuant to the second indent of 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 374/74 [4], Member States may provided 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 five litres, provided that the closing devices of such containers have been approved by a competent agency, are of a non-reusable design and bear the name and address or code number of the firm responsible for such putting up; whereas Commission Regulation (EEC) No 2098/73 [5] of 31 July 1973 providing for a temporary derogation from Regulation (EEC) No 1769/72 provided that, until 1 March 1974, wines may circulate in Ireland and the United Kingdom even though they do not comply with the abovementioned provisions concerning closing devices;

Whereas the first paragraph of Article 1 of Commission Regulation (EEC) No 930/73 [6] of 3 April 1973 temporarily suspending the application in the new Member States of certain provisions of Regulation (EEC) No 1769/72 on accompanying documents and records for products in the wine sector provided that the system of accompanying documents was, in respect of consignments despatched from the territory of a new Member State, to apply with effect from 1 September 1973 only;

Whereas the entry into force of Community provisions, particularly those relating to the capacity of containers not requiring accompanying documents and the method of closing such containers, poses problems for the two new Member States concerned in that those responsible for putting up have not yet been able to complete the necessary technical modifications; whereas provision should be made in respect of those two Member States for an exemption of sufficient duration; 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 States in question;

Whereas those concerned have not been able since the expiry of the exemptions to comply even in part with the relevant provisions of the Regulation; whereas provision should therefore made for this Regulation to apply, to an appropriate extent, with retrospective effect;

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

HAS ADOPTED THIS REGULATION:

Article 1

Until 31 January 1975, the United Kingdom and Ireland may authorize the movement within their territories without an accompanying document of products as specified in the second indent of the first subparagraph of Article 13 (2) of Regulation (EEC) No 1769/72 put up in containers of a capacity not exceeding 45 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 firm responsible for such putting up.

Article 2

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

It shall apply as regards the capacity of containers with effect from 1 September 1973 and as regards closing devices with effect from 1 March 1974.

(1) OJ No L 73, 27. 3. 1972, p. 5.
(2) OJ No L 73, 27. 3. 1972, p. 14.
(3) OJ No L 191, 21. 8. 1972, p. 1.
(4) OJ No L 42, 14. 2. 1974, p. 5.
(5) OJ No L 212, 1. 8. 1973, p. 55.
(6) OJ No L 90, 6. 4. 1973, p. 23.

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

Done at Brussels, 13 May 1974.

For the Commission

The President

François-Xavier ORTOLI