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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1160/76

of 17 May 1976

amending Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine

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 (2),

Whereas certain provisions of Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (3), as last amended by Regulation (EEC) No 1932/75 (4), should be amended in the light of experience gained in applying that Regulation;

Whereas the organization of the market in wine does not cover grape juice or unfermented grape must with an added sugar content exceeding 30 % by weight, which up to now have been governed by Council Regulation (EEC) No 865/68 of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables (5), as last amended by Regulation (EEC) No 981/75 (6); whereas, without prejudice to the applicability thereto of Articles 59 and 94 of the Act of Accession (7), it has been found desirable to bring the products in question within the scope of Regulation (EEC) No 816/70 and, in particular, to include in that Regulation the provisions of Regulation (EEC) No 865/68 concerning the charging of the levy and the granting of the refund on the sugar added to such products;

Whereas comparison between the market price and the activating price is the determining factor for setting in motion or for terminating certain intervention measures which are intended to help prevent the market price from diverging too far from the guide price; whereas a disparity between the guide price and the activating price sufficiently large to ensure the proper functioning of these measures should be provided for;

Whereas Article 4 of Regulation (EEC) No 816/70 provides for the Commission to fix each week an average producer price for each type of wine and for each representative market; whereas in certain cases this average price may set in motion the intervention mechanisms; whereas experience has shown that, for the purpose of setting these mechanisms in motion, it is necessary to simplify the administrative procedures and to take into account the quantities marketed on the various representative markets; whereas to this end it is necessary to establish a weighted average price for each type of wine;

Whereas the private storage aid system provides in particular for the conclusion of short- and long-term storage contracts; whereas it is necessary, in order to improve the effectiveness of available

(1) OJ No C 179, 6. 8. 1975, p. 36.
(2) OJ No C 108, 15. 5. 1975, p. 65.
(3) OJ No L 99, 5. 5. 1970, p. 1.
(4) OJ No L 198, 29. 7. 1975, p. 19.
(5) OJ No L 153, 1. 7. 1968, p. 8.
(6) OJ No L 95, 17. 4. 1975, p. 2.
(7) OJ No L 73, 27. 3. 1972, p. 14.

storage, to extend this system to cover must and concentrated must; whereas this makes it necessary to extend to grape must the Community provisions concerning trade with third countries and in particular to fix a reference price for it;

Whereas experience has shown that the current system of market support is inadequate both as regards the rationalization of the market and for the purposes of restoring price levels; whereas this system should therefore be strengthened by measures providing, under certain conditions, for preventive distillation at a buying-in price which is not such as to encourage production of wine of insufficient quality; whereas, furthermore, it has proved necessary to provide for additional measures applicable to holders of long-term storage contracts in order to maintain prices at a level higher than the activating price; whereas, in order to be effective, these additional measures may consist, in particular, in storage of the wines in question during a period to be determined, or distillation of these wines or to both these measures;

Whereas Article 8 of Regulation (EEC) No 816/70 provides that imports into the Community of any of the products listed in Article 1 (2) shall be made conditional on the submission of an import licence; whereas experience has shown that in the case of certain products, transactions relate to small quantities; whereas, in order to simplify administrative procedures, these transactions should be exempted from the obligation to submit import licences;

Whereas restrictions are at present placed on the fixing of reference prices for wine; whereas experience has shown that it would be desirable for such prices to be fixed also in respect of other products and wines in containers holding two litres or less.

Whereas, in order to ensure that the reference price is adhered to, it is necessary to specify that the countervailing charge must be fixed by reference to the customs duties actually levied;

Whereas until 31 December 1977 the countervailing charge should not be levied on imports into the United Kingdom and Ireland of grape juice and concentrated grape juice intended for the production in these two Member States of products falling within heading No 22.07 of the Common Customs Tariff for which Member States may allow the use of a composite name including the word 'wine' pursuant to the first subparagraph of Article 30 (1) of Regulation (EEC) No 816/70; whereas this measure will prevent a too rapid increase in the cost of acquiring the basic materials for the industry concerned;

Whereas the cultivation of provisionally authorized vine varieties should ultimately be prohibited in order to improve the quality of the wines obtained in the Community; whereas provision should be made for certain derogations from the principle that only varieties included in the classification may be cultivated, in order to allow Member States to investigate the suitability of a vine variety for its environment, to undertake scientific research, selective breeding and hybridization and the production of material for the vegetative propagation of grape vines reserved for export;

Whereas the minimum natural alcoholic strength of the basic products used in the production of table wine is an invaluable factor in assessing their maturity and can accordingly serve as an indication of quality as regards the wine obtained therefrom; whereas the quantities of table wine available on the market should be reduced while at the same time the quality of such wine from wine-growing zones C I, C II and C III should be raised by increasing the alcoholic strength in those zones; whereas account should be taken in this context of the climatic conditions in the alpine regions of Italy by redefining the wine-growing zones;

Whereas in order to promote an improvement in the quality of wine it would seem advisable to exclude from the scope of the intervention measures, with the exception of preventive distillation, those wines not reaching a certain degree of actual alcoholic strength;

Whereas the sweetening of quality wines psr is subject to certain restrictive rules with a view to preserving the typical character bestowed on each quality wine psr by its origin; whereas the sweetening of imported wine intended for direct human consumption and designated by a geographical indication should likewise be forbidden within the territory of the Community; whereas it is also necessary to make provision for the possible sweetening of imported wines intended for direct human consumption and which are not designated by a geographical indication, to be regulated within the territory of the Community;

Whereas Article 24 of Regulation (EEC) No 816/70 provides for the compulsory distillation of marc and lees; whereas, however, application of these provisions has sometimes revealed the existence of certain practical difficulties; whereas it appears justified to waive the obligation to deliver alcohol not only if those persons subject to this obligation

undertake to process their products into potable spirits but also if they ensure that the by-products of the wine-making process are withdrawn under supervision;

Whereas, in wine-growing zone A and in the German part of wine-growing zone B grape marcs and wine lees generally contain little alcohol and the costs involved in recovering it would be very high; whereas, under these conditions, producers in these regions should not be obliged to distil their grape marcs and wine lees, while remaining subject nevertheless to the prohibitions in Article 24 (1) of that Regulation;

Whereas setting a single final rate for the distillation of the by-products of wine-making before the beginning of the wine year does not appear to be the best solution; whereas the possibility should be provided of fixing at a later date a supplementary rate additional to the basic rate in the light of the size of the harvest;

Whereas, in order to reinforce the obligation to distil the by-products of wine-making, producers who are subject to this obligation and have not complied therewith shall not qualify for the intervention measures;

Whereas wines made from table grapes belonging to varieties not listed as wine grapes in the classification of wine varieties are frequently of insufficient quality; whereas it is therefore advisable to prohibit the placing on the market of such wines and to provide for their compulsory distillation;

Whereas the prohibition on coupage between wines originating in third countries should be extended to coupage carried out in the geographical territory of the Community and in free zones; whereas it is, however, appropriate to provide for exceptions for coupage between wines originating in third countries and with Community wines in free zones, provided that the wine obtained therefrom is intended for reconsignment to third countries;

Whereas, in the light of experience gained particularly as regards the 1975 harvest, the transitional period during which the total SO_2 content of wines imported from third contries and of certain Community wines may be higher than that laid down by the Council as the absolute limit, should be extended by six months;

Whereas, having regard to established and constant usage in much of Italy, the Italian version of Article 27 (1) should be so adapted as to limit the description 'vino da tavola' instead of the description 'vino da pasto' to the wine defined under item 10 of Annex II;

Whereas, for the purpose of making more effective the provisions concerning vine-stock selection, it is important that fresh grapes other than table grapes, grape must, grape must in fermentation and new wines still in partial fermentation from vine varieties not included in the classification or obtained from vines planted in violation of Community or national provisions concerning new planting or replanting of vines should not be put on the market within the Community;

Whereas in the light of experience the fermentation of grape juice and concentrated grape juice should be prohibited except for the purpose of obtaining certain products falling within heading No 22.07 of the Common Customs Tariff; whereas in this connection the putting on the market of wines suitable for yielding table wine which does not reach the minimum actual alcoholic strength for table wines should also be prohibited and the definition of sparkling wines revised;

Whereas, with a view to maintaining a certain level of quality for the production of products of the wine sector and in order to discourage trade in products derived from vine varieties not included in the classification, provision should be made that only grapes from recommended or authorized vine varieties may be used for the production of grape must with fermentation arrested by the addition of alcohol, concentrated grape must, wine suitable for yielding table wine, table wine, quality wine psr and liqueur wine; whereas for a transitional period it is justifiable for grapes of varieties classified as provisionally authorized and varieties obtained from interspecific crossings to be regarded as suitable for yielding the products listed;

Whereas it appears necessary to provide that certain imported wines intended for direct human consumption must have an actual alcoholic strength corresponding to that of table wines, other than those from zones A and B; whereas, however, delivery for direct human consumption should be allowed in respect of certain wines originating in third countries and designated by a geographical indication, where the actual alcoholic strength of such wines is at least 8·5° ;

Whereas since oenological practices in certain third countries differ from those followed in the Community, provision should be made for the possibility of derogating from the principle that only those products which have been subject to oenological

practices allowed under Community rules, or, where such rules do not exist, under national rules, may be offered or delivered for direct human consumption;

Whereas, bearing in mind the interests of consumers and the desirability of obtaining equivalent treatment for quality wines psr in third countries, provision should be made, where reciprocal arrangements can be established, for the possibility that imported wines intended for direct human consumption designated by a geographical indication and marketed in the Community may, in certain circumstances, be controlled and protected as provided for in respect of quality wines psr;

Whereas it has been found desirable, in order to facilitate intra-Community trade and to supplement accordingly the common import arrangements, to provide for the establishment not only of the methods of analysis required for the implementation of Annexes I and II to Regulation (EEC) No 816/70 but also of all those required for determining the composition of the products specified in Article 1;

Whereas fraud and deception must be punished effectively and speedily; whereas the growth in intra-Community trade makes the work of the special departments of Member States more difficult; whereas the foundations should be laid for closer cooperation between the authorities concerned in the different Member States in order to prevent or detect any infringement of Community provisions in the wine sector,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 1*

1. The common organization of the market in wine shall comprise a price and intervention system, a system of trade with third countries, rules concerning production and for controlling planting and rules concerning oenological processes and conditions for release to the market.

2. It shall apply to the following products:

	CCT heading No	Description of goods
(a)	20.07 A I B I a) 1 B I b) 1	Grape juice (including grape must), whether or not containing added sugar, but unfermented and not containing spirit
(b)	22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol
	22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol
(c)	08.04 A II	Fresh grapes other than table grapes
	22.10 A	Wine vinegar
(d)	22.07 A	Piquette
	23.05 A	Wine lees
	23.06 A I	Grape marc

3. As regards the provisions of Title IV, only those provisions specified in Articles 27 to 30 shall apply to grape juice and concentrated grape juice. The same shall apply to grape must and concentrated grape must, provided they are intended for the preparation of grape juice.

4. (a) Definitions of alcoholic strengths are as set out in Annex I;

(b) Definitions of the following are as set out in Annex II:

— fresh grapes, grape must, grape must in fermentation, grape juice, concentrated grape juice, wine, new wine still in fermentation, wine vinegar, wine lees, grape marc, piquette, wine fortified for distillation; and

— Community-produced grape must with fermentation arrested by the addition of alcohol, concentrated grape must, wine suitable for yielding table wine, table wine, liqueur wine, sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine;

(c) Definitions of the products listed in (b), second indent, originating in third countries, with the exception of table

wine and wine suitable for yielding table wine, shall be adopted by the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission.

5. Quality wine produced in specified regions (hereinafter called "quality wines psr" are the wines defined in Article 1 of Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions [1].

Article 2

Article 3 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 3*

1. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall fix annually before 16 December a threshold price activating the intervention system (hereinafter called "the activating price") for each type of wine for which a guide price is fixed.

2. The activating price shall be fixed in the light of the following factors:

(a) the state of the market and in particular the extent of price fluctuations;

(b) the need to ensure price stability on the markets without causing structural surpluses to build up in the Community;

(c) the quality of the harvest;

(d) the information contained in the forward estimates provided for in Article 3 of Regulation No 24 on the progressive establishment of a common organization of the market in wine [2].

It may not, however, exceed 95 % of the corresponding guide price.

3. The activating price shall be fixed at the same stage and shall be valid during the same period as the guide price.'

Article 3

Article 4 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 4*

1. For each type of wine for which a guide price is fixed, the Commission shall, on the basis of all the facts available to it, fix each week and publish in the "C" series of the *Official Journal of the European Communities:*

— an average producer price (hereinafter called "average price") for each representative market for the type of table wine in question;

— a weighted average price calculated, for each type of table wine, on the basis of the weighting of the lowest average prices corresponding to at least 50 % of the quantities quoted on the representative markets for the type of table wine in question (hereinafter called "weighted average price").

2. Member States shall supply the Commission with all relevant information for fixing the prices provided for in paragraph 1, and in particular the producer prices recorded on the representative markets for each type of wine and the quantities to which they relate.

3. Detailed rules for the application of this Article and in particular the list of representative markets and the methods for recording prices shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 4

The following Article shall be added to Regulation (EEC) No 816/70:

'*Article 4a*

1. Producers subject to the obligations referred to in Article 24 shall be entitled to benefit from the intervention measures under this Article provided they have complied with the above obligations for a reference period still to be determined.

2. With the exception of types R III, A II and A III, table wines with an actual alcoholic

(1) OJ No L 99, 5. 5. 1970, p. 20.
(2) OJ No 30, 20. 4. 1962, p. 989/62.

strength equal to or less than 9·5° shall be excluded from all intervention measures apart from that referred to in Article 6b.

3. The detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 5

Article 5 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 5*

1. A system of aid is hereby instituted for the private storage of table wine and grape must. Private storage aid shall be granted subject to the conclusion with the intervention agencies, on terms and conditions to be determined, of one of the following types of storage contract:

— contracts valid for a period of three months, hereinafter called "short-term contracts";

— for table wine only, contracts valid for a period of nine months, concluded between 16 December and 15 February of the following year, hereinafter called "long-term contracts".

2. Short-term contracts:

— may be entered into when the weighted average price of a type of table wine remains below the activating price for two consecutive weeks;

— may not be entered into when the weighted average price of this type of wine is above the activating price for two consecutive weeks.

If the state of the market so requires, a decision may be taken to allow short-term contracts to be concluded also in respect of table wines other than those of the type for which they may be concluded in accordance with the first subparagraph, where such table wines are closely related economically to that type of table wine. Short-term contracts may no longer be entered into in respect of these wines when they are not permissible in respect of the type of table wine to which they are closely related economically.

3. Independently of the provisions of paragraph 2, short-term contracts may be entered into in respect of a given wine-growing zone or part of a wine-growing zone if in such zone or part of a zone, in particular owing to an exceptionally abundant harvest, an imbalance appears at the beginning of the wine year between the quantities available and the quantities that can be sold.

4. Long-term contracts may be entered into in respect of certain types of table wine to be specified, if the estimates for a wine year show that the quantity of such wines available at the beginning of that year exceeds total foreseeable requirements for that year by more than four months' consumption.

For the purpose of calculating the quantity available referred to in the preceding subparagraph, the quantitative effects of the distillation of wines produced from table grapes as referred to in Article 24b and of the distillation decided upon beforehand under Article 24a shall be deducted.

5. Where it is permissible to enter into storage contracts for a type of table wine, it shall be permissible to enter into short-term contracts for grape must and concentrated grape must. Such contracts shall be renewable up to the beginning of the following marketing year even if it is no longer permissible to conclude storage contracts for a type of table wine.

6. Where and for such time as long-term contracts may be entered into, in accordance with paragraph 4, the application of paragraph 2 or 3 shall be suspended in respect of the same type of table wine. This suspension of application shall also apply to wines that are closely related economically to the table wine concerned.

7. Permission to enter into storage contracts as provided for in paragraph 2 (second subparagraph), and paragraphs 3, 4 and 5 shall be decided upon in accordance with the procedure laid down in Article 7 of Regulation No 24.

The same procedure shall be followed:

(a) for deciding, if justified by the development of the market situation and in particular by the rate of conclusion of storage contracts, that long-term contracts may no longer be entered into even before 15 February;

(b) for adopting other detailed rules for the application of this Article, and in particular the time limit for the decisions to be taken in accordance with paragraph 2 (second paragraph) and paragraph 5.

8. The Commission shall decide whether storage contracts may be entered into as provided for in paragraph 2 (first subparagraph) and whether they may no longer be entered into as provided for in paragraph 2 (second subparagraph).'

Article 6

Article 6 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 6*

1. As soon as private storage aid measures take effect the intervention agencies designated by Member States shall conclude, with producers who apply for them, storage contracts in respect of the wines and musts affected by these measures.

2. The conclusion of storage contracts shall be subject to conditions relating in particular to the quality of the products in question.

3. For table wines, storage contracts may contain provision for the termination of aid payments and the producer's corresponding obligations in respect of all or part of the quantities stored if, for two consecutive weeks, the weighted average price of the type of table wine concerned is equal to or above the guide price for that type of table wine.

4. The amount of private storage aid may cover only technical storage costs and interest charges, both of which shall be fixed at a standard rate.

However, for long-term storage contracts, the amount thus determined may be increased by not more than 20 % to take account of the risks inherent in such contracts.

For concentrated grape musts this amount may be weighted using a coefficient corresponding to the degree of concentration.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 7

The following Article shall be added to Regulation (EEC) No 816/70:

'*Article 6b*

1. Where, during the period from 1 September to 15 December, the quantity of table wines of all types under storage contracts exceeds 10 million hectolitres, preventive distillation may be decided on for all wines, other than:

— wines produced from table grapes;

— wines produced from varieties of vines obtained from interspecific crossings (direct producer hybrids) falling into the category of provisionally authorized varieties;

— wines suitable for producing certain potable spirits obtained from wine with a registered designation of origin.

In years in which the indications are that the harvest will be poor and the measures referred to in Article 24a do not seem necessary, it may be decided that the wines suitable for producing certain potable spirits obtained from wine with a registered designation of origin referred to in the preceding subparagraph may be distilled under the conditions laid down by this Article. However, the price paid for such wines shall be that laid down in Article 24a (3) for the wine year in question.

2. The buying-in price for wines delivered for distillation under paragraph 1 shall be 55 % of the guide price for table wines of type A I which comes into force in the same year as that of the harvest.

However, for the 1976, 1977 and 1978 harvests the buying-in price shall be fixed at 68 %, 65 % and 60 % respectively of the guide price referred to in the preceding subparagraph.

The price paid by the distiller may not be lower than the buying-in price.

3. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules concerning the distillation referred to in paragraph 1 and in particular concerning:

— the conditions under which distillation may be carried out,

— the criteria for determining the amount of aid so as to enable the distilled products to be disposed of.

4. The decision to carry out the distillation referred to in paragraph 1 and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 8

The following Article shall be added to Regulation (EEC) No 816/70:

'*Article 6c*

1. Where the market support measures referred to in this Regulation are inadequate and where the weighted average price of a type of table wine remains lower than the activating price for three consecutive weeks, additional measures applicable to holders of long-term storage contracts for the type of table wine in question shall be taken to maintain prices at a level higher than the activating price.

2. The additional measures referred to in paragraph 1 shall become applicable at the normal date of expiry of the storage contracts concerned and in respect of wines which, when taken out of storage, comply with conditions to be laid down.

These measures may consist in particular:

— in storage of the wines in question during a period to be determined in accordance with the conditions laid down for long-term storage,

— in the distillation of these wines or of a corresponding quantity thereof, at the activating price obtaining at the time when these long-term storage contracts are concluded.

Such measures may or may not be combined.

3. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules concerning the distillation referred to in paragraph 2 and in particular concerning:

— the conditions under which distillation may be carried out,

— the criteria for determining the amount of aid so as to enable the distilled products to be disposed of.

4. The decision to invoke the measures referred to in paragraph 1 and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

5. The provisions of this Article shall only apply to the 1976/77, 1977/78, 1978/79 and 1979/80 wine years.'

Article 9

Article 7 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 7*

1. Where the application of the market support measures provided for in this Regulation is unlikely to be effective in restoring price levels, the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt provisions concerning the distillation of table wines.

2. Such measures shall state under what conditions distillation may be carried out and shall fix the price of the wine delivered for distillation.

These conditions, which may be varied according to the wine-growing zone:

(a) shall be such as to ensure that the balance of the market in ethyl alcohol is not adversely affected.

(b) shall not be such as to encourage production of wine of insufficient quality.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 10

Article 8 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 8*

1. Imports into the Community of any of the products listed in Article 1 (2) (a) and (b) shall be made conditional on the submission of an

import licence. Exports of any of the products referred to in Article 1 (2) may be made conditional on the submission of an export licence.

2. Member States may issue a licence to any applicant irrespective of the place of his establishment in the Community.

The licence shall be valid throughout the Community.

The issue of such licences shall be conditional on the lodging of a deposit guaranteeing that importation or exportation is effected during the period of validity of the licence; the deposit shall be forfeited in whole or in part if the transaction is not effected, or is only partially effected, within that period.

3. The list of products for which export licences are required shall be determined in accordance with the procedure laid down in Article 7 of Regulation No 24.

The period of validity of licences and other detailed rules for the application of this Article shall be determined in accordance with the same procedure.'

Article 11

Article 9 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 9*

1. A reference price shall be fixed annually by 16 December for the following products packed in bulk:

— red wine,

— white wine,

falling within subheading 22.05 C of the Common Customs Tariff.

These reference prices, expressed in units of account per degree/hl or in units of account per hl, shall be fixed on the basis of the guide prices for the types of red and white table wine most representative of Community production, plus the costs incurred by bringing Community wines to the same marketing stage as imported wines.

Reference prices shall also be fixed in respect of:

— grape juice (including grape must) falling within subheading 20.07 B I of the Common Customs Tariff;

— concentrated grape juice (including grape must) falling within subheading 20.07 A I and B I of the Common Customs Tariff;

— grape must with fermentation arrested by the addition of alcohol within the meaning of Additional Note 4 (a) to Chapter 22 of the Common Customs Tariff;

— wine fortified for distillation within the meaning of Additional Note 4 (b) to Chapter 22 of the Common Customs Tariff;

— liqueur wine within the meaning of Additional Note 4 (c) to Chapter 22 of the Common Customs Tariff.

Where wines are presented in containers of two litres or less, the reference price shall be increased by a fixed amount corresponding to the normal packaging cost.

Special reference prices may be fixed in respect of the products referred to in the first and third subparagraphs if they have special characteristics or are intended for special uses.

Reference prices shall be valid from 16 December of the year in which they are fixed until 15 December of the following year.

2. In respect of each product for which a reference price is fixed, a free-at-frontier offer price for all imports shall be determined on the basis of all available information.

If exports from one or more third countries are effected at abnormally low prices, lower than the prices ruling in other third countries, a second free-at-frontier offer price shall be determined for exports from these other countries.

3. Where the free-at-frontier offer price for a product for which a reference price is fixed plus the customs duties actually charged is lower than the reference price for that product, imports of that product shall be subject to a countervailing charge equal to the difference between the reference price and the free-at-frontier offer price plus the customs duties actually charged.

However, the countervailing charge shall not be levied

— on imports from third countries which are prepared and in a position to guarantee that the price for imports of products originating in and coming from their territory will not be lower than the reference price less the

customs duties actually charged and that any deflection of trade will be avoided;

— until 31 December 1977, on imports into the United Kingdom and Ireland of grape juice (including grape must) and concentrated grape juice (including grape must) intended for the production in those two Member States of products falling within heading No 22.07 of the Common Customs Tariff for which Member States may allow the use of a composite name including the word "wine" pursuant to the first subparagraph of Article 30 (1).

A decision may be taken not to levy all or part of the countervailing charge on imports of certain quality wines produced in third countries.

4. Where it is impossible to determine a free-at-frontier offer price for a product for which a reference price has been fixed, a derived countervailing charge shall be fixed. The derived countervailing charge shall be established by multiplying the countervailing charge valid for a product closely related economically to the product concerned by a coefficient established by reference to the ratio existing on the Community market between the average prices of the product concerned.

5. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules for the application of this Article.

6. Reference prices, countervailing charges and detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 12

The following Article shall be added to Regulation (EEC) No 816/70:

'*Article 9a*

1. In addition to the customs duties and countervailing charge referred to in Article 9 (3), a levy on added sugar content shall be charged on imports of the products referred to in Article 1 (2) (a) falling within subheadings 20.07 A I b) 1, B I b) 1 aa) 11 and B I b) 1 bb) 11 of the Common Customs Tariff, such levy to be established as specified in the following paragraphs.

2. The levy per 100 kilogrammes net weight of imported product shall be equal to the difference between:

(a) the average of the threshold prices for one kilogramme of white sugar fixed for each of the three months of the quarter for which the said difference is to be determined, and

(b) the average of the cif prices for one kilogramme of white sugar adopted for fixing the levies applicable to white sugar, calculated over a period comprising the first 15 days of the month immediately preceding the quarter for which the difference is to be determined and the two months immediately preceding that month, that difference being multiplied by the figure shown in column 1 of Annex V for the product in question.

If the amount specified in (b) is higher than that specified in (a), no levy shall be charged.

3. The difference as specified in paragraph 2 shall be determined by the Commission for each quarter of the calendar year.

4. If the threshold price referred to in paragraph 2 (a) is altered during any quarter, the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall decide whether the difference should be adjusted and, if so, shall prescribe the measures to be taken to that end.

5. If, on the 15th of the month preceding the quarter for which the difference as specified in paragraph 2 is to be determined, an item necessary for the calculation of that difference is not known, the Commission shall calculate the difference using in place of the missing item the figure taken into consideration in calculating the difference applicable during the current quarter.

A corrected difference shall be determined by the Commission and shall be operative from the 16th day at the latest following the day on which the missing item becomes known.

If, however, the item in question does not become known until after the beginning of the last month of the quarter in question, the difference shall not be corrected.

6. If the added sugar content per 100 kilogrammes net weight of imported product, as determined in accordance with paragraph 8, is less by two kilogrammes or more than that content as expressed by the figures shown in column 1 of Annex V for the product in question and if the importer so requests, the levy shall be calculated per 100 kilogrammes net weight of imported product by multiplying the difference specified in paragraph 2 by a figure representing the added sugar content defined in paragraph 8.

7. If the added sugar content per 100 kilogrammes net weight of imported product, as determined in accordance with paragraph 8, is higher by three kilogrammes or more than that content as expressed by the figure shown in column 1 of Annex V, the levy shall be calculated in accordance with paragraph 6.

8. The figure to be regarded as representing the added sugar content shall be that obtained by refractometry as described in Annex III to Council Regulation (EEC) No 865/68 of 28 June 1968 on the common organization of the market in products processed from fruit and vegetables [1], as last amended by Regulation (EEC) No 981/75 [2], multiplied by the factor 0·95 in the case of the grape juices specified in Annex V to this Regulation, minus the figure shown in column 2 of that Annex for the product in question.

9. Such detailed rules as may be required for the application of paragraphs 1 to 8 shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

10. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, may amend Annex V.'

Article 13

The following Article shall be added to Regulation (EEC) No 816/70:

'*Article 10a*

1. A refund shall be granted in respect of exports to third countries of sugars falling within heading No 17.01 and of glucose and glucose syrup falling within subheading 17.02 B II, whether or not in the form of products falling within subheading 17.02 B I, incorporated in the products falling within subheadings 20.07 A I b) 1, B I b) 1 aa) 11 and B I b) 1 bb) 11 of the Common Customs Tariff. The refund shall be granted on application by the party concerned.

2. The refund to be granted per 100 kilogrammes net weight of exported product shall be equal:

— in the case of raw sugar and white sugar, to the refund, fixed per kilogramme of sucrose in accordance with Article 19 of Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar [3], as last amended by Regulation (EEC) No 832/76 [4], and with the provisions adopted in implementation thereof for the products specified in Article 1 (1) (d) of that Regulation, multiplied by a figure expressing the quantity of sucrose utilized per 100 kilogrammes net weight of finished product;

— in the case of glucose and glucose syrup, to the respective refunds fixed for those products in accordance with Article 16 of Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals [5], as last amended by Regulation (EEC) No 832/76, and with the provisions adopted in implementation thereof, multiplied by a figure expressing the quantity of glucose or glucose syrup utilized per 100 kilogrammes net weight of finished product.

The figures expressing the quantities of sucrose, glucose or glucose syrup shall be determined on the basis of the information supplied under Article 4 of Regulation (EEC) No 865/68.

3. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules for granting refunds.

4. Such detailed rules as may be required for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

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[1] OJ No L 153, 1. 7. 1968, p. 8.
[2] OJ No L 95, 14. 4. 1975, p. 2.
[3] OJ No L 359, 31. 12. 1974, p. 1.
[4] OJ No L 100, 14. 4. 1976, p. 1.
[5] OJ No L 281, 1. 11. 1975, p. 1.

Article 14

The following Article shall be added to Regulation (EEC) No 816/70:

'*Article 10b*

1. The levy referred to in Article 9a (1) and the refund referred to in Article 10a shall be those applicable on the day of importation or exportation.

2. To qualify for the refund referred to in Article 10a the products listed in the same Article must be accompanied by a declaration from the party concerned indicating the amounts of sucrose, glucose and glucose syrup incorporated therein.

3. Where the provisions of Article 9a (6) and (7) apply, the products listed in paragraph 1 of the same Article must be accompanied by a declaration from the importer indicating the added sugar content established by the method described in Article 9a (8); however, where this condition is not fulfilled Article 9a (6) shall not apply.

4. The accuracy of the declaration referred to in the preceding paragraphs shall be subject to control by the competent authorities of the Member State concerned.

5. Detailed rules for the application of this Article shall be adopted as necessary in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 15

Article 16 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 16*

1. The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall adopt general rules for the classification of vine varieties. These rules shall in particular provide for:

— a classification of such vine varieties, by administrative units or parts thereof, into recommended varieties, authorized varieties and provisionally authorized varieties;

— the possibility for a Member State to derogate from the provisions of paragraph 2 with a view to investigating the suitability of a vine variety for its environment, undertaking scientific research, selective breeding and hybridization, or the production of material for the vegetative propagation of grape vines reserved for export.

2. Without prejudice to stricter Community provisions, only recommended varieties and authorized vine varieties may be used for new planting, replanting or grafting in the Community.

3. The phasing out of wine-growing, on areas planted with:

(a) vine varieties classified, on 31 December 1976, as provisionally authorized varieties, must be carried out:

— before 31 December 1979 for varieties obtained from interspecific crossings (direct producer hybrids);

— before 31 December 1983 for other varieties;

(b) varieties classified as provisionally authorized after 31 December 1976, must be carried out no later than 15 years from the date on which the variety was thus classified;

(c) unclassified varieties, must be carried out by 31 December 1976.

4. The classification of the vine varieties and other procedures for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 16

Article 18 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 18*

1. Where climatic conditions have made it necessary in certain wine-growing zones of the Community, the Member States concerned may permit the natural alcoholic strength, actual or potential, of fresh grapes, grape must, grape must in fermentation and new wine still in fermentation, obtained from the vine varieties covered by Article 27a, as well as that of wine suitable for yielding table wine and that of table wine, to be increased.

The products referred to in the first subparagraph may not be subjected to an increase in natural alcoholic strength except where their minimum natural alcoholic strength is as follows:

— wine-growing zone A: 5°,

— wine-growing zone B: 6°,

— wine-growing zone C I (a): 7·5°,

— wine-growing zone C I (b): 8°,

— wine-growing zone C II: 8·5°,

— wine-growing zone C III: 9°.

The increase in minimum natural alcoholic strength shall be effected according to the oenological processes referred to in Article 19 and may not exceed the following limits:

— wine-growing zone A: 3·5°,

— wine-growing zone B: 2·5°,

— wine-growing zone C: 2°.

The limit referred to in the previous subparagraph for wine-growing zone A is raised to 4° until 31 January 1980 for products from production areas to be determined and originating from red vine varieties to be determined.

2. In years when climatic conditions have been exceptionally unfavourable the alcoholic strength provided for in the third subparagraph of paragraph 1 may be increased to the following level:

— wine-growing zone A: 4·5°,

— wine-growing zone B: 3·5°.

The limit referred to in the first indent of the preceding subparagraph shall be increased to 5° until 31 January 1980 for products coming under the fourth subparagraph of paragraph 1.

3. The wine-growing zones referred to in this Article are set out in Annex III.

4. Detailed rules for the application of this Article, and in particular the decisions authorizing the increases provided for in paragraph 2, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 17

The words 'in wine-growing zone C I', in the first subparagraph of Article 19 (6) of Regulation (EEC) No 816/70, shall be replaced by the words 'in wine-growing zones C I (a) and C I (b)'.

Article 18

The first indent of Article 20 (1) of Regulation (EEC) No 816/70 shall be replaced by the following:

'— partial deacidification in wine-growing zones A, B, C I (a) and C I (b).'

Article 19

Article 21 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 21*

1. The sweetening of table wines shall only be authorized:

(a) with grape must which has at most the same total alcoholic strength as the table wine in question, if the fresh grapes, the grape must, the grape must in fermentation, the new wine still in fermentation or the wine suitable for yielding table wine from which it has been produced, or the table wine itself have been the subject of one of the processes mentioned in Article 19 (1);

(b) with concentrated grape must or grape must, provided that the total alcoholic strength of the table wine in question is not raised by more than 2°, if the products mentioned under (a) have not been the subject of one of the processes mentioned in Article 19 (1).

2. The sweetening of imported wines intended for direct human consumption and designated by a geographical indication shall be forbidden within the territory of the Community.

The sweetening of imported wines other than those referred to in the first subparagraph shall be made subject to rules to be determined.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 20

Article 24 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 24*

1. The overpressing of grapes, whether or not crushed, and the pressing of wine lees shall be prohibited, as also the refermentation of grape marc for purposes other than distillation.

2. Except in the case of the producers referred to in paragraph 5 and save where a derogation is decided on by the Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, any natural or legal person or group of such persons who turn into wine fresh grapes, grape must, grape must in fermentation or new wine still in fermentation shall be required to distil the wine lees and grape marc which result from the process or, failing that, a corresponding quantity of wine from his own harvest.

3. The quantity of alcohol contained in products delivered for distillation in accordance with paragraph 2 shall be 10 % at most of the volume of alcohol naturally contained in the products used for the production of wine. The assessment of that volume shall be made on the basis of a standard natural minimum alcoholic strength laid down for each wine year in each wine-growing zone.

4. Those subject to the obligation to distil referred to in paragraph 2 may under certain conditions free themselves of this obligation:

— by using the lees, the marc, or where appropriate the wine concerned for the production of potable spirits, or

— by the withdrawal under supervision of the by-products of the wine-making process.

5. Producers whose vineyards are situated in wine-growing zone A or in the German part of wine-growing zone B shall not be subject to the obligation to distil laid down in paragraph 2.

6. The Council, acting on a proposal from the Commission, in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall adopt provisions concerning the distillation of the products concerned and in particular:

— the price to be paid, according to their alcohol content, for marc, lees and any wine delivered for distillation;

— the criteria for determining the amount of aid so as to enable the distilled products to be disposed of;

— the share of the cost borne by the intervention agencies to be financed by the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

— detailed rules governing the application of the provisions of paragraph 4.

Under the same procedure the Council may exempt certain production regions from the obligation laid down in paragraph 2.

7. Detailed rules for the application of this Article and in particular the standard natural alcoholic strength referred to in paragraph 3 shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 21

The following Article shall be added to Regulation (EEC) No 816/70:

'*Article 24a*

1. The quantities of alcohol referred to in Article 24 (3) may be increased.

The additional rate to be fixed shall range from 0 to 6 %. It shall be fixed on the basis of data contained in the forward estimate before 15 December of each year. The rate actually applied must however be such as to ensure that each region of the Community bears a fair share of the obligation and that the compulsory distillation of wines obtained from table grapes referred to in Article 24b is taken into account.

In the case of table wines, a decision may be taken to adjust the additional rate on the basis of:

— the yield per hectare,

— the vine variety,

— the colour of the wine

— the alcoholic strength.

2. The increase referred to in paragraph 1 shall apply to all wine producers except those:

— whose vineyards are situated in the Italian parts of zones C;

— who produce quality wines psr; the exception shall cover the part of their production to which this designation applies;

— who are exempt under Article 24 (2) and (5) and the second subparagraph of (6).

A decision may be taken to adjust the rules governing the application of this paragraph in accordance with criteria to be determined for each region.

3. The buying-in price for wine delivered for distillation under paragraph 1 shall be 50 % of the guide price for table wine of type A I which enters into force in the year of the harvest concerned.

For the 1976/77, 1977/78 and 1978/79 wine years, however, it shall be 63 %, 60 % and 55 % respectively of the guide price referred to in the above subparagraph.

The price paid by the distiller may not be lower than the buying-in price.

4. In the 1976/77 and 1977/78 wine years, it may, at the request of a Member State and in certain circumstances, be decided to give the producer the option of distilling, under the conditions provided for in paragraph 3, wine from vine varieties which are the product of inter-specific crossings (direct producer hybrids) classified among the varieties provisionally authorized.

5. The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall adopt general rules concerning the distillation referred to in paragraph 3 and in particular:

— the conditions under which distillation may be carried out,

— the criteria for determining the amount of aid so as to enable the distilled products to be disposed of.

6. The decisions fixing the additional rate provided for in paragraph 1 and allowing distillation as provided for in paragraph 4 as well as detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 22

The following Article shall be added to Regulation (EEC) No 876/70:

'*Article 24b*

1. Except where a derogation has been decided on, wines made from table grapes belonging to varieties not listed as wine grapes in the classification of vine varieties for the administrative unit in which they originate may only be transported to a distillery for the purposes of distillation.

2. The buying-in price for wine delivered for distillation under paragraph 1 shall be 50 % of the guide price for table wine of type A 1 which enters into force in the year of the harvest concerned.

However, for the 1976/77, 1977/78 and 1978/79 wine years, it shall be 63 %, 60 % and 55 % respectively of the guide price referred to in the above subparagraph.

The price paid by the distiller may not be less than the buying-in price.

3. The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall adopt general rules concerning the distillation referred to in paragraph 1 and in particular concerning:

— the conditions under which distillation may be carried out,

— the criteria for determining the amount of aid so as to enable the distilled products to be disposed of.

4. The detailed rules for the application of this Article and the derogation referred to in paragraph 1 shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

This same procedure shall apply for laying down the conditions under which the provisions of paragraph 1 shall apply to the varieties included in the classification for the same administrative unit as both wine grapes and table grapes. These conditions shall ensure that the quantities of wine obtained by turning into wine grapes from the above varieties harvested within the administrative unit concerned which are normally used for wine-making are exempted from the obligations laid down in paragraph 1.'

Article 23

Article 26 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 26*

1. Where coupage takes place, and subject to the provisions of the following paragraphs, only products resulting from coupage between table wines or from coupage of table wines with wines suitable for yielding table wines shall be considered as table wines, provided that the wines suitable for yielding table wines have a total natural alcoholic strength not exceeding 17°.

2. Without prejudice to the provisions of the fifth subparagraph of Article 27 (4), coupage of a wine suitable for yielding a table wine with:

(a) a table wine, may yield a table wine only if that process takes place in the wine-growing zone where the wine suitable for yielding a table wine was produced;

(b) another wine suitable for yielding a table wine, may yield a table wine only if:

— the second wine suitable for yielding a a table wine was produced in the same wine-growing zone and

— the process takes place in the same wine-growing zone.

3. Coupage of a wine suitable for yielding a white table wine or of a white table wine with a wine suitable for yielding a red table wine or with a red table wine may not yield a table wine.

However, this provision shall not prevent, in certain cases to be determined, the coupage of a wine suitable for yielding a white table wine or of a white table wine with a wine suitable for yielding a red table wine or with a red table wine, provided that the resultant product has the characteristics of a red table wine.

4. Except where a derogation has been decided on by the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, coupage of a wine originating in a third country with a Community wine and coupage in the geographical territory of the Community between wines originating in third countries shall be prohibited.

However, coupage of the type referred to in the previous subparagraph shall be permitted in free zones provided that the resultant wine is intended for reconsignment to a third country.

The Council shall, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, adopt before 1 September 1976 provisions for the application of the previous subparagraph, in particular provisions on the description of the wine concerned and for the avoidance of any confusion with a Community wine.

5. Should difficulties arise in certain wine-growing regions of the Community as a result of application of the provisions of paragraphs 1 to 4, the Member States concerned may inform the Commission, which shall take all appropriate measures; such measures may not, however, restrict application of the rules laid down in this Article on the subject of coupage.

6. Detailed rules for the application of this Article, in particular as regards the use of wines suitable for yielding table wines, shall be adopted, where necessary, in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 24

1. 31 August 1976, the date referred to in the second and third subparagraphs of Article 26a (1) of Regulation (EEC) No 816/70, shall be replaced by 28 February 1977.

2. 30 June 1976, the date referred to in Article 26a (2) of Regulation (EEC) No 816/70, shall be replaced by 31 December 1976.

Article 25

Article 27 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 27*

1. The description "table wine" shall be limited to wine defined under item 10 of Annex II.

2. Of the products falling within Common Customs Tariff heading No 22.05, only liqueur wines, sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines, quality wines psr, and, where appropriate by derogation from Article 28a (1), the wines mentioned in Article 28 (1) and (1a) and table wines may be offered or disposed of for direct human consumption within the Community.

3. From 1 September 1971:

(a) Except in the case of bottled wine in respect of which there is proof that bottling was effected prior to the above date, wine other than quality wine psr, obtained from the vine varieties referred to in Article 27a but not corresponding to the definitions contained under items 9 to 15 of Annex II may be used only for consumption in the families of individual wine growers, for the production of wine vinegar or for distillation.

However, in years when the climatic conditions have been unfavourable, it may be decided that products from wine-growing zones A and B which do not possess the minimum natural alcoholic strength laid down for the wine-growing zone in question may be used in the Community for the production of sparkling wine and aerated sparkling wine, provided that such wines have an actual alcoholic strength of not less than 8·5° or for the production of aerated semi-sparkling wine. In this event, they shall be enriched subject to the limits in Article 18 (2);

(b) unless a derogation is decided on by the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission:

— fresh grapes,

— grape must,

— grape must in fermentation,

— new wines still in fermentation,

— and wine,

from vine varieties not included in the classification may only be put into circulation for the purposes of distillation or vinegar making. These products may also be used for consumption in the families of wine-growers.

3a. Grapes obtained from vines planted in violation of Community or national provisions concerning new planting or replanting of vines may not be used for producing table wine. Products made from such grapes may only be put into circulation for the purposes of distillation. However, these products may not be used in the preparation of spirits with an actual alcoholic strength of 80° or less.

4. 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 by used only in the preparation of such products.

Grape juice and concentrated grape juice originating in the Community may not be made into wine nor be added to wine. These products shall be subject to control with respect to their use.

These products may not undergo alcoholic fermentation in the territory of the Community.

This provision shall not apply to products intended for the production in the United Kingdom and Ireland of products falling within heading No 22.07 of the Common Customs Tariff, for which Member States may allow the use of a composite name including the word "wine" pursuant to the first subparagraph of Article 30 (1).

Wine suitable for yielding table wine which does not reach the minimum actual alcoholic strength for table wines may not be put on the market except for the production of sparkling wine, vinegar making, distillation and other industrial uses. The enrichment of such wine and coupage thereof with a table wine in order to bring its actual alcoholic strength up to the level laid down for a table wine may only take place on the premises of the wine maker or on his behalf.

With the exception of alcohol, potable spirits and piquette, neither wine nor any other beverage intended for direct human consumption may be made from wine lees or grape marc originating in the Community.

Piquette, in so far as its production is authorized by the Member State concerned, may be used only for distillation or for consumption in the families of individual wine-growers.

Wine fortified for distillation may only be used for distillation.

5. The derogations provided for in the first and second subparagraphs of paragraph 3 (a), together with detailed rules for the application of this Article, shall be adopted according to the procedure laid down in Article 7 of Regulation No 24.'

Article 26

The following Article shall be added to Title IV of Regulation (EEC) No 816/70:

'*Article 27a*

1. Unless otherwise decided by the Council acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, only grapes from recommended or authorized vine varieties as referred to in Article 16 and products derived from such grapes may be used within the Community for the production of:

— grape must with fermentation arrested by the addition of alcohol,

— concentrated grape must,

— wine suitable for yielding table wine,

— table wine,

— quality wine psr,

— liqueur wine.

2. However, grapes from tracts of land planted with varieties classified as provisionally authorized shall also be regarded as suitable for yielding products listed in paragraph 1, with the exception of quality wine psr:

(a) where such grapes belong to:

— varieties obtained from interspecific crossings (direct producer hybrids): until 31 December 1979;

— other varieties: until 31 December 1983, provided that such varieties have been classified as provisionally authorized before 31 December 1976;

(b) where the variety in question has been classified as provisionally authorized after 31 December 1976, for a period of 15 years from the date the variety is so classified'.

Article 27

Article 28 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 28*

1. The products referred to in Article 1 (2) (a) and (b) may be imported only if the following conditions are fulfilled:

(a) in respect of all the abovementioned products:

— if they correspond to the provisions governing production, marketing and, should such be the case, delivery for direct human consumption in the third countries in which they originate, and proof of fulfilment of this condition is furnished in the form of a certificate issued by a competent body, included on a list to be decided on, in the third country in which the product originates;

— where they are intended for direct human consumption, if they are accompanied by an analysis report drawn up by a body or service designated by the third country in which the product originates;

(b) in respect of wines intended for direct human consumption other than liqueur wines and sparkling wines:

— if they have an actual alcoholic strength of not less than 9° and a total alcoholic strength not exceeding 15°;

— if they have a total acidity content expressed in tartaric acid of not less than 4·5 grammes per litre or 60 milliequivalents per litre;

— if they have a volatile acid content of less than 19 milliequivalents per litre.

1a. The Council, acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall adopt general rules for the application of paragraph 1.

Provision may be made under the same procedure:

(a) for allowing certain wines originating in third countries as referred to in paragraph 1 (b) designated by a geographical description to be delivered for direct human consumption if their actual alcoholic strength amounts to at least 8·5° or their total alcoholic strength exceeds 15° without any enrichment;

(b) for dispensing with the certificate and the analysis report provided for in paragraph 1 (a) in the case of certain products referred to in paragraph 1 which are transported in limited quantities and packed in small containers.

2. Unless otherwise decided by the Council acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, fresh grapes, grape must, grape must in fermentation, concentrated grape must, grape must with fermentation arrested by the addition of alcohol, grape juice and concentrated grape juice originating in third countries may not be turned into wine or added to wine in the territory of the Community.

However, such operations shall be permitted in free zones, provided the wine so obtained is intended for consignment to a third country.

The Council, acting on a proposal from the Commission shall before 1 September 1976 in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, adopt provisions for the application of the previous subparagraph, in particular provisions concerning the description of the wine concerned and for avoiding any confusion with a Community wine.

The products referred to in the first subparagraph may not undergo alcoholic fermentation within the customs territory of the Community.

This provision shall not apply to products intended for the production in the United Kingdom and Ireland of products falling within heading No 22.07 of the Common Customs Tariff, for which Member States may allow the use of a composite name including the word "wine" in accordance with the first subparagraph of Article 30 (1).

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 fresh grape must with fermentation arrested by the addition of alcohol may be used only in the preparation of these products.

Neither wine nor any other beverage intended for direct human consumption may be made

from imported wine lees, grape marc, piquette or wine fortified for distillation; however, potable spirits may be made from imported wine fortified for distillation.

3. The products mentioned in the first subparagraph of paragraph 2 shall be subject to control with respect to their use. The addition of an indicator to imported grape must, imported grape must in fermentation, imported concentrated grape must, imported grape must with fermentation arrested by the addition of alcohol and imported grape juice, whether or not concentrated, may be made compulsory.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 28

Article 28 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 28a*

1. Unless otherwise decided by the Council acting on a proposal from the Commission in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, products falling within heading No 22.05 of the Common Customs Tariff, whether imported or not, which have undergone oenological practices not allowed by Community rules or, where such rules do not exist, by national rules or by rules which do not conform either to the provisions of this Regulation or to those adopted in implementation thereof, may not be offered or disposed of for direct human consumption.

The same shall apply to:

— products referred to in Article 1 (2) (a), (b) and (c) which are not sound, fair and of marketable quality;

— products referred to in Article 1 (2) which do not comply with the definitions appearing in Annex II to this Regulation or those adopted in implementation thereof.

2. The conditions governing holding and circulation, the use of products referred to in paragraph 1 and the establishment of criteria for the purpose of avoiding excessive rigour in individual cases and detailed rules for the application of this Article, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 29

The following Article shall be added to Regulation (EEC) No 816/70:

'*Article 28b*

1. For the purposes of marketing within the Community, imported wines intended for direct human consumption and designated by a geographical indication may, where reciprocal arrangements can be established, be controlled and protected as provided for in Article 13 of Regulation (EEC) No 817/70 in respect of quality wines psr.

2. Paragraph 1 shall be implemented by agreements with the interested third countries to be negotiated and concluded in accordance with the procedure laid down in Article 113 of the Treaty.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 30

Article 30 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 30*

1. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt, where necessary, the rules relating to the designation and presentation of the products listed in Article 1.

Until the entry into force of the rules referred to in the first subparagraph, the rules on this matter shall be those adopted by the Member States.

2. Member States may make the use of a geographical description for designating a table wine conditional, in particular, on the wine having been produced wholly from certain clearly specified vine varieties and coming exclu-

sively from the territory, precisely demarcated, whose name it bears.

3. Without prejudice to any additional rules which may be adopted regarding the designation of products, the use of a geographical ascription to designate table wines resulting from a coupage of wines from grapes harvested in different production areas shall, however, be permitted if at least 85 % of the table wine resulting from the coupage originates in the production area whose name it bears.

However, the use, as a designation of white table wines, of a geographical ascription relating to a production area situated within wine-growing zone A or wine-growing zone B shall be permitted only if the products comprising the coupage are from the wine-growing zone in question or if the wine in question is from a coupage between table wines of wine-growing zone A and table wines of wine-growing zone B.

3a. Each Member State shall ensure that designated table wines are controlled and protected in accordance with the provisions of paragraph 2.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 31

Paragraph 2 of Article 31 of Regulation (EEC) No 816/70 shall be repealed. Paragraph 3 of that Article shall become paragraph 2.

Article 32

In Article 33 (1) of Regulation (EEC) No 816/70 the reference to Article 1 (2) (a) shall be replaced by a reference to Article 1 (2) (b).

Article 33

Article 37 of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 37*

Transitional measures to enable the placing on the market of table wines obtained before 1 September 1976 which conform to the definition in point 10 of Annex II as it applies before that date and not conforming to this definition as it applies after that date may be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 34

Article 39 of Regulation (EEC) 816/70 shall be replaced by the following:

'*Article 39*

1. Detailed rules for the application of Annexes I and II, and in particular provisions as to the wine-growing areas referred to in point 10 of Annex II, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

2. The same procedure shall be used in order to lay down:

(a) the methods of analysis for determining the composition of the products specified in Article 1 and the rules whereby it may be established whether these products have undergone processes contrary to authorized oenological practices;

(b) it required, maximum figures for substances whose presence indicates that certain oenological practices have been used, and comparative analysis tables.

3. However, where no provision is made for Community methods of analysis or for the rules referred to in paragraph 2, the methods of analysis to be used shall be:

(a) those laid down in Annex A to the International Convention for the Unification of Methods for the Analysis and Appraisal of Wines of 13 October 1954;

(b) or where that Annex does not provide for such methods, the methods traditionally used in the Member State concerned.'

Article 35

Article 39a of Regulation (EEC) No 816/70 shall be replaced by the following:

'*Article 39a*

1. Member States shall take all necessary measures to ensure compliance with Community

provisions in the wine sector. They shall designate one or more bodies which shall be instructed to verify compliance with these provisions.

They shall inform the Commission of the name and address of:

— the bodies referred to in the first subparagraph,

— the laboratories responsible for carrying out official wine analyses.

The Commission shall forward that information to the other Member States.

Where the provisions of Council Regulation (EEC) No 283/72 of 7 February 1972 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organization of an information system in this field [1], are not applicable, Member States shall put the bodies they designate in a position to enter into direct contacts with the appropriate bodies of the other Member States in order that, through an exchange of information, any infringement of the provisions referred to in the first subparagraph may be more easily prevented and revealed.

2. Acting on a proposal from the Commission, the Council, in accordance with the voting procedure laid down in Article 43 (2) of the Treaty, shall adopt measures to ensure uniform application of these Community provisions in the wine sector, particularly as regards controls.

3. Detailed rules for the application of the second subparagraph of paragraph 1 and of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 36

Article 40 of Regulation (EEC) No 816/70 shall be repealed.

Article 37

Annex II to Regulation (EEC) No 816/70 shall be amended as follows:

1. Points 4, 9, 10, 11, 14 and 15 shall be replaced respectively by the following:

'4. Concentrated grape must: uncaramelized grape must which is:

— obtained by partial dehydration of grape must carried out by any authorized method other than direct heat of a fire in such a way that its density at 20 °C is not less than 1·240;

— derived exclusively from vine varieties referred to in Article 27a;

— produced within the Community, and

— obtained from grape must having at least the minimum natural alcoholic strength laid down for the wine-growing zone in which the grapes were harvested.'

'9. Wine suitable for yielding table wine: wine which:

— is derived exclusively from vine varieties referred to in Article 27a;

— is produced in the Community; and

— has at least the minimum natural alcoholic strength laid down for the wine-growing zone in which it was produced.'

'10. Table wine: wine, other than quality wine psr, which:

— is derived exclusively from vine varieties referred to in Article 27a;

— is produced in the Community;

— has, following application, if any, of the processes specified in Article 19, an actual alcoholic strength of not less than 8·5° provided that it derives exclusively from grapes harvested in wine-growing zones A and B and not less than 9° in other wine-growing zones, and a total alcoholic strength of not more than 15°;

— has, furthermore, a total acidity content expressed as tartaric acid of not less than 4·5 grammes per litre, or 60 milli-equivalents per litre.

However, in the case of wines from certain wine-growing areas to be determined which have been produced without any enrichment and do not contain more than 5 grammes of residual sugar, the upper limit for the total alcoholic strength may be raised to 17°.'

'11. Liqueur wine: the product which:

— is produced in the Community;

— has a total alcoholic strength of not less than 17·5° and an actual alcoholic strength of not less than 15° and not more than 22°; and

[1] OJ No L 36, 10. 2. 1972, p. 1.

— is obtained from grape must or wine, derived from certain of the vine varieties referred to in Article 27a and having a natural alcoholic strength of not less than 12°:

— by freezing, or

— by the addition during or after fermentation:

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

(ii) 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°, or

(iii) of concentrated grape must or, in the case of certain quality liqueur wines produced in specified regions and appearing on a list to be adopted of wines for which such practice is traditional, of grape must concentrated by direct heat which, apart from this operation, corresponds to the definition of concentrated grape must or,

(iv) of a mixture of these products.

However, certain quality liqueur wines produced in specified regions and appearing on a list to be adopted may be obtained from unfermented fresh grape must which does not need to have a minimum natural alcoholic strength of 12°.'

'14. Semi-sparkling wine: the product which:

— is obtained from table wine, quality wine psr or from products suitable for yielding table wine or quality wine psr, provided that such wine or products have a total alcoholic strength of not less than 9°;

— has an actual alcoholic strength of not less than 7°;

— contains endogenous carbon dioxide;

— has an overpressure of not less than one and not more than 2·5 atmospheres when kept at 20 °C in closed containers;

— is put up in containers of less than two litres.'

'15. Aerated semi-sparkling wine: the product which:

— is obtained from table wine, quality wine psr or from products suitable for yielding table wine or quality wine psr;

— has an actual alcoholic strength of not less than 7° and a total alcoholic strength of not less than 9°;

— contains carbon dioxide which has been wholly or partially added; and

— has an overpressure of not less than one and not more than 2·5 atmospheres when kept at 20 °C in closed containers;

— is put up in containers of less than two litres.'

2. Point 18 shall be deleted.

Article 38

1. Annex III to Regulation (EEC) No 816/70 shall be replaced by the following:

'*ANNEX III*

Wine-growing zones

1. Wine-growing zone A shall comprise:

(a) in Germany, the areas under vines in the following Länder: Baden-Württemberg (excluding the Regierungsbezirke Nordbaden and Südbaden), Bayern, Hessen, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland;

(b) in Belgium: the Belgian wine-growing area;

(c) in Luxembourg: the Luxembourg wine-growing region;

(d) in the Netherlands: the Netherlands wine-growing area;

(e) in the United Kingdom: the United Kingdom wine-growing area.

2. Wine-growing zone B shall comprise:

(a) in Germany, in Baden-Württemberg, the areas under vines in Regierungsbezirke Nordbaden and Südbaden;

(b) in France, the areas under vines in the following departments:

— in Alsace:
Bas-Rhin, Haut-Rhin;

— in Lorraine:
Meurthe-et-Moselle, Meuse, Moselle, Vosges;

— in Champagne:
Aisne, Aube, Marne, Haute-Marne, Seine-et-Marne;

— in the Jura:
Ain, Doubs, Jura, Haute-Saône;

— in Savoie:
Savoie, Haute-Savoie;

— in the Val de Loire:
Cher, the Deux-Sèvres, the Indre, Indre-et-Loire, Loir-et-Cher, Loire-Atlantique, Loiret, Maine-et-Loire, Sarthe, Vendée, Vienne, and the wine-growing areas under vines in the arrondissement of Cosne-sur-Loire in the department of the Nièvre.

3. In France, wine-growing zone C Ia shall comprise the areas under vines:

(a) in the following departments:

Allier, Alpes-de-Haute-Provence, Hautes-Alpes, Alpes-Maritimes, Ariège, Aveyron, Cantal, Charente, Charente-Maritime, Corrèze, Côte-d'Or, Dordogne, Haute-Garonne, Gers, Gironde, Isère, Landes, Loire, Haute-Loire, Lot, Lot-et-Garonne, Nièvre (excluding the arrondissement of the Cosne-sur-Loire), Puy-de-Dôme, Pyrénées-Atlantiques, Hautes-Pyrénées, Rhône, Saône-et-Loire, Tarn, Tarn-et-Garonne, Haute-Vienne, Yonne;

(b) in the arrondissements of Valence and Die in the department of the Drôme (except the cantons of Dieulefit, Loriol, Marsanne and Montélimar);

(c) in the department of Ardèche: the whole of the arrondissement of Tournon and the cantons of Artraigues, Buzet, Coucouron, Montpezat-sous-Bauzon, Privas, Saint-Etienne de Lugdarès, Saint-Pierreville, Valgorge and la Voulte-sur-Rhône.

4. In Italy, wine-growing zone C Ib shall comprise the areas under vines in the Valle d'Aosta region and in the provinces of Sondrio, Bonzano, Trento and Belluno.

5. Wine-growing zone C II shall comprise:

(a) in France, the areas under vines:

— in the following departments:

Aude, Bouches-du-Rhône, Gard, Hérault, Pyrénées-Orientales (except the cantons of Olette and Arles-sur-Tech), Vaucluse;

— in the part of the department of the Var bounded in the south by the northern limit of the communes of Evenos, Le Beausset, Solliès-Toucas, Cuers, Puget-Ville, Collobrières, La Garde-Freinet, Plan-de-la-Tour and Sainte-Maxime;

— in the arrondissement of Nyons and the cantons of Dieulefit, Loriol, Marsanne and Montélimar in the department of the Drôme;

— in (the administrative units in) the department of Ardèche not listed in point 3(c);

(b) in Italy, the areas under vines in the following regions:

Abruzzo, Campania, Emilia-Romagna, Friuli-Venezia Giulia, Lazio, Liguria, Lombardia, excluding the province of Sondrio, Marche, Molise, Piemonte, Toscanna, Umbria, Veneto, excluding the province of Belluno, including the islands belonging to those regions, such as Elba and the other islands of the Tuscan archipelago, the Ponziano Archipelago and Capri and Ischia.

6. Wine-growing zone C III shall comprise:

(a) in France, the areas under vines:

— in the department of Corsica;

— in that part of the department of the Var situated between the sea and a line bounded by the communes (which are themselves included) of Evenos, Le Beausset, Solliès-Toucas, Cuers, Puget-Ville, Collobrières, La Garde-Freinet, Plan-de-la-Tour and Sainte-Maxime;

— in the cantons of Olette and Arles-sur-Tech in the department of Pyrénées-Orientales;

(b) in Italy, the areas under vines in the following regions:

Calabria, Lucania, Puglia, Sardegna and Sicilia, including the islands belonging to those regions, such as Pantelleria, Eolie and the Lipari Egadi and Pelagian Islands.'

2. Council Regulation (EEC) No 1387/70 of 13 July 1970 demarcating the Community wine-growing zones [1], is hereby repealed.

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[1] OJ No L 155, 16. 7. 1970, p. 3.

Article 39

In Annex IV to Regulation (EEC) No 816/70:

1. The table concerning heading No 20.07 of the Common Customs Tariff shall be replaced by the following additional notes and table:

'*CHAPTER 20*

PREPARATIONS OF VEGETABLES, FRUIT OR OTHER PARTS OF PLANTS

Notes

(unchanged)

The following note shall be added to the Additional Notes:

4. *For the purposes of subheadings 20.07 B I a) 1 aa) and 20.07 B I b) 1 aa), concentrated grape juice (including grape must) shall be taken to mean grape juice (including grape must) of a density at 20 °C of not less than 1·240.*

CCT heading No	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:		
	A. Of a specific gravity exceeding 1·33 at 15 °C:		
	I. Grape juice (including grape must):		
	a) Of a value exceeding 22 u.a. per 100 kg net weight	50 (b)	—
	b) Of a value not exceeding 22 u.a. per 100 kg net weight		
	1. With an added sugar content exceeding 30 % by weight	50 + (L) (b)	—
	2. Other	50 (b)	—
	II. and III. (unchanged)		
	B. Of a specific gravity of 1·33 or less at 15 °C:		
	I. Grape, apple and pear juice (including grape must); mixtures of apple and pear juice:		
	a) Of a value exceeding 18 u.a. per 100 kg net weight:		
	1. Grape juice (including grape must):		
	aa) Concentrated:		
	11. With an added sugar content exceeding 30 % by weight	28 (b)	28 + ads
	22. Other	28 (b)	(a)
	bb) Other:		
	11. With an added sugar content exceeding 30 % by weight	28 (b)	28 + ads
	22. Other	28 (b)	(a)

CCT heading No	Description	Rate of duty	
		Antonomous % or levy (L)	Conventional %
1	2	3	4
20.07 *(continued)*	B. I. 2. Apple and pear juice:		
	aa) Containing added sugar	25 (b)	24 + ads
	bb) Other	25 (b)	25
	3. Mixtures of apple and pear juice	25	—
	b) Of a value of 18 u.a. or less per 100 kg net weight:		
	1. Grape juice (including grape must):		
	aa) Concentrated:		
	11. With an added sugar content exceeding 30 % by weight	28 + (L) (b)	28 + ads
	22. Other	28 (b)	(a)
	bb) Other:		
	11. With an added sugar content exceeding 30 % by weight	28 + (L) (b)	28 + ads
	22. Other	28 (b)	(a)
	2 to 4 (unchanged)		
	II. (unchanged)		

(a) See Annex.
(b) In certain conditions a countervailing charge is provided for in respect of certain products in addition to the customs duty.'

2. Under subheading 23.05 B (Argol), the reference to footnote (a) in column 3 shall be deleted.

Article 40

The following Annex shall be added to Regulation (EEC) No 816/70:

'*ANNEX V*

Standard added sugar and natural sugar contents of grape juice and concentrated grape juice

CCT heading No	Description	Standard sugar contents	
		Added sugar (1)	Natural sugar (2)
20.07	Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:		
	A. Of a specific gravity exceeding 1·33 at 15 °C:		
	I. Grape juice (including grape must):		
	b) Of a value not exceeding 22 u.a. per 100 kg net weight:		
	1. With an added sugar content exceeding 30 % by weight	49	15

CCT heading No	Description	Standard sugar contents	
		Added sugar (1)	Natural sugar (2)
20.07 *(continued)*	B. Of a specific gravity of 1·33 or less at 15 °C:		
	I. Grape, apple and pear juice (including grape must); mixtures of apple and pear juice:		
	b) Of a value of 18 u.a. or less per 100 kg net weight:		
	1. Grape juice (including grape must):		
	aa) Concentrated:		
	11. With an added sugar content exceeding 30 % by weight	49	15
	bb) Other:		
	11. With an added sugar content exceeding 30 % by weight	49	15'

Article 41

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

This Regulation shall apply from 1 September 1976. However, as regards grape juice (including grape must) not containing spirit and with an added sugar content exceeding 30 % by weight falling within heading No 20.07 of the Common Customs Tariff, Articles 1, 10, 11, 12, 13, 14, 37 (2), 39 and 40 shall apply from 1 July 1977.

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

Done at Brussels, 17 May 1976.

For the Council

The President

J. HAMILIUS