



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.10.1995  
COM(95) 506 final

95/0266 (CNS)

Proposal for a

**COUNCIL REGULATION (EC)**

amending Regulation (EEC) No 823/87 laying down special provisions  
relating to quality wines produced in specified regions

(presented by the Commission)



## EXPLANATORY MEMORANDUM

The objectives of the proposed amendments to Article 15(5) of Regulation (EEC) No 823/87 laying down special provisions relating to quality vines produced in specified regions are:

- to put an end to the special arrangements provided for in Article 129 of the Act of Accession of Spain and Portugal, which allowed the use of the composite terms "British Sherry", "Irish Sherry" and "Cyprus Sherry" on the market of the United Kingdom and Ireland until 31 December 1995,
- to avoid the growing risk of the reputation of quality vines p.s.r. being lowered and distorted; it is thus proposed that those terms may no longer be used for other beverages irrespective of whether or not there is a risk of confusion.

The use of the word "Sherry" in those composite terms was the only exception, for a transitional period and over a limited territory, that was accepted in the Community to the general principle established in Regulation (EEC) No 823/87, according to which the specified region, which plays an essential role in determining the special quality characteristics of a wine (Article 3), should be designated by its geographical name (Article 15(3)), and only wines obtained from raisins harvested, processed and prepared as wine in the specified region may use the name of that region (Article 6).

An agreement between the United Kingdom and the Kingdom of Spain and related statements concerning the Directive on the structures of excise duties on alcohol and alcoholic beverages provides that during 1995, the Council acting on a proposal from the Commission, and in accordance with the procedure provided for in Article 43 of the Treaty, will adopt the provisions necessary to put an end before 1 January 1996 to the special arrangements provided for in Article 129 of the Act of Accession of Spain and Portugal to the European Communities.

Proposal for a  
COUNCIL REGULATION (EC) Nr.

of

amending Regulation (EEC) No 823/87 laying down special provisions  
relating to quality wines produced in specified regions

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 129 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Having regard to the Agreement between the United Kingdom and the Kingdom of Spain and related statements<sup>4</sup> and Article 18 of Directive 92/83/EEC on the harmonization of the structures of excise duties on alcohol and alcoholic beverages<sup>5</sup>, and in particular the first subparagraph of paragraph (ii) thereof;

Whereas Article 129 of the Act of Accession of Spain and Portugal permits the use of the composite terms "British Sherry", "Irish Sherry" and "Cyprus Sherry" on the territory of the United Kingdom and Ireland until 31 December 1995;

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<sup>1</sup> OJ No L

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<sup>4</sup> OJ No L 316, 31.10.1992, p.28.

<sup>5</sup> OJ No L 316, 31.10.1992, p. 21.

Whereas those beverages are not wines within the meaning of the definition given in point 10 of Annex I to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine<sup>6</sup>, as last amended by Regulation (EC) No 3290/94<sup>7</sup>;

Whereas Article 15(5) of Council Regulation (EEC) No 823/87<sup>8</sup>, as last amended by Regulation (EEC) No 3846/91<sup>9</sup>, provides that the name of a specified region as referred to in Article 3 included on the list drawn up pursuant to Article 1(3) with respect to quality wines psr of the Community as constituted on 1 January 1981 may not be used for the description and presentation of a beverage other than a wine or grape must; whereas the purpose of specifying that date is to legitimize the use of the term "Sherry" in the United Kingdom and Ireland for a product which is neither a "Sherry", nor a "Xeres", nor a "Jerez" from the region designated as Jerez de la Frontera situated in Spain; whereas, as a result, that reference should be deleted in order to terminate the special arrangements resulting from Article 129 of the Act of Accession of Spain and Portugal whilst at the same time providing correct information to consumers and adequate protection of the legitimate interests of wine producers of that region;

Whereas the marketing of beverages not falling within the wine sector and of certain basic raw materials to obtain those beverages, described by means of designations normally used to describe wines, could confuse consumers as to the nature and origin of the product thus described and be detrimental to the interests of wine producers,

**HAS ADOPTED THIS REGULATION:**

#### Article 1

**Regulation (EEC) No 823/87 is hereby amended as follows:**

**The first subparagraph of Article 15(5) is replaced by:**

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- <sup>6</sup> OJ No L 84, 17.3.1987, p. 1.  
<sup>7</sup> OJ No L 349, 31.12.1994, p.105.  
<sup>8</sup> OJ No L 84, 27.3.1987, p.59.  
<sup>9</sup> OJ No L 368, 31.12.1991, p.3.

"5. The following may not be used for the description and presentation of a beverage other than wine or grape must:

- the name of a specified region as referred to in Article 3 included on the list drawn up pursuant to Article 1(3),
- the name of a vine variety as referred to in Article 4,
- a traditional specific term referred to in paragraph 2,

or

if it is attributed by a Member State for a description of a wine under the Community provisions adopted pursuant to Article 72(1) of Regulation (EEC) No 822/87:

- the name of a geographical unit which is smaller than the specified region

or

- an additional traditional term,

unless the beverage concerned has a recognized geographical indication in its country of origin, in so far as it is compatible with Community law."

#### Article 2

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

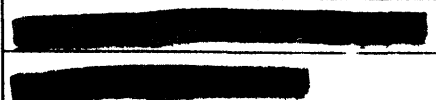
It shall apply from 1 January 1996.

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

Done at

For the Council

# FINANCIAL STATEMENT



1. BUDGET HEADING: B1-16

APPROPRIATIONS:  
ECU 1 048 million

2. TITLE:

Proposal for a Council Regulation amending Regulation (EEC) No 823/87 laying down special provisions relating to quality wines produced in specified regions.

3. LEGAL BASIS:

- Article 43 of the Treaty establishing the European Economic Community
- Article 129 of the Act of Accession of Spain and Portugal

4. AIMS:

To put an end to the special arrangements provided for in the Act of Accession of Spain and Portugal allowing the use of the term "sherry" in Great Britain and Ireland for a product which is not a "Sherry" or a "Xeres" or a "Jerez" coming from the specified region Jerez de la Frontera in Spain.

5. FINANCIAL IMPLICATIONS:	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR (95)		FOLLOWING FINANCIAL YEAR (96)	
5.0. EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION) - NATIONAL AUTHORITIES - OTHER	-		-		-
5.1. REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	-		-		-
		1997	1998	1999	2000
5.0.1. ESTIMATED EXPENDITURE		-	-	-	-
5.1.1. ESTIMATED REVENUE		-	-	-	-

5.2. METHOD OF CALCULATION:

- 6.0. CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET? YES/NO
- 6.1. CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET? YES/NO
- 6.2. WILL A SUPPLEMENTARY BUDGET BE NECESSARY? YES/NO
- 6.3. WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? YES/NO

OBSERVATIONS

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# DOCUMENTS

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