COUNCIL REGULATION (EEC) No 1848/76

of 27 July 1976

laying down general rules for the import of wines, grape juice and grape must

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 1167/76 (2), and in particular Article 28 (1a) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1599/71 (3), as last amended by Regulation (EEC) No 679/75 (4), lays down additional conditions to be met by imported wines for direct human consumption ; whereas Regulation (EEC) No 1160/76 (5) amended Article 28 of Regulation (EEC) No 816/70 by including in this Article certain provisions of Regulation (EEC) No 1599/71 and by extending its scope to all wines and grape must ; whereas Regulation (EEC) No 1599/71 should therefore be replaced ;

Whereas, for the sake of clarity, it should be stated that references to Regulation (EEC) No 1599/71, repealed by this Regulation, are to be taken as references to this Regulation, and in particular those contained in Council Regulation (EEC) No 2133/74 of 8 August 1974 laying down general rules for the description and presentation of wines and grape must (6), as last amended by Regulation (EEC) No 1168/76 (7) ;

Whereas Article 28 of Regulation (EEC) No 816/70 provides that the imported products covered by this Article must be accompanied by a certificate and an analysis report issued by a body or service designated by the third country in which the products originate ; whereas the conditions which the analysis report must meet have to be laid down ;

Whereas provision should be made pursuant to subparagraph (b) of Article 28 (1a) of Regulation (EEC) No 816/70 for dispensing with the certificate and analysis report in the case of certain products which are imported from third countries in limited quantities and packed in small containers ; whereas, to simplify controls, the condition as to quantity may be considered as fulfilled in the case of imports from third countries whose total annual exports to the Community are already very small ; whereas, in this case, to avoid deflection of trade, the wines must not only originate in these countries but must be imported from them,

HAS ADOPTED THIS REGULATION :

Article 1

The analysis report mentioned in the second indent of subparagraph (a) of Article 28 (1) of Regulation (EEC) No 816/70 shall :

1. be drawn up by an official laboratory recognized by the third country in which the products originate and included in a list to be decided on ;

2. give the following information :

   (a) in the case of wines and grape must in fermentation :

   — the total alcoholic strength,
   — the actual alcoholic strength ;

   (b) in the case of grape must and grape juice :

   — the density ;

   (c) in the case of wines, grape must and grape juice :

   — the total dry extract,
   — the total acidity,
   — the volatile acid content,
   — the citric acid content,
   — the total sulphur dioxide content,
   — the presence of varieties obtained from inter-specific crossings (direct producer hybrids) or other varieties not belonging to the Vitis vinifera species.

Article 2

1. No certificate or analysis report shall be required for products imported from third countries in containers of two litres or less and forming part of consignments of less than 60 litres.

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 135, 24. 5. 1976, p. 42.
(3) OJ No L 168, 27. 7. 1971, p. 3.
(4) OJ No L 72, 20. 3. 1975, p. 45.
(5) OJ No L 135, 24. 5. 1976, p. 1.
(6) OJ No L 227, 17. 8. 1974, p. 1.
(7) OJ No L 135, 24. 5. 1976, p. 46.

2. The certificate and analysis report shall also be dispensed with for wines in containers of two litres or less originating in and imported from third countries whose annual exports to the Community are less than 1 000 hectolitres.

3. The third countries mentioned in paragraph 2 shall be listed in the implementing rules.

Article 3

1. Regulation (EEC) No 1599/71 is hereby repealed.

2. References to the Regulation repealed by paragraph 1, and in particular those contained in Articles 27 (1) (a), 28 (1) (d) and 35 (1) (c) of Regulation (EEC) No 2133/74, shall be taken as references to this Regulation.

Article 4

Should transitional measures be necessary to facilitate the transition to the system established by this Regulation, in particular if the introduction of that system on the date provided for would give rise to substantial difficulties, such measures shall be laid down in the implementing rules.

Article 5

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, it shall apply from the second date referred to in the second paragraph of Article 41 of Regulation (EEC) No 1160/76.

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

Done at Brussels, 27 July 1976.

For the Council

The President

M. van der STOEL