REGULATION (EEC) No 678/75 OF THE COUNCIL

of 4 March 1975

amending Regulation (EEC) No 816/70 as regards the definition of alcohol-muted fresh grape must and amending Chapter 22 of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament (1);

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

Whereas under current Community provisions, there is no definition of alcohol-muted fresh grape must, a product normally used in the preparation of products processed from wine or musts, amongst those given in Annex II to Council Regulation (EEC) No 816/70 (2) of 28 April 1970 laying down additional provisions for the common organization of the market in wine, as last amended by Regulation (EEC) No 3166/74 (3); whereas the absence of a separate definition for alcohol-muted fresh grape must might prejudice effective administration of the market; whereas it is therefore desirable to establish such a definition;

Whereas certain technical amendments to the provisions of Regulation (EEC) No 816/70 are required as a result of the introduction of this new definition; whereas it is necessary in particular, in order to prevent distortion of competition in respect of liqueur wines, to introduce a provision limiting the use of alcohol-muted fresh grape must,

HAS ADOPTED THIS REGULATION:

Article 1

In the second indent of Article 1 (4) (b) of Regulation (EEC) No 816/70 the words 'alcohol-muted fresh grape must' are inserted after 'concentrated grape must'.

Article 2

In Article 25 (1) of Regulation (EEC) No 816/70 the words 'under items 11 and 21' are replaced by 'under items 3a, 11 and 21'.

Article 3

The following subparagraph is inserted at the beginning of Article 27 (4) of Regulation (EEC) No 816/70.

'Without prejudice to any more restrictive provisions which may be applied by Member States for the preparation in their territory of products not falling within heading No 22.05 of the Common Customs Tariff, alcohol-muted fresh grape must may be used only in the preparation of these products.'

Article 4

The following subparagraph is inserted after the first subparagraph of Article 28 (2) of Regulation (EEC) No 816/70:

'Without prejudice to any more restrictive provisions which may be applied by Member States for the preparation in their territory of products not falling within heading No 22.05 of the Common Customs Tariff, imported alcohol-muted fresh grape must may be used only in the preparation of these products.'

Article 5

The following item is inserted after item 3 of Annex II to Regulation (EEC) No 816/70:

'3a Alcohol-muted fresh grape must means the product which:

— is produced in the Community;

— has an actual alcoholic strength of not less than 12° but less than 15°; and

(1) OJ No C 40, 8. 4. 1974, p. 75.
(2) OJ No L 99, 5. 5. 1970, p. 1.
(3) OJ No L 338, 17. 12. 1974, p. 1.

— is obtained by the addition to unfermented grape must having a natural alcoholic strength of not less than 8·5° and derived exclusively from vine varieties referred to in Article 16:

— of neutral alcohol of vinous origin having an actual alcoholic strength of not less than 95°, or

— of an unrectified product derived from the distillation of wine and having an actual alcoholic strength of not less than 52° and not more than 80°.'

Article 6

In Annex IV to Regulation (EEC) No 816/70 the text of Additional Note No 4 to Chapter 22 of the Common Customs Tariff is replaced by the following:

'4. Subheading 22.05 C shall be taken to include:

(a) alcohol-muted fresh grape must, that is to say a product:

— having an actual alcoholic strength of not less than 12° but less than 15°, and

— obtained by the addition to unfermented grape must having a natural alcoholic strength of not less than 8·5° of a product derived from the distillation of wine;

(b) wine fortified for distillation, that is to say a product: (rest unchanged);

(c) liqueur wine, that is to say a product: (rest unchanged).'

Article 7

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

Article 6 shall not, however, apply until 1 July 1975.

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

Done at Brussels, 4 March 1975.

For the Council

The President

M. A. CLINTON