COMMISSION REGULATION (EEC) No 922/76

of 22 April 1976

amending Regulation (EEC) No 438/71 laying down conditions for obtaining export refunds on wine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 816/70 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 1932/75 (2), and in particular Article 10 (4) thereof,

Having regard to Council Regulation (EEC) No 957/70 of 26 May 1970 laying down general rules for granting export refunds on wine and criteria for fixing the amount of such refunds (3), and in particular Article 6 (3) thereof,

Whereas Article 1 of Commission Regulation (EEC) No 438/71 of 26 February 1971 (4) provides that the granting of refunds shall be conditional upon proof that certain documents were issued by a tasting committee recognized by the producer Member State and by an official authority of the producer Member State ;

Whereas, in order to facilitate exports of table wines to non-member countries, the provisions of this Regulation should be extended to apply to non-producer Member States and new quality controls should be added ;

Whereas, in order to obtain an export refund, an exporter must supply the relevant documentary evidence ; whereas, for this purpose, he should indicate *inter alia* the numbers and dates of the accompanying documents required by Commission Regulation (EEC) No 1153/75 of 30 April 1975 prescribing the form of the accompanying documents for wine products and specifying the obligations of wine producers and traders other than retailers (5) ; whereas, however, Member States may provide under Article 13 (2) thereof that no accompanying document shall be required for certain products in certain cases ; whereas, if the aims of Regulation (EEC) No 438/71 are to be achieved, the application of that provision must be limited ;

Whereas extending Regulation (EEC) No 438/71 to apply to non-producer Member States may give rise to difficulties, particularly as regards the production of some of the documentary evidence ; whereas, in order to allow a final assessment of these provisions to be made, they should therefore only apply until 30 September 1976 ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 (1) of Regulation (EEC) No 438/71 is hereby amended to read as follows :

'1. The granting of refunds shall be conditional upon proof that the table wines exported :

— have been approved by a tasting committee recognized by the exporting Member State ; where this Member State is not the producer, proof must also be supplied that the wine exported is a Community table wine,

— were accompanied on export by an analysis certificate issued by an official authority of the producer Member State or the exporting Member State certifying that they meet the Community quality standards for table wines or, failing this, that they meet the standards applied by the exporting Member State at national level.

The certificate shall include at least the following particulars :

— colour,

— total alcoholic strength,

— actual alcoholic strength,

— total acidity.

The exporter shall also indicate :

(a) for table wines of types A II and A III, the varieties of wine,

(b) for wines resulting from coupage, the origin and quantities of the wines employed,

(c) the numbers and dates of the accompanying documents.

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 198, 29. 7. 1975, p. 19.
(3) OJ No L 115, 28. 5. 1970, p. 1.
(4) OJ No L 48, 27. 2. 1971, p. 76.
(5) OJ No L 113, 1. 5. 1975, p. 1.

Member States may prescribe that the approval referred to in the first indent of the first subparagraph should be given by competent regional committees which must certify that the wines in question have the quality characteristics of table wines of the production regions from which they come.'

Article 2

The following paragraph is hereby added to Article 1 of Regulation (EEC) No 438/71 :

'3. For the purpose of applying point (c) of the second subparagraph of paragraph 1, the exporting Member States may not avail themselves of the provisions of Article 13 (2) of Regulation (EEC) No 1153/75.'

Article 3

The following subparagraph is hereby added to Article 2 of Regulation (EEC) No 438/71 :

'It shall apply until 30 September 1976.'

Article 4

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, 22 April 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission