# COUNCIL REGULATION (EEC) No 1168/76

## of 17 May 1976

## amending Regulation (EEC) No 2133/74 laying down general rules for the description and presentation of wines and grape musts

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine [1], as last amended by Regulation (EEC) No 1160/76 [2], and in particular Articles 30 (1) and 39a (2) thereof,

Having regard to Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions [3], as last amended by Regulation (EEC) No 1161/76 [4], and in particular Article 12 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 2133/74 of 8 August 1974 laying down general rules for the description and presentation of wines and grape musts [5], as amended by Regulation (EEC) No 1890/75 [6], is applicable as from 1 September 1976;

Whereas, in order to provide consumers with accurate information concerning the origin of wines and grape musts resulting from a coupage of products originating in more than one Member State, it should be stated on the label that the products in question are from different Community countries;

Whereas, in order to provide consumers with particular information, permission should be given for information concerning the history of the wine in question, of the undertaking of the bottler or an undertaking of a natural or legal person which was involved in the commercial distribution of the wine in question to be shown on the wine labels; whereas, to the same end, permission should be given to add on the labels information concerning the natural or technical conditions governing the production and ageing of the wine in question;

Whereas producer Member States and interested third countries should be authorized to use a specific term to accompany the name of the production area or the geographical ascription to describe table wines and imported wines; whereas the purpose of such a specific term, where it is given in the consumer's language, is to enable the consumer to recognize wines of a typically regional character amongst the table wines on the market; whereas it therefore seems appropriate to authorize Member States to allow this specific term to be given in one or more of their official languages;

Whereas the scope of some provisions should be broadened and certain others improved, particularly as regards trade with third countries;

Whereas, with a view to standardizing the description and presentation of Community wines and grape musts intended for export to third countries, provision should be made for the possibility of laying down supplementary or derogating rules in respect of these products in so far as the legislation of the third country concerned makes this necessary;

Whereas, in view of their different customs and traditional practices, Member States should be permitted, pending implementation of Community provisions on dietetic foodstuffs, to allow information to be given as to the dietetic use of certain wines and grape musts;

Whereas, as regards certain information which must be given in one of the official languages of the Member State of origin, the use of another official Community language as an alternative and not only as an addition should be allowed if this language is equated with the official language in the relevant part of the territory of the producer

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[1] OJ No L 99, 5. 5. 1970, p. 1.
[2] See page 1 of this Official Journal.
[3] OJ No L 99, 5. 5. 1970, p. 20.
[4] See page 27 of this Official Journal.
[5] OJ No L 227, 17. 8. 1974, p. 1.
[6] OJ No L 193, 25. 7. 1975, p. 1.

Member State and where this practice is traditional and customary there;

Whereas, pursuant to the second subparagraph of Article 12 (3) of Regulation (EEC) No 817/70, it should be permissible until 31 August 1981 for the names of the specified regions given in a list to be adopted to be used also to describe table wines if this has been traditional and regular practice;

Whereas the provisions relating to imported wines should be supplemented in order to allow them to be designated by ascriptions equivalent to those which may be used for Community products; whereas, for administrative reasons, it seems advisable to exempt small quantities of such wines from the application of certain provisions;

Whereas, in order to take account of the traditional practices of third countries, it should be permissible, in the case of certain imported wines, to use the names of certain geographical units or specified regions in the Community;

Whereas, in order to make allowances for foreseeable developments in Community legislation concerning the information which must be given on containers authorized for the transport of beverages and foodstuffs, the relevant current provisions should be adapted;

Whereas the date of implementation of Regulation (EEC) No 2133/74 remains 1 September 1976; whereas, in accordance with the third subparagraph of Article 30 (1) of Regulation (EEC) No 816/70, this will not prevent Member States from adopting these provisions beforehand,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The following shall be substituted for Article 2 (1) (d) of Regulation (EEC) No 2133/74:

'(d) in the case of:

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

(ii) table wine resulting from a coupage of products originating in more than one Member State; the words "wine from different countries of the European Community";

(iii) table wine which was turned into wine in a Member State other than that in which the grapes were harvested: the inscription "EEC";'

2. The following shall be substituted for Article 9 (1) (c) of Regulation (EEC) No 2133/74:

'(c) in the case of:

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

(ii) table wine resulting from a coupage of products originating in more than one Member State: the words "wine from different countries of the European Community";

(iii) table wine which was turned into wine in a Member State other than that in which the grapes were harvested: the inscription "EEC";'

3. The following shall be substituted for Article 22 (1) (f) and Article 24 (1) (d) of Regulation (EEC) No 2133/74:

'for wines and grape musts:

— which result from a coupage of products originating in more than one Member State: the words "made from products of different countries of the European Community";

— which, in the case of grape musts, were not produced, and, in the case of wine, were not turned into wine, in the Member State in which the grapes were harvested: the inscription "EEC";'

*Article 2*

1. The following text shall be added to Article 2 (2) of Regulation (EEC) No 2133/74:

'(h) details as to:

— the type of product,

— the particular colour of the table wine,

in so far as these details are governed by implementing procedures or, failing this, by the provisions of the Member States concerned. However, the use of this information may be confined to the table wines referred to in paragraph 3.'

2. The following shall be substituted for Article 2 (3) (d) of Regulation (EEC) No 2133/74:

'(d) details regarding the method of production of the table wine in a list to be adopted. This list may include only those inscriptions which are governed, as to the conditions for their use, by the provisions of the producer Member State;'

*Article 3*

1. The following shall be substituted for Article 2 (3) (f) and Article 28 (2) (o) of Regulation (EEC) No 2133/74:

'a statement that the wines were bottled:

— either in the vineyard where the grapes used for the wines were harvested and turned into wine,

— or by a group of vineyards,

— or in an undertaking which is situated in the wine-growing area indicated, with which the vineyards where the grapes used were harvested are connected as members of a group of vineyards, and which made wine from these grapes;'

2. The following shall be substituted for Article 12 (2) (q) of Regulation (EEC) No 2133/74:

'(q) a statement that the wines were bottled

— either in the vineyard where the grapes used for the wines were harvested and turned into wine,

— or in a group of vineyards,

— or in an undertaking which is situated in the specified region indicated or in the immediate vicinity of that region, with which the vineyards where the grapes used were harvested are connected as members of a group of vineyards, and which made wine from these grapes;'

*Article 4*

The following shall be included in Regulation (EEC) No 2133/74 as item (h) of Article 2 (3), item (t) of Article 12 (2), item (f) of Article 27 (2), and item (p) of Article 28 (2):

'information concerning:

— the history of the wine in question, of the undertaking of the bottler or an undertaking of a natural or legal person which was involved in the commercial distribution of the wine,

— the natural or technical conditions governing the production of the wine, or

— the ageing of the wine,

provided that this information is used in accordance with the conditions laid down by implementing procedures.'

*Article 5*

1. Article 2 (3) of Regulation (EEC) No 2133/74 shall be supplemented by the following:

'(i) the words:

— "Landwein" for table wines originating in Germany and in the province of Bolzano in Italy,

— "vin de pays" for table wines originating in France or in Luxembourg,

— "vino tipico" for table wines originating in Italy, including the province of Bolzano,

provided that the producer Member States concerned have laid down rules for the use of these inscriptions.

For table wines marketed in their territory and described in accordance with the preceding paragraph, Member States may authorize the replacement of the words "Landwein", "vin de pays" and "vino tipico" by the corresponding words in one or more of their official languages.

Until 31 December 1977 at the latest, the words "vino tipico" may be used even if the rules for their use have not yet been laid down, provided that the table wine thus described possesses characteristics typical of the region of production.'

2. Article 9 (2) of Regulation (EEC) No 2133/74 shall be supplemented by the following:

'(e) as appropriate, the words "Landwein", "vin de pays","vino tipico" or corresponding words in an official Community language.'

3. The following shall be substituted for Article 28 (2) (c) of Regulation (EEC) No 2133/74:

'(c) details:

— accompanying the geographical ascription to emphasize the typically regional character of the wine in question, or

— regarding superior quality,

in so far as they are laid down by the national provisions of the third country in which the wine originates for the home market of that country and are recognized by the Community;'

*Article 6*

1. The following shall be substituted for the second subparagraph of Article 3 (1) of Regulation (EEC) No 2133/74:

'However:

— additional or derogating rules may be laid down in respect of table wines intended for export, in so far as the legislation of third countries makes this necessary,

— pending application of Community provisions on dietetic foodstuffs, Member States may, in respect of table wines marketed in their territory, allow information to be given as to the dietetic use of such products.'

2. The following shall be substituted for the second subparagraph of Article 13 (1) of Regulation (EEC) No 2133/74:

'However:

— additional or derogating rules may be laid down for quality wines psr intended for export, in so far as the legislation of third countries makes this necessary,

— pending application of Community provisions on dietetic foodstuffs, Member States may, in respect of quality wines psr marketed in their territory, allow information to be given as to the dietetic use of such products.'

3. The following shall be substituted for the second subparagraph of Article 23 (2) of Regulation (EEC) No 2133/74:

'However, the Member States may:

— for products other than table wines and quality wines psr obtained in their territory, make compulsory, prohibit or restrict the use of certain information referred to in Article 22 (2) and (3);

— authorize, pending the application of Community provisions on dietetic foodstuffs, information concerning the dietetic use of grape musts marketed in their territory.'

4. The text of Article 30 of Regulation (EEC) No 2133/74 shall be supplemented by the following paragraph:

'9. Pending application of Community provisions on dietetic foodstuffs, Member States may, in respect of imported wines marketed in their territory, allow information to be given as to the dietetic use of such products.'

*Article 7*

1. The second part of Article 3 (6) (a) of Regulation (EEC) No 2133/74 shall be replaced by the following:

'Such information may:

— also be given in another official language of the Community, or

— be given solely in another official language of the Community where the latter is equated with the official language in that part of the territory of the Member State of origin in which the geographical unit referred to is situated,

where this practice is traditional and customary in the Member State concerned;'

2. The second sentence of the second subparagraph of Article 13 (5) (a) of Regulation (EEC) No 2133/74 shall be replaced by the following:

'The information referred to in the first, third, fourth and fifth indents may:

— also be given in another official language of the Community, or

— be given solely in another official language of the Community where the latter is equated with the official language in that part of the territory of the Member State of origin in which the specific region referred to is situated,

where this practice is traditional and customary in the Member State concerned;'

3. The following shall be substituted for (b) in the second subparagraph of Article 3 (6) of Regulation (EEC) No 2133/74:

'(b) it may be decided that the information as to:

— the type of product or a particular colour referred to in Article 2 (2) (h),

— the method of production of the table wine referred to in Article 2 (3) (d), and

— the natural or technical conditions governing the production or the ageing of the table wine referred to in Article 2 (3) (h),

shall be provided solely in one of the official languages of the Member State of origin.'

4. The following shall be substituted for the second subparagraph of Article 13 (5) (b) of Regulation (EEC) No 2133/74:

'(b) it may be decided that the information as to:

— the method of production, the type of product or a particular colour referred to in Article 12 (2) (k), and

— the natural or technical conditions governing the production or the ageing of the quality wines psr referred to in Article 12 (2) (t),

shall be provided solely in one of the official languages of the Member State of origin.'

*Article 8*

Article 4 (3) of Regulation (EEC) No 2133/74 shall be supplemented by the following subparagraph:

'However, until 31 August 1981, it shall be permissible to use the names of the following specified regions to describe table wines:

— Moselle Luxembourgeoise,

— Puglie,

— Abruzzi,

— Sardegna,

— Romagna,

— Monferrato,

— Friuli.'

*Article 9*

1. The following shall be substituted for Article 22 (1) (a) and Article 24 (1) (b) of Regulation (EEC) No 2133/74:

'the type of product, using:

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

— for products in circulation in the territory of the Member State in question, words other than those laid down by Community provisions, where their use is traditional and customary in the Member State concerned;'

2. Article 22 of Regulation (EEC) No 2133/74 shall be supplemented by the following paragraph:

'3. Where partially fermented grape must is intended for direct human consumption, its description on labels may be supplemented by information concerning:

(a) the geographical unit, within the meaning of Article 4 (1), from which the must originates, provided that the conditions concerning table wine laid down in Article 4 (3) are satisfied;

(b) the name of a vine variety;

(c) a statement as to whether the product is red, rosé or white.'

3. The following shall be substituted for Article 24 (2) (c) of Regulation (EEC) No 2133/74:

'(c) for other products: the information referred to in Article 22 (2) (a), (c) and (3);'

4. Article 23 (3) of Regulation (EEC) No 2133/74 shall be supplemented by the following paragraph:

'The indication on the label of a vine variety referred to in Article 22 (3) (b) to describe a product other than a table wine or a quality wine psr may be given only if the conditions corresponding to those referred to in Article 5 (1) are satisfied.'

5. The following shall be substituted for Article 26 (2) of Regulation (EEC) No 2133/74:

'2. If the vintage year or vine variety are indicated as well, this information must be given in accordance with Article 23 (3).'

*Article 10*

1. Article 27 (2) of Regulation (EEC) No 2133/74 shall be supplemented by the following:

'(g) a citation awarded by an official body or a body officially recognized for this purpose to one of the persons or group of persons referred to in (c) which is likely to enhance the reputation of the imported wine concerned, provided that this citation is governed by Community implementing procedures or, failing this, by the provisions of the third country of origin.'

2. Article 28 (2) of Regulation (EEC) No 2133/74 shall be supplemented by the following:

'(q) a citation awarded by an official body or a body officially recognized for this purpose to one of the persons or group of persons referred to in (h) which is likely to enhance the reputation of the imported wine concerned, provided that this citation is governed by Community implementing procedures or, failing this, by the provisions of the third country of origin.'

*Article 11*

The following shall be substituted for Article 28 (2) (a) of Regulation (EEC) No 2133/74:

'(a) the word "wine" which may or may not be accompanied by a statement as to whether the wine is red, rosé or white;'

*Article 12*

1. The following shall be substituted for Article 30 (3) of Regulation (EEC) No 2133/74:

'3. In accordance with the same procedure:

— use of the information referred to in Articles 27 (2), 28 (2) and 29 (2) may be made compulsory, prohibited or restricted;

— small quantities of wine originating in third countries may be exempted from the application of Articles 27 (1) and 28 (1) (b), (c) and (d).'

2. Article 30 (7) of Regulation (EEC) No 2133/74 shall be supplemented by the following paragraph:

'Certain terms resulting from the translation of the information referred to in the second paragraph may be governed by implementing procedures.'

*Article 13*

The following subparagraph shall be added to Article 31 (3) of Regulation (EEC) No 2133/74:

'Derogations from paragraph 2 may be allowed where the geographical name of a wine produced in the Community is the same as the name of a geographical unit situated in a third country where this name is used in that country to describe a wine in accordance with traditional and consistent usage and on condition that its use is governed by rules in that country.'

*Article 14*

The following shall be substituted for Article 40 (4) (a) of Regulation (EEC) No 2133/74:

'(a) a statement that the containers have been approved for the transport of beverages or foodstuffs, and'

*Article 15*

The following shall be substituted for Article 41 (1) of Regulation (EEC) No 2133/74:

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

*Article 16*

In the Italian version the words 'vino da pasto' in Articles 2 (1) (a) and 44 (1) (b) of Regulation (EEC) No 2133/74 shall be replaced by the words 'vino da tavola'.

*Article 17*

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

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