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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1475/77

of 20 June 1977

amending for the third time 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 528/77 (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 2878/76 (4), and in particular Article 12 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 2133/74 (5), as last amended by Regulation (EEC) No 1168/76 (6), lays down general rules for the description and presentation of wines and grape musts ;

Whereas an error of presentation in certain languages of Article 1 (3) must be corrected ;

Whereas point 3.3 of Annex I to Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids (7) lays down that any prepackaging made in accordance with this Directive must bear on the container a small 'e' certifying that the latter meets the requirements of this Directive ; whereas it should be pointed out in Regulation (EEC) No 2133/74 that the compulsory indication of the nominal volume of the product must be accompanied by a small 'e' provided that the containers used satisfy the requirements of the above Directive ;

Whereas in several provisions of the German text a term should be replaced by the one usually used in wine Regulations ;

Whereas it should be specified that the terms 'Landwein', 'vin de pays' or 'vino tipico' are restricted to the use of a specific geographical ascription and are reserved for table wines meeting certain production conditions ; whereas it is therefore essential to prohibit the use of these geographical ascriptions for other wines ;

Whereas, to take account of regional characteristics in the production of table wines, Member States should be able to make compulsory, dispense with or restrict the use of optional particulars to describe any table wines and not only table wines the description of which include a geographical ascription ; whereas this has proved particularly necessary where information is given concerning types of table wine characterized by their residual sugar content ;

Whereas, in order to inform the consumer, it is advisable in respect of table wine made from a coupage of products originating in different Member States to lay down that the words 'wine from different countries of the European Community' be repeated in an official language of the Member State in which the wine in question is offered to consumers, provided that this indication is given in another official Community language on the label ;

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 69, 16. 3. 1977, p. 1.
(3) OJ No L 99, 5. 5. 1970, p. 20.
(4) OJ No L 331, 30. 11. 1976, p. 3.
(5) OJ No L 227, 17. 8. 1974, p. 1.
(6) OJ No L 135, 24. 5. 1976, p. 46.
(7) OJ No L 42, 15. 2. 1975, p. 1.

Whereas the list of names of specified regions which may be used until 31 August 1981, pursuant to the second subparagraph of Article 12 (3) of Regulation (EEC) No 817/70, should be supplemented by the word 'Ischia' ;

Whereas a more restricted geographical unit than the specified region, the name of a vine variety or the vintage must be indicated in accordance with rules which follow the same principles ; whereas it is therefore advisable to adapt the rules permitting derogations for wines which have been sweetened and which are described by the name of a vine variety or by the vintage ;

Whereas Articles 9, 19 and 35 of Regulation (EEC) No 2133/74 specify the obligatory and optional information for the description of table wines, quality wines produced in specified regions and imported wines which must be given in the official documents and registers, provided that such information appears or is intended to appear on the labelling ; whereas certain characteristics of the wines to which this information refers, namely the residual sugar content and the particular colour, can change as a result of oenological practices at various stages in commercial distribution ; whereas there consequently seems no justification for maintaining the requirement that such particulars referring to the residual sugar content and, except for quality wines psr, to a particular colour of the product appear in the documents and registers in order to be able to appear on the labels, particularly since these are characteristics which can easily be checked without recourse to documents ; whereas, on the other hand, in order to be able to check the information concerning the natural and technical conditions governing the production of the wine, it is necessary to lay down that this information be indicated in the official documents, provided that it appears or is intended to appear on the labelling ;

Whereas Article 12 (1) of Regulation (EEC) No 2133/74 requires the use on the labels of the term 'quality wine psr' or of the specific traditional expression laid down in the Member State concerned ; whereas, in order to provide the consumer with more information, in particular in Member States other than the producer State and in third countries, both those terms should be allowed to appear simultaneously on the labels ; whereas it should be laid down that a Member State may not make compulsory, dispense with or restrict the use of the term 'quality wine psr' which, as it is a Community term, may be indicated in all the official languages of the Community ;

Whereas confusion should be avoided, firstly, between the name of a specified region within the meaning of Article 2 of Regulation (EEC) No 817/70 and, secondly, the other particulars on the labels, in particular the name or the business name of the bottler or the local administrative area where he has his head offices and the brand name ; whereas, as regards the latter particulars, provision should therefore be made for the use of a code while, however, permitting the Member States to prescribe other appropriate measures for their territory ;

Whereas experience has shown that in commercial documents information concerning products other than a table wine or a quality wine psr is necessary only where accompanying documents have not been drawn up ; whereas Article 26 (1) of Regulation (EEC) No 2133/74 should therefore be amended accordingly ;

Whereas, to take account of modern commercial accounting techniques and to facilitate the task of the bodies which Member States have made responsible for ensuring compliance with the Community rules on wine, it is advisable to extend to all products, the description of which is governed by Regulation (EEC) No 2133/74, the possibility of describing them by means of a code ;

Whereas Regulation (EEC) No 2133/74 lays down that the name of the importer must be given ; whereas, in the case of a product imported in bulk and divided into several consignments and distributed to various persons, it should be laid down that the name of the consignor instead of the importer must be given, in order to provide the consumer with more information and to facilitate the task of the supervisory authorities ;

Whereas, with the aim of allowing greater flexibility in dealing with the rules applicable in third countries for the description of wines intended for export to the Community, it is advisable to adapt Community rules permitting derogations for imported wines with regard to the indication of a geographical unit, the name of a vine variety or a vintage ;

Whereas Article 41 of Regulation (EEC) No 2133/74 defines what is meant by labelling ; whereas it should be stated that such a definition excludes non-removable particulars which appear on the container and refer not to the content thereof but to the container itself ; whereas particulars used by the bottler for the purpose of checks to be carried out on his premises should also be excluded from the definition of labelling, since they are not addressed to the consumer ;

Whereas the German version of Article 43 of Regulation (EEC) No 2133/74 should be adapted so that it agrees fully with the other versions,

HAS ADOPTED THIS REGULATION :

Article 1

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

'(a) products transported :

— between two or more plants,

— between vineyards and wine-making plants,

belonging to the same concern and situated in the same local administrative area ;'.

Article 2

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

'(b) the nominal volume of the table wine, together with a small "e" provided that the containers used comply with the requirements of Directive 75/106/EEC ;'.

2. Article 12 (1) (c) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'(c) the nominal volume of the quality wine psr, together with a small "e" provided that the containers used comply with the requirements of Directive 75/106/EEC ;'.

3. Article 22 (1) (c) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'(c) the nominal volume of the product, together with a small "e" provided that the containers used comply with the requirements of Directive 75/106/EEC ;'.

4. In Regulation (EEC) No 2133/74, Articles 27 (1) (b) and 28 (1) (b) shall be replaced by the following :

'(b) the nominal volume of the imported wine, together with a small "e" provided that the containers used comply with the requirements of Directive 75/106/EEC ;'.

5. Article 29 (1) (c) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'(c) the nominal volume of the imported product, together with a small "e" provided that the containers used comply with the requirements of Directive 75/106/EEC ;'.

Article 3

In the German version of Regulation (EEC) No 2133/74, in the first and third indents of Article 2 (3) (f), in the first and third indents of Article 12 (2) (q), and in the first and third indents of Article 28 (2) (o), the words 'zu Wein verarbeitet' shall be replaced by 'zu Wein bereitet'.

Article 4

The following sentence shall be added to the first subparagraph of Article 2 (3) (i) of Regulation (EEC) No 2133/74 :

'These rules shall provide that these terms be used in conjunction with a specific geographical reference and reserved for table wines meeting certain production requirements, particularly as regards vine varieties, minimum natural alcoholic content and organoleptic characteristics.'.

Article 5

Article 3 of Regulation (EEC) No 2133/74 shall be amended as follows :

(a) paragraph 2 shall be replaced by the following :

'2. In the case of table wines obtained on their territory, Member States may make compulsory, dispense with or restrict the use of certain particulars referred to in Article 2 (2) and (3).' ;

(b) the second subparagraph of paragraph 6 shall be supplemented by the following :

'(c) indication of the words "wine from different countries of the European Community" referred to in Article 2 (1) (d) (ii) shall be repeated, on a supplementary label if necessary, in an official language of the Member State in which the wine is offered to the consumer, if this indication appears on the label in another official language of the Community.'.

Article 6

Article 4 (3) of Regulation (EEC) No 2133/74 shall be amended as follows :

(a) the first subparagraph shall be replaced by the following :

'3. The use of one of the names referred to in paragraph 1 to describe a table wine shall be subject to the condition that it cannot be identified :

— either with the name of a production area of another table wine to which the Member State concerned has ascribed one of the terms "Landwein", "vin de pays" or "vino tipico",

— or with the set of particulars giving the geographical designation of a quality wine psr, named after the specified region, or, where appropriate, named in accordance with the provisions of Article 14 (1),

— or with the description of an imported wine referred to in Article 28,

and that there is no risk of confusion with a quality wine psr or with an imported wine.';

(b) the word 'Ischia' shall be added to the list in the second subparagraph.

Article 7

1. The second indent of Article 5 (2), and the second indent of Article 15 (2) of Regulation (EEC) No 2133/74 shall be replaced by the following:

'— the name of one vine variety, if at least 85 % of the product concerned is obtained, after deduction of the quantity of the products used for possible sweetening, from grapes of the variety named, and provided that the variety determines the nature of the product in question.'.

2. Article 6 (2) of Regulation (EEC) No 2133/74 shall be replaced by the following:

'2. By derogation from paragraph 1 and without prejudice to Article 7, producer Member States may allow the indication of the vintage if at least 85 % of the table wine concerned is obtained, after deduction of the quantity of the products used for possible sweetening, from grapes harvested in the year to be shown.'.

3. Article 16 (2) of Regulation (EEC) No 2133/74 shall be replaced by the following:

'2. By derogation from paragraph 1 and without prejudice to Article 17, producer Member States may allow an indication of the vintage if at least 85 % of the quality wine psr concerned is obtained, after deduction of the quantity of the products used for possible sweetening, from grapes harvested in the year to be shown.'.

Article 8

1. Article 9 (2) of Regulation (EEC) No 2133/74 shall be amended as follows:

(a) the wording of (d) shall be replaced by the following:

'(d) a statement as to the method or production or the type of product, except as to the residual sugar content;';

(b) the following wording shall be added:

'(f) the particulars of the natural or technical conditions governing the production of the wine;'.

2. Article 19 (2) of Regulation (EEC) No 2133/74 shall be amended as follows:

(a) the wording of (c) shall be replaced by the following:

'(c) a statement as to the method of production, a particular colour, or the type of product except as regards the residual sugar content;';

(b) the following shall be added:

'(f) the particulars of the natural or technical conditions governing the production of the wine;'.

3. The second subparagraph of Article 35 (2) of Regulation (EEC) No 2133/74 shall be amended as follows:

(a) the wording of (e) shall be replaced by the following:

'(e) a statement as to the method of production or the type of product except as regards the residual sugar content;';

(b) the following shall be added:

'(f) the particulars of the natural or technical conditions governing the production of the wine.'.

Article 9

Article 12 (2) (i) of Regulation (EEC) No 2133/74 shall be replaced by the following:

'(i) additional details of a traditional kind, provided that they are used in the manner prescribed by the laws of the producer Member State and are entered in a list to be drawn up;

(j) — the Community expression "quality wine produced in a specified region", or "quality wine psr" if it does not appear pursuant to paragraph (1) (b), or

— a specific traditional expression if it does not appear pursuant to paragraph (1) (b);'.

Article 10

1. Article 13 (2) of Regulation (EEC) No 2133/74 shall be replaced by the following:

'2. In the case of quality wines psr obtained on their territory, Member States may make compulsory, dispense with or restrict the use of certain particulars referred to in Article 12 (2), except for those referred to in the first indent of (j).'.

2. Article 13 of Regulation (EEC) No 2133/74 shall be supplemented by the following:

'4a. An indication of all or part of the name of a specified region, as defined by Article 2 of Regulation (EEC) No 817/70, other than the indication which may be used for the quality wine psr in question, shall be given in the form of a code.

However, Member States may lay down other appropriate measures for their territory, in particular as regards the size of the letters of this indication, to avoid confusion concerning the geographical origin of the wine.'.

3. The second indent of Article 13 (5) (a) shall be replaced by the following :

'— one of the specific traditional expressions referred to in the second subparagraph of Article 12 (4) of Regulation (EEC) No 817/70,'.

Article 11

Article 26 of Regulation (EEC) No 2133/74 shall be amended as follows :

(a) paragraph 1 shall be replaced by the following :

'1. If no accompanying document has been drawn up for a product other than a table wine or a quality wine psr, the description in the commercial documents referred to in Article 1 (2) (c) shall include at least the information referred to in Article 24 (1).' ;

(b) the following paragraph shall be added :

'6. In the case of products other than table wines or quality wines psr distributed in their territory, the Member States may permit the information referred to in Article 22 to be entered in commercial documents by means of a code. This code must be such that the body responsible for inspections can rapidly identify the description of the product concerned.'.

Article 12

1. The third indent of Article 27 (1) (c) and the third indent of Article 28 (1) (c) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'— are put up in other containers :

— the name or business name of the importer and of the local administrative area or part thereof where his head offices are situated, or

— if the importer and consignor are not the same, the name or business name of the consignor and the local administrative area or part thereof where his head offices are situated ;'.

2. Article 29 (1) (d) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'(d) the name or business name of the importer and the local administrative area or part thereof in which his head offices are situated, or, where the imported product is put up in containers with a nominal volume of more than 60 litres and where the importer and consignor are not the same, the name or business name of the consignor and the local administrative area or part thereof where his head offices are situated ;'.

Article 13

1. The second indent of the first subparagraph of Article 31 (3) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'— are approximately equivalent to the derogations allowed under Article 14 (3) for quality wines psr.'.

2. The second indent of Article 32 (2) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'— are approximately equivalent to the derogations allowed under Articles 5 (2) and 15 (2) for table wines and quality wines psr.'.

3. The second indent of Article 33 (2) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'— are approximately equivalent to the derogations allowed under Articles 6 (2) and 16 (2) for table wines and quality wines psr.'.

Article 14

The following paragraph shall be added to Article 38 of Regulation (EEC) No 2133/74 :

'4. In the case of imported products distributed in their territory, Member States may permit the information referred to in Articles 27, 28 and 29 to be entered in commercial documents by means of a code. The code must be such that the body responsible for inspections can rapidly identify the description of the product concerned.'.

Article 15

Article 41 (1) of Regulation (EEC) No 2133/74 shall be replaced by the following :

'1. For the purpose of Titles I and II of this Regulation, labelling shall be understood to mean all descriptions and other references, signs, designs or brand names which distinguish the product and which appear on the same container, including its sealing device, and on the tag attached to the container.

Particulars, signs and other references are not part of the labelling if they :

— are laid down by the tax provisions of Member States, or

— refer to the manufacturer or to the nominal volume of the container and are inscribed directly and indelibly thereon, or

— are used by the bottler for his own internal checks and are indicated in detailed rules to be laid down.'.

Article 16

The German version of Article 43 of Regulation (EEC) No 2133/74 shall be replaced by the following :

'Artikel 43

1. Bezeichnung und Aufmachung von in Artikel 1 Absatz 3 genannten Erzeugnissen, einschließlich jeder Art von Werbung, dürfen nicht geeignet sein, Verwechslungen hinsichtlich der in den Artikeln 2, 12, 27, 28 und 29 genannten Angaben hervorzurufen.

2. Bezeichnung und Aufmachung in der Werbung dürfen nicht zu einer Irreführung über das Erzeugnis geeignet sein, insbesondere

— über die Art des Erzeugnisses, die Farbe, den Ursprung, die Qualitätsstufe, die Rebsorte, den Jahrgang und den Inhalt der Behältnisse ;

— über die Identität oder die Eigenschaft der natürlichen oder juristischen Personen oder Personenvereinigungen, die an der Herstellung oder der Vermarktung des Erzeugnisses beteiligt sind oder waren.'.

Article 17

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

'Article 43a

If necessary, rules may be adopted to govern the use of :

— the codes referred to in Articles 3 (4), 13 (4) and 30 (6),

— the control numbers referred to in Article 12 (2).'.

Article 18

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 Luxembourg, 20 June 1977.

For the Council

The President

J. SILKIN