REGULATION (EEC) No 1809/74 OF THE COMMISSION

of 9 July 1974

amending Regulation (EEC) No 1770/72 on detailed rules of application relating to the additional conditions with which imported wines for direct human consumption have to comply

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 2592/73 [2], and in particular Article 28 (5) thereof;

Whereas Commission Regulation (EEC) No 1770/72 [3] of 2 August 1972 on detailed rules of application relating to the additional conditions with which imported wines for direct human consumption have to comply, as last amended by Regulation (EEC) No 2865/73 [4], provides in particular that each consignment of wine imported into the Community must be accompanied by a document;

Whereas the requirement of such a document for small consignments involves more burdens than benefits, for the cost in the exporting country of issuing the documents in question is out of all proportion to the advantages to be gained from exporting to the Community; whereas the same applies with regard to the checks to be carried out within the Community; whereas in view of the tiny quantities involved there would seem to be little risk, as a result of importers failing to comply with Council Regulation (EEC) No 1599/71 [5] of 20 July 1971 laying down additional conditions with which imported wines for direct human consumption have to comply, to the attainment of the objectives set out by the same Regulation; whereas the said Regulation (EEC) No 1599/71 should therefore be applied only where imports from a third country exceed 500 hl per year;

Whereas, however, to avoid deflection of trade through other, non-producing, third countries, this exemption should apply only in respect of producing countries in which the wine originates; whereas, moreover, since an idea of the quantities imported can be obtained only after the event, exemption should be limited to a period sufficient to enable the trend in imports to be observed;

Whereas provision should also be made for cases where no document is required because for example the wine in question is not intended to be marketed in the normal way;

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

HAS ADOPTED THIS REGULATION:

Article 1

The text of Article 9 of Regulation (EEC) No 1770/72 is replaced by the following:

'1. The provisions of this Regulation shall not apply:

(a) to quantities of wine of fifteen litres or less:

— consisting of consignments of commercial samples to be distributed free of charge;

— carried in the luggage of tourists;

— sent in small consignments to private individuals where such quantities are obviously intended for the personal or family consumption of the persons concerned;

(b) to wine forming part of the belongings of individuals who are moving house;

(c) to wine imported for trade fairs under the relevant customs arrangements, provided that the wine concerned is put up in containers of a capacity not exceeding two litres;

(d) to quantities of wine imported for experimental purposes of a scientific or technical nature (subject to a maximum of 1 hl per consignment).

(e) until 31 December 1974 to imported wines intended for direct human consumption put up in containers of a capacity not exceeding two litres and originating in and coming from the third countries listed in Annex IV to this Regulation;

(f) to wine intended for and sent directly to diplomatic, consular or similar establishments and imported in accordance with the exemption which has been granted to them.

[1] OJ No L 99, 5. 5. 1970, p. 1.
[2] OJ No L 269, 26. 9. 1973, p. 1.
[3] OJ No L 191, 21. 8. 1972, p. 31.
[4] OJ No L 295, 23. 10. 1973, p. 8.
[5] OJ No L 168, 27. 7. 1971, p. 3.

(g) to wine held on board international means of transport as victualling supplies.

2. Nothing in the provisions of this Regulation shall effect the operation of the arrangements applicable to persons living in frontier zones.

3. Member States shall take all appropriate measures to ensure verification of the destination of the wine specified in paragraph 1'.

Article 2

The Regulation (EEC) No 1770/72 is completed by the Annex IV, the text of which appears in the Annex of this Regulation.

Article 3

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

It shall apply from 1 August 1974.

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

Done at Brussels, 9 July 1974.

For the Commission

The President

François-Xavier ORTOLI

ANNEX

ANNEX IV

— Brazil
— Canada
— United States
— Iran
— Lebanon
— The People's Republic of China
— Taiwan
— USSR