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(Acts whose publication is obligatory)

REGULATION (EEC) No 2133/74 OF THE COUNCIL

of 8 August 1974

laying down general rules for the description and presentation of wines and grape musts

THE COUNCIL 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 1532/74 [2], and in particular Articles 30 (1) and 39 (a) (2) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas Article 30 of Regulation (EEC) No 816/70 lays down certain rules governing the description of certain wines in particular cases and provides for the adoption of general rules on the description and presentation of certain wine products;

Whereas the purpose of any description and presentation should be to supply potential buyers and public bodies responsible for organizing and supervising the marketing of the products concerned with information sufficiently clear and accurate to enable them to form an opinion of the products; whereas general rules should therefore be drawn up to ensure that this purpose is served;

Whereas in the case of the description, a distinction should be made between mandatory information necessary to identify the product and optional information designed mainly to indicate the special properties of the product or to characterize it; whereas, in view of the importance and scope of the problem, steps should be taken to ensure that the information provided is as complete as possible;

Whereas the rules to be adopted concerning the presentation of the products in question should at the same time take into account the need to ensure that these products continue to meet high standards of quality,

HAS ADOPTED THIS REGULATION:

TITLE I

DESCRIPTION

Article 1

1. This title lays down the general rules for the description;

(a) in the case of products originating within the Community:

— of products falling within heading Nos 22.04 and 22.05 of the Common Customs Tariff and,

— of grape musts, whether concentrated or not, as defined by points 2 and 4 of Annex II to Regulation (EEC) No 816/70, and falling within subheading ex 20.07 of the Common Customs Tariff.

(b) in the case of products originating in non-member countries and fulfilling the conditions of Articles 9 and 10 of the Treaty:

— of products falling within heading Nos 22.04 and 22.05 of the Common Customs Tariff,

— of grape musts, as defined by point 2 of Annex II to Regulation (EEC) No 816/70, and falling within subheading ex 20.07 of the Common Customs Tariff,

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 166, 21. 6. 1974, p. 1.

— of concentrated grape musts, as defined by Article 2 of Council Regulation (EEC) No 948/70 [1] of 26 May 1970 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries, as amended by Regulation (EEC) No 1533/74 [2], and falling within subheading ex 20.07 of the Common Customs Tariff.

However, this title does not apply to sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines and liqueur wines, as referred to in Annex II to Regulation (EEC) No 816/70 and Article 2 of Regulation (EEC) No 948/70.

2. These rules are applicable for the description of the products concerned:

(a) on the labels;

(b) in registers and on the accompanying and other documents prescribed by Community legislation, hereinafter referred to as 'official documents', other than customs documents;

(c) in commercial documents, particularly in invoices and delivery notes;

(d) in advertising material, inasmuch as special provision is made for such purpose in this Regulation.

3. These rules are applicable to products held for sale and to products placed on the market.

However, the Member States may exempt from the provisions concerning information on the labels:

(a) products transported:

— between two or more plants,

— between vineyards and wine-making plants belonging to the same concern and situated in the same local administrative area,

(b) quantities of grape musts and wines not exceeding 15 litres per batch and not intended for sale;

(c) quantities of musts and wines intended for the domestic consumption of the producer and his employees.

Where the musts and wines referred to in subparagraphs (a) and (b) above are labelled, the labels used must conform to the provisions of this Regulation.

CHAPTER I

DESCRIPTION OF PRODUCTS ORIGINATING WITHIN THE COMMUNITY

Section A

DESCRIPTION OF TABLE WINES

A I: Labelling

Article 2

1. For table wines, the description on the label shall include the following information:

(a) the words 'table wine';

(b) the nominal volume of the table wine;

(c) in the case of:

— containers with a nominal volume of 60 litres or less: the name or business name of the bottler and the local administrative area or part thereof in which his head offices are situated,

— other containers: the name or business name of the consignor and the local administrative area or part thereof in which his head offices are situated.

Where wine is bottled in or consigned from a local administrative area or part thereof, other than that mentioned above or a neighbouring local administrative area, the information referred to under (c), first and second indents, shall include an indication of the local administrative area or part thereof where the activity was carried out;

(d) in the case of:

(i) consignments to another Member State or export: the name of the Member State in whose territory the grapes were harvested and turned into wine, provided that both these operations took place in the same Member State;

(ii) table wine:

— resulting from a coupage of products originating in different Member States, or

— which was not turned into wine in the same Member State in which the grapes were harvested: the inscription 'EEC'.

[1] OJ No L 114, 27. 5. 1970, p. 6.
[2] OJ No L 166, 21. 6. 1974, p. 3.

2. For table wines, the description on the label may be supplemented by the following information:

(a) a statement as to whether the wine is red, rosé or white;

(b) a brand name, in accordance with the terms of Article 8;

(c) the name or business name of the natural or legal persons or group of persons who have been involved in the commercial distribution of the table wine in question, and the local administrative area or part thereof in which their head offices are situated,

(d) a citation, awarded by an official body or a body officially recognized for this purpose, to one of the persons or group of persons referred to in (c), where this is likely to enhance the reputation of the table wine concerned, inasmuch as this mention is governed by implementing procedures, or failing this by the provisions of the Member State concerned;

(e) where the table wine is not consigned to another Member State or exported and if the conditions laid down in paragraph 1 (d) (ii) are not fulfilled, the name of the Member State in whose territory the grapes were harvested and turned into wine;

(f) the actual and/or total alcoholic strength;

(g) a recommendation to the consumer as to the use of the wine.

3. For table wines described in accordance with Article 30 (2) and (3) of Regulation (EEC) No 816/70, the description may be further supplemented by the following information:

(a) the name of a geographical unit which is smaller than the Member State, in accordance with the terms of Article 4;

(b) the name of one or two vine varieties, in accordance with the terms of Article 5;

(c) the vintage year in accordance with the terms of Article 6;

(d) details as to:

— the method of production,

— the type of product,

— a particular colour of table wine,

inasmuch as this information is laid down in Community legislation or the producer Member State. However, the use of such information may be prohibited in the descriptions of table wines originating in a region where it is not traditional;

(e) an award granted by an official body or a body officially recognized for this purpose, for a specified quantity of table wine, provided that this is accompanied by a statement of the vintage year, and provided that the award can be proved by an appropriate document.

The Member States shall notify the Commission of any awards that may be granted to table wines in their territory and of the rules that are applied in this connection;

(f) a statement that the wines were bottled on the premises of the vineyard where the grapes from which the wine was made were harvested and turned into wine or, in the case of a group of vineyards, on one of their premises or on premises under their control;

(g) the name of a vineyard or group of vineyards in which the table wine in question was obtained, where this is likely to enhance the reputation of such wine, inasmuch as such information is governed by implementing procedures, or failing this, by the producer Member State.

Article 3

1. Only the information referred to in Article 2 shall be allowed for the description on labels of table wines.

Member States may, however, lay down additional rules for table wines intended for export, in so far as the legislation of non-member countries makes this necessary.

2. In the case of table wines obtained on their territory, Member States may make compulsory, dispense with or restrict the use of certain information referred to in Article 2 (3).

3. Each Member State shall allow the description of table wines which originate in other Member States and are distributed in its territory, provided such description conforms to Community legislation and is allowed in the producer Member State in accordance with this Regulation.

However, the Member States may, for a transitional period of five years from the implementation of this

Regulation, make compulsory the indication of the actual alcoholic strength for table wines distributed in their territory.

Within the aforesaid period of five years, the Council shall decide, on a proposal from the Commission and in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, on common arrangements to apply subsequent to this period in respect of indication of the actual alcoholic strength.

4. In the case of table wines distributed in their territory, the Member States may allow information concerning the bottler and the place of bottling to be given in the form of a code.

5. In the case of table wine, an indication of all or part of the name of a specified region, as defined by Article 2 of Council Regulation (EEC) No 817/70 [1] of 28 April 1970 laying down special provisions relating to quality wines psr, as last amended by Regulation (EEC) No 2680/72 [2], shall be given in the form of a code.

However, the Member States may prescribe other appropriate measures for their territory in order to avoid confusion with the specified region in question.

6. For the description on the labels of table wines, the information referred to in Article 2 shall be given in one or more of the official languages of the Community.

However,

(a) — one of the official languages of the Member State of origin shall be used for the name of a geographicial unit which is smaller than the Member State referred to in Article 2 (3) (a),

and

— the information in respect of bottling, as referred to in Article 2 (3) (f),

such information may also be given in another Community language in cases where this practice is traditional and customary in the Member State concerned;

(b) it may be decided that the information as to the method of production, the type of product or a particular colour referred to in Article 2 (3) (d) shall be provided solely in one of the official languages of the Member State of origin.

For the description of table wines intended for export, provision may be made under the implementing procedures for the use of other languages.

Article 4

1. For the description on the labels of table wines, the name of a 'geographical unit which is smaller than the Member State', as referred to in Article 2 (3) (a) shall be taken to mean:

— a small locality or group or localities,

— a local administrative area or part thereof,

— a wine-growing sub-region or part thereof,

— a region other than a specified region.

The geographical units referred to in the preceding subparagraph shall constitute production areas within the meaning of the first subparagraph of Article 30 (3) of Regulation (EEC) No 816/70.

2. In the case of table wines produced in their territory and described in accordance with Article 30 (2) and (3) of Regulation (EEC) No 816/70, the producing Member States may prohibit the use of one or more names of geographical units referred to in paragraph 1 which are smaller than the Member State.

3. The use of one of the names referred to in paragraph 1 to describe a table wine shall be subject to the condition that it cannot be identified with the geographical ascription, taken as a whole, of a quality wine psr named after the specified region or, where appropriate, named in accordance with the provisions of Article 14 (1), nor with the description of an imported wine referred to in Article 28 and that there is no risk of confusion with a quality wine produced in a specified region or with an imported wine.

Article 5

1. The name of a vine variety referred to in Article 2 (3) (b) may be used on a label to describe a table wine only if

(a) that variety is included in the list of vine varieties drawn up in accordance with Article 16 of

[1] OJ No L 99, 5. 5. 1970, p. 20.
[2] OJ No L 289, 27. 12. 1972, p. 1.

Regulation (EEC) No 816/70 for the administrative unit which the grapes used to produce the table wine in question were harvested; however, this provision shall not apply to wines referred to in Article 11 (4) of Council Regulation (EEC) No 1388/70 [1] of 13 July 1970 on general rules for the classification of vine varieties;

(b) the name of the variety is that given:

— in the classification of vine varieties for the administrative unit referred to in (a),

— where appropriate, in a list of synonyms to be drawn up; this list may provide that a given synonym may be used only to describe a table wine produced in the areas of production in which this use is traditional and customary;

(c) with the exception of such products as may be used for sweetening, the table wine concerned is made entirely from grapes of the variety specified;

(d) that variety determines the nature of the table wine in question;

(e) it is accompanied by the name of a geographical unit which is smaller than the Member State concerned, as referred to in Article 4 (1);

(f) the name of this variety does not cause confusion with the name of a specified region or a geographical unit used to describe a quality wine psr or an imported wine.

2. By derogation from paragraph 1, and without prejudice to Article 7, producer Member States may allow the indication of:

— the names of two vine varieties for one and the same table wine provided that it is produced solely from the varieties given, or

— the name of one vine variety, if the product concerned is obtained at least 85 % from grapes of the variety named, and provided that the variety determines the nature of the product in question.

Article 6

1. Mention of the vintage year, as referred to in Article 2 (3) (c), on labels for table wines, may be allowed only if all the grapes used to produce the table wine concerned were harvested during the year intended to be indicated.

2. By derogation from paragraph 1 and without prejudice to Article 7, producer Member States may allow the indication of the vintage year if at least 85 % of the table wine concerned is obtained from grapes of the vintage year intended to be indicated.

Article 7

The first subparagraph of Article 30 (3) of Regulation (EEC) No 816/70 and Articles 5 (2) and 6 (2) of this Regulation may be applied simultaneously only if at least 85 % of the table wine resulting from the coupage comes from the production area, the vine variety and the vintage year shown in the description of the table wine.

Article 8

Labels used for the description of a table wine may not bear brand names showing words, parts of words, signs or designs which:

(a) are likely to create a false impression of a person, particularly the bottler, who has been involved in the commercial distribution of the product described;

(b) include the name of a quality wine psr or may lead to confusion with the description of a quality wine psr;

(c) in the case of table wines described in accordance with Article 30 (2) and (3) of Regulation (EEC) No 816/70, contain false or misleading information, particularly in respect of indications of geographical origin, vine variety, vintage year or superior quality; or

(d) in the case of table wines other than those referred to under (c), contain information concerning the geographical origin, vine variety, vintage year or any indication of superior quality.

A II: Official documents and registers

Article 9

1. In the case of table wines, the description given in the official documents shall include the following information:

[1] OJ No L 155, 16. 7. 1970, p. 5.

(a) the term 'table wine';

(b) a statement as to whether the wine is red, rosé or white;

(c) in the case of:

(i) consignments to another Member State or export: the Member State in whose territory the grapes were harvested and turned into wine, provided that both these operations took place in the same Member State,

(ii) table wine:

— resulting from a coupage of products originating in other Member States, or

— which was not turned into wine in the Member State in which the grapes used were harvested:

the inscription 'EEC'.

2. The description of table wines in the official documents shall also include the information referred to in Article 2 (2) and (3) and set out below, inasmuch as it appears or is intended to appear on the labels:

(a) the vintage year;

(b) the name of a geographical unit which is smaller than the Member State concerned;

(c) the name of one or two vine varieties;

(d) a statement as to the method of production, the type of product or a particular colour.

Article 10

1. For table wines, the description in the registers kept by producers shall include the information referred to in:

— Article 9 (1) (a) and (b),

— Article 9 (2), in so far as it is intended to appear on the labels, or in the absence of a label, on the accompanying document.

2. For table wines, the description in the registers kept by persons other than producers shall include

— the information referred to in Article 9 (1) ,

— the number of the accompanying document and the date on which it was drawn up.

A III: Commercial documents

Article 11

1. Where an accompanying document has not been drawn up for a table wine, the description in the commercial documents referred to in Article 1 (2) (c) shall comprise:

— the information referred to in Article 9 (1), and

— the information referred to in Article 9 (2) inasmuch as it appears on the labels.

2. Where the description in the commercial documents of the table wines also includes information referred to in Article 2, such information must conform to the provisions of Articles 4, 5, 6, 7 and 8.

3. In the case of table wines distributed in their territory, the Member States may allow the information referred to in Article 2 to be given in the commercial documents in the form of a code. The code must be such as to enable the inspection authority to identify rapidly the description of the table wine concerned.

Section B

DESCRIPTION OF QUALITY WINES PRODUCED IN SPECIFIED REGIONS

B I: Labelling

Article 12

1. In the case of quality wines psr, the description on the labels shall include the following information:

(a) the specified region of origin;

(b) one of the expressions referred to in the second subparagraph of Article 12 (4) of Regulation (EEC) No 817/70;

(c) the nominal volume of the quality wine psr;

(d) on containers with a nominal volume of 60 litres or less:

— the name or business name of the bottler and the local administrative area or part thereof in which his head offices are situated,

other containers:

— the name or business name of the consigner and the local administrative area or part thereof in which his head offices are situated.

Where wine is bottled in or consigned from a local administrative area or part thereof other than that mentioned above or a neighbouring local administrative area, the information referred to under (d), first and second indents, shall be accompanied by an indication of the local administrative area or part thereof where the activity was carried out;

(e) in the case of consignments to another Member State or export, the name of the Member State in which the specified region is situated.

2. In the case of quality wines psr, the description on the labels may be supplemented by the following information:

(a) a statement as to whether the wine is red, white or rosé;

(b) the vintage year in accordance with the terms of Article 16;

(c) a brand name in accordance with the terms of Article 16;

(d) the name or business name of the natural or legal persons or group of persons who have been involved in the distribution of the quality wines psr in question and the name of the local administrative area or part thereof in which their head offices are situated;

(e) a citation awarded to one of the persons or group of persons referred to in (d) by an official body or a body officially recognized for this purpose where this is likely to enhance the reputation of the quality wine psr concerned; provided that such a mention is governed by implementing procedures or, failing this, by the legislation of the Member State concerned;

(f) the name of the Member State of origin, in so far as paragraph 1 (e) does not require this name to be given;

(g) the actual and/or total alcoholic strength;

(h) a recommendation to the consumer as to the use of the wine;

(i) specific details of a traditional kind, in so far as they are used in accordance with the terms laid down in the legislation of the producer Member State and are entered on a list to be drawn up;

(k) details concerning:

— the method of production,

— the type of product,

— a particular colour of the quality wine psr,

in so far as this information laid down in Community legislation or by the producer Member State. However, the use of such information may be prohibited in the description of quality wines psr originating in a specified region where it is not traditional;

(l) the name of a geographical unit which is smaller than the specified region, in accordance with the terms of Article 14;

(m) the name of a vineyard or group of vineyards on whose premises the quality wine psr in question was made, and where this is likely to enhance the reputation of this wine, in so far as such information is governed by implementing procedures or, failing this, by the legislation of the producer Member State;

(n) the name of one or two vine varieties, in accordance with the terms of Article 15;

(o) a quality control number allotted by an official body to the quality wine psr in question;

(p) an award granted by an official body or a body officially recognized for such purpose to the quality wine psr in question and provided that the award can be proved by an appropriate document;

(q) an indication that the wines were bottled on the premises of the vineyard where the grapes from which the wine was obtained were harvested and turned into wine, or in the case of a group of vineyards, on one of their premises or an a premises under their control;

(r) within a transitional period of five years as from the implementation of this Regulation: an indication that the wines were bottled in the specified region, in so far as this use is traditional and customary in the specified region concerned;

(s) the number of the container.

Article 13

1. Only the information referred to in Article 12 shall be allowed for the description on labels of a quality wine psr.

Member States may, however, lay down additional rules for quality wines psr intended for export, in so far as the legislation of non-member countries makes it necessary to do so.

2. In the case of quality wines produced in specified regions in their territory, Member States may make compulsory, dispense with or restrict certain information referred to in Article 12 (2).

3. Each Member State shall allow the description of quality wines psr which originate in other Member States and are distributed in its territory, provided such description conforms to Community legislation and is allowed in the producer Member State in accordance with this Regulation.

However, Member States may, for a transitional period of five years as from the implementation of this Regulation make the indication of the actual alcoholic strength compulsory for quality wines psr distributed in their territory.

Within the aforesaid period of five years the Council shall decide, on a proposal from the Commission and in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, on common arrangements to apply subsequent to this period in respect of indication of the actual alcoholic strength.

4. In the case of products distributed in their territory, Member States may allow information concerning the bottler and the place of bottling to be indicated in the form of a code.

5. For the description on the labels of quality wines psr the information referred to in Article 12 shall be given in one or more of the official languages of the Community.

However,

(a) one of the official languages of the Member State of origin shall be used for:

— the name of the specified region in which the quality wine psr concerned originates,

— one of the expressions referred to in the second subparagraph of Article 12 (4) of Regulation (EEC) No 817/70,

— the name of a geographical unit which is smaller than the specified region, as referred to in Article 12 (2) (l),

— the name of the vineyard or group of vineyards, as referred to in Article 12 (2) (m), and

— information in respect of bottling, as referred to in Article 12 (2) (q).

Such information may also be given in another language of the Community where this practice is traditional and customary in the Member State concerned.

(b) It may be decided that the information as to the method of production, the type of product or a particular colour referred to in Article 12 (2) (k) shall be provided solely in one of the official languages of the Member State of origin.

For the description of quality wines psr intended for export, provision may be made under the implementing procedures for the use of other languages.

Article 14

1. For the description on the labels of a quality wine psr the name of a 'geographical unit which is smaller than the specified region', as referred to in Article 12 (2) (m), shall be taken to mean:

— a small locality or group of localities,

— a local administrative area or part thereof,

— a wine-growing sub-region or part thereof.

2. The producer Member States may allocate the name of a geographical unit which is smaller than the specified region in question to quality wines psr provided that:

— this geographical unit is well defined,

— all the grapes from which the wines have been produced originate in this unit.

3. Where a quality wine psr is obtained from products of grapes harvested in different geographical units, referred to in paragraph 1 and situated within the same specified region, the only information allowed in addition to the name of the specified region shall be the name of the larger geographical unit covering all the wine-producing areas concerned.

However, without prejudice in Article 17, producer Member States may allow the use of the name of a geographical unit referred to in paragraph 1 for a quality wine psr:

(a) obtained from a mixture of grapes, grape musts or new wines still in fermentation or, within a five-year transitional period as from the implementation of this Regulation, from wine originating in the geographical unit whose name is to be used for the description, with a product made in the same specified region but outside this unit, provided that the quality wine psr concerned is obtained at least 85% from grapes harvested in the geographical unit whose name it bears;

(b) having been sweetened with a product made in the same specified region.

4. The name of a specified region and the name of a geographical unit as referred to in paragraph 1 shall not be allowed for:

— a wine resulting from a mixture of quality wine psr with a product made outside the specified region in question,

— a quality wine psr which has been sweetened with a product made outside the specified region in question,

if these wines are not shown on the list to be drawn up in accordance with Article 5 (3) of Regulation (EEC) No 817/70.

Article 15

1. The name of a vine variety as referred to in Article 12 (2) (n) to describe on the label a quality wine psr may be used only if:

(a) that variety is included in the list drawn up by the Member States in accordance with Article 3 (1) of Regulation (EEC) No 817/70 for the description of the vine varieties which are suitable for the production of each of the quality wines psr produced in their territory;

(b) the name of the variety is that given:

— in the classification of vine varieties for the administrative unit concerned,

— where appropriate, in a list of synonyms to be drawn up; this list may provide that a given synonym may be used only to describe a quality wine psr produced in the areas of production in which this use is traditional and customary;

(c) with the exception of such products as may be used for sweetening, the quality wine psr is obtained entirely from grapes of the variety specified;

(d) that variety determines the nature of the quality wine psr in question;

(e) the name of that variety does not cause confusion with the name of a specified region or geographical unit used to describe another quality wine psr or with the name of an imported wine.

2. By derogation from paragraph 1 and without prejudice to Article 17, producer Member States may allow an indication of

— the names of two vine varieties for one and the same quality wine psr, provided that it is obtained entirely from the varieties named, or

— the name of one vine variety, if the product concerned is obtained at least 85% from grapes of the variety specified and if this variety determines the nature of the product in question.

Article 16

1. Mention of the vintage year as referred to in Article 12 (2) (b) on labels for quality wines psr may be allowed only if all the grapes used to produce the quality wine psr concerned were harvested during the year to be mentioned.

2. By derogation from paragraph 1 and without prejudice to Article 17, producer Member States may allow an indication of the vintage year if at least 85% of the quality wine psr concerned is obtained from grapes harvested in the year to be shown.

Article 17

The provisions of the second subparagraph of Article 14 (3) (a), the second indented subparagraph of Article 15 (2) and Article 16 (2) may be applied simultaneously only if at least 85% of the quality wine psr resulting from the mixture comes from the geographical unit which is smaller than the specified region, from the vine variety and from the vintage year shown in the description of the quality wine psr.

Article 18

Labels used for the description of a quality wine psr may not bear brand names showing words, parts of words, signs or designs which:

(a) are likely to create a false impression of a person, in particular the bottler, who has been involved in the commercial distribution of the product described;

(b) include the name of a table wine or are likely to cause confusion with the description of a table wine or with another quality wine psr; or

(c) contain false or misleading information, particularly in respect of indications of geographical origin, vine variety, vintage year or superior quality.

B II: Official documents and registers

Article 19

1. In the case of quality wines psr, the description given in the official documents shall include the following information:

(a) the term 'quality wine psr';

(b) where appropriate, one of the expressions referred to in the second subparagraph of Article 12 (4) of Regulation (EEC) No 817/70;

(c) the specified region;

(d) a statement as to whether the wine is red, rosé or white;

(e) in the case of consignments to another Member State or export: the name of the Member State to which the specified region belongs.

2. The description of quality wines psr in the official documents shall also include the information referred to in Article 12 (2) and set out below, in so far as it appears or is intended to appear on the labels:

(a) the vintage year;

(b) specific details of a traditional kind for the purpose of indicating quality;

(c) a statement as to the method of production, the type of product or a particular colour;

(d) the name of a geographical unit which is smaller than the specified region;

(e) the name of one or two vine varieties.

Article 20

1. For quality wines psr, the description in the registers kept by producers shall include the information referred to in:

— Article 19 (1) (a), (b), (c) and (d),

— Article 19 (2), in so far as it is intended to appear on the labels, or in the absence of a label, on the accompanying document.

2. For quality wine psr, the description in the registers kept by persons other than producers, shall include:

— the information referred to in Article 19 (1),

— the number of the accompanying document and the date on which it was drawn up.

B III: Commercial documents

Article 21

1. Where an accompanying document has not been drawn up for a quality wine psr, the description in the commercial documents referred to in Article 1 (2) (c) shall comprise:

— the information referred to in Article 19 (1), and

— the information referred to in Article 19 (2) in so far as it appears on the labels.

2. Where the description in the commercial documents of the quality wine psr also includes information referred to in Article 12, such information must conform to the provisions of Articles 14, 15, 16, 17 and 18.

3. In the case of quality wines psr distributed in their territory, the Member States may allow the information contained in Article 12 to be given in the commercial documents in the form of a code. This code must be such as to enable the inspection authority to identify rapidly the description of the quality wines psr concerned.

Section C

DESCRIPTION OF PRODUCTS OTHER THAN TABLE WINES AND QUALITY WINES PSR

C I: Labelling

Article 22

1. Where products other than table wines and quality wines psr are labelled, the labels used shall include the following information:

(a) the type of product, using that definition contained in Community legislation which gives the most accurate description of the product concerned;

(b) for:

— grape must and concentrated grape must: the density,

— partially fermented grape must and new wine still in fermentation: the total alcoholic strength,

— other wine: the actual and/or total alcoholic strength;

(c) the nominal volume of the product;

(d) for:

— containers with a nominal volume of 60 litres or less: the name or business name of the bottler and the local administrative area or part thereof in which his head offices are situated,

— other containers: the name or business name of the consignor and the local administrative area or part thereof in which his head offices are situated;

(e) in the case of consignments to another Member State or export:

— for wines: the name of the Member State in whose territory the grapes were harvested and turned into wine, provided that both these operations took place in the same Member State,

— for grape musts: the name of the Member State in whose territory the grapes were harvested and production carried out, provided that both these operations took place in the same Member State;

(f) the inscription 'EEC' for wines and grape musts:

— which result from a coupage of products originating in different Member States, or

— which, in the case of grape musts, were not produced, and, in the case of wine, were not turned into wine in the Member State in which the grapes used were harvested;

(g) any restriction on use imposed by Community legislation.

2. The description of these products on labels may be supplemented by indicating:

(a) the vintage year;

(b) the name or business name of the natural or legal persons or group of persons who have been involved in the commercial distribution of the product in question and the local administrative area or part thereof in which their head offices are situated;

(c) where the product is not consigned to another Member State or exported and if the conditions laid down in paragraph 1 (f) are not fulfilled: the name of the Member State in whose territory the grapes were harvested and the production took place.

Article 23

1. Only the information referred to in Article 22 shall be allowed for the description on labels of products other than table wines and quality wines psr However, under the implementing procedures, additional provisions may be made for products other than table wines and quality wines psr intended for export, in so far as the legislation of non-member countries makes this necessary.

2. Each Member State shall allow the description of products other than table wines and quality wines psr which originate in other Member States and are distributed in its territory, provided such description conforms to Community legislation and is allowed in the producer Member State in accordance with the provisions of this Regulation.

However, the Member States may make compulsory, dispense with or restrict the use of certain information referred to in Article 22 (2) for products other than table wines and quality wines psr obtained on their territory.

3. An indication on the label of the vintage year referred to in Article 22 (2) (a) to describe a product other than a table wine or a quality wine psr may be given only if all the grapes used for making the product in question were harvested during the year which is intended to be shown.

4. For the description on the labels of products other than table wines and quality wines psr the information referred to in Article 22 shall be given in one or more of the official languages of the Community. For the description of products other than table wines and quality wines psr intended for export, provision may be made under the implementing procedures for other languages to be used.

C II: Official documents and registers

Article 24

1. In the case of products other than table wines or quality wines psr the description in the official documents shall include the following information:

(a) a statement as to whether the wine is red, rosé or white,

(b) the type of product

— using that definition contained in Community legislation which gives the most accurate description of the product concerned,

— supplemented for grape musts, partially fermented grape musts and new wines still in fermentation intended for processing into quality wine psr by the statement 'intended for processing into quality wine psr'.

(c) in the case of consignments to another Member State or export:

— for wines: the Member State in whose territory the grapes were harvested and turned into wine, provided that both these operations took place in the same Member State,

— for grape musts: the Member State in whose territory the grapes were harvested and the production carried out, provided that both these operations took place in the same Member State;

(d) the inscription 'EEC' for wine and grape musts:

— which have resulted from a coupage of products originating in different Member States, or

— which, in the case of grape musts, were not produced and, in the case of wine, were not turned into wine in the Member State in which the grapes used were harvested.

2. The description in the official documents of products other than table wines and quality wines psr shall also include:

(a) for products intended for processing into table wines and for wines suitable for yielding table wine: the information referred to in Article 9 (2);

(b) for products intended for processing into quality wine psr: the information referred to in the third and, where appropriate, the second indent of Article 19 (1) (c) and (b) and in Article 19 (2);

(c) for other products: the information referred to in Article 22 (2) (a) and (c);

in so far as it is intended to appear on the labels of table wines and of quality wines psr obtained from the products referred to in (a) and (b) or on the labels of the products referred to in (c).

Article 25

1. In the case of products other than table wines or quality wines psr, the description in the registers kept by producers shall include:

— the information referred to in Article 24 (1) (a) (b),

— the information referred to in Article 24 (2), in so far as such information is intended to appear on the labels or in the absence of a label on the accompanying document.

2. In the registers kept by persons other than producers, the description of these products shall include

— the information referred to in Article 24 (1),

— the number of the accompanying document and the date on which it was drawn up.

C III: Commercial documents

Article 26

1. In the case of products other than table wines or quality wines psr, the description in the commercial documents referred to in Article 1 (2) (c) shall include at the very least the information referred to in Article 24 (1).

2. If the vintage year is given as well, such information must conform to the provisions of Article 23 (3).

3. If for grape musts, partially fermented grape musts and new wines still in fermentation, intended for processing into table wine and wines suitable for yielding table wine, the description in the commercial documents also includes the information referred to in Article 2, such information must conform to the provisions of Articles 4, 5, 6, 7 and 8.

4. If for grape musts, partially fermented grape musts and new wines still in fermentation, intended for processing into quality wines psr, the description in the commercial documents also includes the information referred to in Article 12, such information must conform to the provisions of Articles 14, 15, 16, 17 and 18.

5. The information specified in the commercial documents of the products referred to in paragraphs 3 and 4 shall be consistent with that specified in the accompanying documents.

CHAPTER II

DESCRIPTION OF PRODUCTS ORIGINATING IN NON-MEMBER COUNTRIES

Section A

LABELLING

Article 27

1. The description on the labels of imported wines intended for direct human consumption not included

in the list referred to in Article 28 (1) shall include the following information:

(a) the term 'wine';

(b) the nominal volume of the imported wine;

(c) where these wines:

— have been bottled, in the Community, in containers with a nominal volume of 60 litres or less: the name or business name of the bottler and the local administrative area or part thereof in which his head offices are situated. However, where the bottling was carried out in a local administrative area or part thereof other than that mentioned above or a neighbouring local administrative area, the mention of the bottler's head offices shall specify the local administrative area or part thereof where the bottling was carried out,

— have been bottled, outside the Community, in containers with a nominal volume of 60 litres or less: the name or business name of the importer and the local administrative area or part thereof in which his head offices are situated,

— are distributed in other containers: the name or business name of the importer and the local administrative area or part thereof in which his head offices are situated,

(d) the non-member country of origin, as stated in the documents referred to in Council Regulation (EEC) No 1599/71 [1] of 20 July 1971 laying down additional conditions with which imported wines for direct human consumption have to comply, as last amended by Regulation (EEC) No 1727/73 [2], and which accompany the wine in question when it is imported.

2. The description on the labels of wines referred to in paragraph 1 may be supplemented by the following information:

(a) a statement as to whether the wine is red, rosé or white;

(b) a brand name in accordance with the terms of Article 34;

(c) the name or business name of the natural or legal persons or group of persons who have been involved in the commercial distribution of the imported wine and the local administrative area in which their head offices are situated;

(d) the actual and/or total alcoholic strength;

(e) a recommendation to the consumer as to the use of the wine.

Article 28

1. The description on the labels of imported wines intended for direct human consumption, described by reference to a geographical area and contained in a list to be drawn up, shall include the following information:

(a) the name of a geographical unit situated in the non-member country concerned, in accordance with the terms of Article 31;

(b) the nominal volume of the imported wine;

(c) where these wines:

— have been bottled, in the Community, in containers with a nominal volume of 60 litres or less: the name or business name of the bottler and the local administrative area or part thereof in which his head offices are situated. However, where the bottling was carried out in a local administrative area or part thereof other than that mentioned above or a neighbouring local administrative area, the mention of the bottler's head offices shall specify the local administrative area or part thereof where the bottling was carried out,

— have been bottled, outside the Community, in containers with a nominal volume of 60 litres or less: the name or business name of the importer and the local administrative area or part thereof in which his head offices are situated,

— are distributed in other containers: the name or business name of the importer and the local administrative area or part thereof in which his head offices are situated;

(d) the non-member country of origin, as stated in the documents referred to in Regulation (EEC) No 1599/71 and which accompany the wine in question when it is imported.

The list referred to in the first subparagraph may include only imported wines for which, in each case,

[1] OJ No L 168, 27. 7. 1971, p. 3.
[2] OJ No L 176, 30. 6. 1973, p. 1.

the conditions of production are recognized as being equivalent to those for a quality wine psr or for a table wine bearing an indication of geographical origin.

2. The description on the label of the wines referred to in paragraph 1 may be supplemented by the following information:

(a) a statement as to whether the wine is red, rosé or white;

(b) the name of a geographical unit other than that included in the list referred to in paragraph 1 in accordance with the terms of Article 31;

(c) details concerning superior quality, in accordance with the national provisions of the non-member country of origin of the wine, and in so far as such details are recognized by the Community;

(d) the name of one or of two vine varieties, in accordance with the terms of Article 32;

(e) the vintage year, in accordance with the terms of Article 33;

(f) the actual and/or total alcoholic strength;

(g) a brand name, in accordance with the terms of Article 34;

(h) the name or business name of the natural or legal persons or group of persons who have been involved in the commercial distribution of the imported wine, and the local administrative area or part thereof in which their head offices are situated;

(i) a recommendation to the consumer as to the use of the wine;

(k) details concerning:

— the method of production,

— the type of product,

— a particular colour of the product,

in so far as such information is traditional and customary and defined by provisions laid down by the non-member country of origin;

(l) the name of a vineyard or group of vineyards on whose premises the wine in question was made and where this is likely to enhance the reputation of such wine, in so far as the information is governed by provisions laid down by the non-member country of origin;

(m) a quality control number allotted to the wine in question by an official body;

(n) an award granted to the wine in question by an official body or a body officially recognized for such purpose provided that the award can be proved by an appropriate document;

(o) an indication that the wines were bottled on the premises of the vineyard where the grapes from which the wine was obtained were harvested and turned into wine or in the case of a group of vineyards, on one of their premises or on a premises under their control.

Article 29

1. Where imported products other than the wines referred to in Articles 27 and 28 are labelled, the labels used shall include the following information:

(a) the type of product, using that definition contained in Community legislation which gives the most accurate description of the product in question;

(b) in the case of:

— grape must and concentrated grape must: the density,

— wine: the actual and/or total alcoholic strength;

(c) the nominal volume of the imported product;

(d) the name or business name of the importer, and the local administrative area or part thereof in which his head offices are situated;

(e) where:

— the wines or grape musts in question were produced in the non-member country in which all the grapes used were harvested: the non-member country concerned,

— the conditions of the first indent are not fulfilled: the words 'imported product'.

2. The description used in labelling the products referred to in paragraph 1 may be supplemented by indicating the name or business name of the natural or legal person or group of persons who have been involved in the commercial distribution of the product in question and the local administrative area or part thereof in which their head offices are situated.

Article 30

1. Only the information referred to in Articles 27 to 29 shall be allowed for the description on labels of products originating in non-member countries.

2. The information referred to in paragraph 1 may be supplemented by other optional information to be determined in accordance with the procedure laid down in Article 7 of Regulation No 24 [1] on the progressive establishment of a common organization of the market in wine in the light of experience and of the corresponding provisions adopted for products originating in the Community.

3. In accordance with the same procedure, use of the information referred to in Article 27 (2), Article 28 (2) and Article 29 (2) may be made compulsory, dispensed with or restricted.

4. Member States may for a transitional period of five years as from the implementation of this Regulation make it compulsory for the actual alcoholic strength to be indicated in the case of the imported wines referred to in Articles 27 and 28 and which are distributed in their territory.

Within the aforesaid period of five years, the Council shall decide, on a proposal from the Commission and in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, on common arrangements to apply subsequent to this period in respect of indication of the actual alcoholic strength.

5. Special conditions may be laid down as regards inspection to ensure compliance with provisions governing the description on labels of imported products, with particular reference to the geographical origin, references to superior quality, the vine variety and the bottler.

6. In the case of products distributed in their territory, Member States may allow the information in respect of the bottler the place of bottling or, where appropriate, the importer, to be indicated in the form of a code approved by the competent national authorities.

7. For the description on the label of imported products the information referred to in Articles 27, 28 and 29 shall be given in one or more of the official languages of the Community.

However,

— the name of a geographical unit within the non-member country concerned, as referred to in Article 28 (1) (a) and (2) (b),

— references to superior quality, as referred to in Article 28 (2) (c),

— details concerning the method of production, the type of product or a particular colour, as referred to in Article 28 (2) (k),

— the name of a vineyard or of a group of vineyards as referred to in Article 28 (2) (l),

— information in respect of bottling as referred to in Article 28 (2) (o),

shall be given in one of the official languages of the non-member country of origin. Such information may also be given in an official language of the Community.

8. (a) The name or business name of the natural or legal persons or group of persons together with that of the bottler and the importer, who have been involved in the commercial distribution of the imported product, and the name of the local administrative area or part thereof in which their head offices are situated, as referred to in

— Article 27 (1) (c),

— Article 27 (2) (c),

— Article 28 (1) (c),

— Article 28 (2) (h),

— Article 29 (1) (d),

— Article 29 (2);

(b) references to superior quality, as referred to in Article 28 (2) (c);

(c) the name of a vineyard or group of vineyards, as referred to in Article 28 (2) (l);

may only be used where this does not cause confusion with the name of a region used to describe a quality wine psr or with the name of another imported wine.

[1] OJ No 30, 20. 4 1962, p. 989/62.

Article 31

1. Where, pursuant to Article 28 (1) (a) and (2) (b), an imported wine is described on the label by means of a geographical description, use may be made only of the name of a geographical unit:

(a) which denotes a wine-producing area that is clearly defined:

— which is smaller than the territory of the third country in question, and which produces the grapes from which the product was made,

— which describes a wine-growing area in which grapes are harvested yielding wines conforming to standard quality criteria;

(b) which is used on the domestic market of the non-member country of origin to describe the wines and is intended for such purposes in provisions laid down by that country;

(c) which is not likely to be confused with information used to describe a quality wine psr or a table wine or another imported wine.

2. The name of a geographical unit or given region situated within the Community used to describe a table wine or a quality wine psr may not be used to describe an imported wine, whether in the language of the producing country in which this unit or region is situated, or in any other language.

3. Derogations from paragraph 1 (a) may be allowed for the use of the name of a geographical unit to describe a wine which has been mixed, provided that they:

— conform to the provisions of the non-member country of origin, and

— do not exceed the derogations allowed under Article 14 (3) for quality wines psr.

Article 32

1. The indication of the name of a vine variety referred to in Article 23 (2) (d) to describe an imported wine on the label may be used only if:

(a) the name of that variety and, where appropriate, any synonym are included in a list to be drawn up for each non-member country; however, such a list may not include names of varieties whose cultivation is prohibited by any provisions of the non-member country concerned or which are likely to cause confusion with:

— the name of a specified region or of a geographical unit used to describe a quality wine psr, a table wine or another imported wine,

— the name of another genetically different variety grown within the Community;

(b) the product concerned is made entirely from grapes of the variety which it is intended to indicate.

2. Derogations from paragraph 1 (b) may be allowed, provided that they:

— conform to the provisions of the non-member country of origin, and

— do not exceed the derogations allowed under Article 5 (2) and Article 15 (2) for table wines and quality wines psr.

Article 33

1. The indication of the vintage year referred to in Article 28 (2) (e) shall be allowed on the labels of imported wines only if:

(a) all the grapes used for the production of the wine concerned were harvested during the year which it is intended to indicate;

(b) it is accompanied by the name of a geographical unit; and

(c) it is allowed by the provisions of the non-member country concerned.

2. Derogations from paragraph 1 (a) may be allowed in certain cases, provided that they:

— conform to the provisions of the non-member country of origin, and

— do not exceed the derogations allowed under Article 6 (2) and Article 16 (2) for table wines and quality wines psr.

Article 34

Labels used for the description of an imported wine may not bear brand names showing words, parts of words, signs or designs which:

(a) are likely to create a false impression of a person, in particular the bottler, who has been involved in the commercial distribution of the product described;

(b) include the name of a table wine or of a quality wine psr, may lead to confusion with the description of a table wine, of a quality wine psr or an imported wine shown in the list referred to in Article 28 (1), or are used to distinguish one of these wines;

(c) contain false or misleading information, particularly in respect of indications of geographical origin, vine variety, vintage year or superior quality.

Section B

OFFICIAL DOCUMENTS AND REGISTERS

Article 35

1. The description in the official documents for imported wines intended for direct human consumption which are not shown in the list referred to in Article 28 (1), shall include the following information:

(a) the term 'wine';

(b) a statement as to whether the wine is red, rosé or white;

(c) the non-member country of origin, as stated in the documents referred to in Regulation (EEC) No 1599/71 which accompany the wine in question when imported.

2. The description in the official documents for wines intended for direct human consumption, described by means of a geographical ascription and contained in the list referred to in Article 28 (1), shall include the following information:

(a) the name of a geographical unit, as referred to in Article 28 (1) (a);

(b) a statement as to whether the wine is red, rosé or white;

(c) the non-member country of origin.

The description in the official documents of the wines referred to in the previous subparagraph shall also include the information referred to in Article 28 (2) and set out below, in so far as it appears or is intended to appear on the label:

(a) the name of a geographical unit referred to in Article 28 (2) (b);

(b) an indication of superior quality;

(c) the name of one or of two vine varieties;

(d) the vintage year;

(e) a statement as to the method of production, the type of product or a particular colour.

3. The description in the official documents for imported products other than wines referred to in Articles 27 and 28 shall include the following information:

(a) the type of product, using that definition contained in Community legislation which gives the most accurate description of the product concerned;

(b) where:

— the wines or grape musts in question were produced in the non-member country in which all the grapes used were harvested: the non-member country concerned,

— the conditions of the first indent are not fulfilled: the words 'imported product'.

Article 36

The description in the registers shall include:

(a) in the case of imported wines intended for direct human consumption which are not contained in the list referred to in Article 28 (1):

— the information referred to in Article 35(1),

— the number of the accompanying document and the date on which it was drawn up;

(b) in the case of imported wines intended for direct human consumption, described by means of a geographical ascription and contained in the list referred to in Article 28 (1):

— the information referred to in the first subparagraph of Article 35 (2),

— the number of the accompanying document and the date on which it was drawn up;

(c) in the case of imported products other than wines referred to in Articles 27 and 28:

— the information referred to in Article 35 (3),

— the number of the accompanying document and the date on which it was drawn up.

Article 37

The description of wines originating in non-member countries and intended for direct human consumption, as given in the documents drawn up by the competent authorities and laboratories of the non-member country concerned and presented on import, pursuant to Regulation (EEC) No 816/70, in particular Article 28 thereof, shall include all the information necessary to enable the competent authorities of Member States or the natural or legal persons or group of persons acting on their behalf to draw up an accompanying document in accordance with the provisions of Article 35.

Section C

COMMERCIAL DOCUMENTS

Article 38

1. In the case of imported wines referred to in Article 27, if no accompanying document is drawn up, the description in the commercial documents referred to in Article 1 (2) (c) shall include the information given in Article 35 (1).

Where the description of the aforementioned wines in the commercial documents also includes a brand name, as referred to in Article 27 (2) (b), this must conform to the provisions of Article 34.

2. In the case of imported wines referred to in Article 28, if no accompanying document is drawn up, the description in the commercial document referred to in Article 1 (2) (c) shall include the information given in Article 35 (2).

Where the description of the aforementioned wines in commercial documents also includes information of the kind referred to in Article 28 (2), this must conform to the provisions of Articles 31, 32, 33 and 34.

3. In the case of imported products other than wines referred to in Articles 27 and 28, the description in the commercial documents referred to in Article 1 (2) (c) shall include at the very least the information referred to in Article 35 (3).

TITLE II

PRESENTATION

Article 39

1. This title lays down the general rules governing containers, labelling and packaging:

(a) in the case of products originating within the Community:

— of products falling within heading Nos 22.04 and 22.05 of the Common Customs Tariff, and

— of grape musts, whether concentrated or not, as defined by points 2 and 4 of the Annex to Regulation (EEC) No 816/70, and falling within the tariff subheading ex 20.07;

(b) in the case of products originating within non-member countries and fulfilling the conditions of Articles 9 and 10 of the Treaty:

— of products falling within heading Nos 22.04 and 22.05 of the Common Customs Tariff,

— of the grape musts as defined by point 2 of Annex II to Regulation (EEC) No 816/70, and falling within subheading ex 20.07 of the Common Customs Tariff, and

— of the concentrated grape musts as defined by Article 2 of Regulation (EEC) No 948/70, and falling within heading No ex 20.07 of the Common Customs Tariff.

However, this title does not apply to sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines and liqueur wines, as referred to in Annex II to Regulation (EEC) No 816/70 and Article 2 of Regulation (EEC) No 948/70.

2. The rules referred to in the preceding paragraph shall apply to products held for sale and to products placed on the market.

Article 40

1. Products to which this title applies may be stored or transported only in containers which:

(a) are clean inside;

(b) have no adverse effect on the smell, taste or composition of the product in question;

(c) are made of or lined with materials permitted to come into contact with foodstuffs;

(d) are used solely for the storage or transport of foodstuffs.

2. Use of the containers may be subject to certain conditions to be laid down for the purpose of ensuring in particular that:

(a) the organoleptic properties and the composition of the products are preserved;

(b) the quality and the origin of the products may be distiguished.

3. The containers used for the storage of the products referred to in this title shall be marked in indelible writing, in such a way as to enable the inspection authority to identify rapidly their contents by reference to the registers or documents which correspond thereto.

However, in the case of containers with a nominal volume of 60 litres or less, which are filled with the same product and stored together in the same batch, the batch as a whole may be marked instead of the individual containers, provided that the batch is clearly separated from other batches.

4. Provision may be made that containers used for transport, in particular tankers for use on road, rail or waterway, should bear in a clearly visible place and in indelible writing:

(a) the words 'approved for the transport of beverages', and

(b) special cleaning instructions.

Article 41

1. For the purposes of Titles I and II of this Regulation, labelling shall be understood to mean all the descriptions or other references, signs, designs or brand names which distinguish the product and appear on the same container, including its sealing device or other coverings, with the exception of whatever is laid down by the tax provisions of Member States.

2. Without prejudice to Article 1 (3) labelling shall be compulsory only for containers with a nominal volume of 60 litres or less, and as from the time the product is distributed.

3. Labelling shall be carried out in accordance with conditions yet to be laid down.

Such conditions, which may differ from one product to another, shall relate in particular to:

(a) the positioning of the label on the container;

(b) the minimum size of the labels;

(c) the arrangement on the labels of the various items of the description;

(d) the size of the lettering printed on the label;

(e) the use of signs, designs or brand names;

(f) the language in which the labels are worded, in so far as this is not laid down by this Regulation.

Article 42

1. For the purposes of Titles I and II of this Regulation, packaging shall be understood to mean protective wrappings such as paper, straw coverings of all kinds, cardboard boxes and crates, used to transport one or more containers.

2. Leaving aside instructions necessary for consignment or markings appearing on packaging carried out by retailers in the presence of the purchaser, packing may not bear information relating to the packed product which does not conform to Articles 2, 12, 22, 27, 28 and 29.

TITLE III

GENERAL PROVISIONS

Article 43

1. The description and the presentation of the products referred to in Article 1 (3), including any form of consumer sales publicity, must not be liable to confusion as to the nature, origin and composition of the product; this applies to the information referred to in Articles 2, 12, 27, 28 and 29.

2. The description and presentation in advertising material must be such as not to create a false impression of the product in question, particularly as regards:

— the type of product, the colour, origin, quality, vine variety, vintage year and contents of the containers,

— the identity or status of the natural or legal persons or group of persons who are involved or have been involved in the production or commercial distribution of the product in question.

Article 44

1. The appellation:

(a) 'wine' shall be restricted to products conforming to the definition given in point 7 of Annex II to Regulation (EEC) 816/70;

(b) 'table wine' shall be restricted to products conforming to the definition given in point 10 of that Annex.

2. Without prejudice to the provisions for the harmonization of laws, the possibility for the Member States to allow:

— the use of the word 'wine' accompanied by the name of a fruit and in the form of a composite name to describe products obtained by the fermentation of fruits other than grapes,

— other composite names including the word 'wine',

is not, however, affected by the provisions of the preceding paragraph.

In the event of use of the composite names referred to in the previous subparagraph, any confusion with the products referred to in paragraph 1 must be avoided.

Article 45

1. The products referred to in Article 1 (1) first subparagraph and Article 39 (1) first subparagraph, the description or presentation of which does not conform to the provisions of this Regulation or may not be held for sale, placed on the market or exported.

2. The authorities appointed by the Member States shall be responsible for ensuring observance of the provisions of this Regulation.

Article 46

1. For a period of three years from the implementation of this Regulation, Member States may, by derogation from this Regulation, authorize the use of supplementary information permitted on that date for products in their territory.

2. Other temporary provisions shall be laid down for:

— the placing on the market of products whose description and presentation do not conform to the provisions of this Regulation,

— the use of stocks of labels and other labelling accessories printed before the date of entry into force of this Regulation.

3. Until such time as the implementing procedures necessary for the use of the information referred to in Articles 2, 12, 22, 28 and 29 become operative, Member States may continue to apply or adopt national legislation in respect of the information in question for products distributed in their territory.

4. The implementing provisions of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

Article 47

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

It shall be implemented as from 1 September 1975.

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

Done at Brussels, 8 August 1974.

For the Council

The President

B. DESTREMAU