REGULATION (EEC) No 2185/74 OF THE COMMISSION

of 20 August 1974

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

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 1532/74 [2], and in particular Article 29 (3) thereof;

Whereas 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], introduced a system of accompanying documents which makes provision for certain exemptions;

Whereas some grape producers encounter difficulties in drawing up the accompanying document in the case of the carriage of grapes; whereas they should therefore be exempted from the obligation to draw up this document;

Whereas to facilitate control such exemption should apply only in respect of carriage over a short distance within a single wine-growing zone effected by the producer or on his instructions, and provided that the accompanying document is drawn up subsequently by the consignee;

Whereas in certain areas of the Community grape must in fermentation is marketed in small containers for direct human consumption; whereas, since this trade occurs only at harvest time and the total quantities involved are small, it is desirable to facilitate sales in containers of a capacity not exceeding 25 l by waiving the requirement as to the accompanying document;

Whereas this Regulation should apply only for such period of time as is necessary to see how these exemptions operate in practice;

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

1. Member States may, by way of derogation from Regulation (EEC) No 1769/72, provide that the accompanying document shall not be required for the carriage from the vineyard by the grower of his own grapes, whether or not crushed, provided that

— the grapes are not transported to the grower's own wine-making plant or to a plant belonging to a group of which he is a member,

— the grapes are not transported by the consignee,

— the total distance, being a distance by road, over which the grapes are carried does not exceed 40 km,

— the entire transport operation takes place within a single wine-growing zone.

2. In cases coming within paragraph 1 the consignee shall draw up an accompanying document immediately on taking possession of the grapes.

Article 2

Member States may, by way of derogation from Regulation (EEC) No 1769/72, provide that the accompanying document not to be drawn up for the transportation of grape must in fermentation, provided that the product

— is intended for direct human consumption,

— is transported in containers of a capacity not exceeding 25 l,

— is to be delivered to the consumer, or to a retailer, restaurant or similar establishment.

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 until 31 December 1974.

[1] OJ No L 99, 5. 5. 1970, p. 1.
[2] OJ No L 166, 21. 6. 1974, p. 1.
[3] OJ No L 191, 21. 8. 1972, p. 1.
[4] OJ No L 42, 14. 2. 1974, p. 5.

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

Done at Brussels, 20 August 1974.

For the Commission

The President

François-Xavier ORTOLI