



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.12.1998  
COM(1998)730 final

Proposal for a  
COUNCIL REGULATION (EC)  
amending Regulation (EEC) No 2390/89 laying down general rules for the import of  
wines, grape juice and grape must

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Proposal for a  
COUNCIL REGULATION (EC)  
amending Regulation (EEC) No 1873/84 authorising the offer or disposal for direct  
human consumption of certain imported wines which may have undergone oenological  
processes not provided for in Regulation (EEC) No 822/87

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(presented by the Commission)



## **EXPLANATORY MEMORANDUM**

The import into the Community of wine products originating in third countries is subject, *inter alia*, to the presentation of a certificate of origin and conformity and an analysis report to be drawn up by official bodies and laboratories in the third country of origin. In order to facilitate the import of such products the Commission in 1984 introduced derogations into the Community rules authorising a degree of flexibility in the establishment of the certificate and the analysis report provided that the third countries in question offered special guarantees accepted by the Community. The relevant derogation for the United States of America expires on 31 December 1998.

In addition, wines originating in third countries which have undergone oenological practices not accepted in the Community may not be offered for direct human consumption in the Community without an express derogation to be adopted by the Council. Such a derogation is currently granted to wines originating in the United States which have undergone certain oenological processes permitted in that country but banned in the Community. That derogation also expires on 31 December 1998.

The Commission proposes to extend the derogations once more, until the end of the negotiations currently going on between the Community and the United States with a view to the conclusion of an agreement on trade in wine. The Commission undertakes to keep the Council regularly informed of the progress of the negotiations.

The financial impact of the above measures on the Community budget is negligible.

**Proposal for a**  
**COUNCIL REGULATION (EC) No**  
**of**  
**amending Regulation (EEC) No 2390/89 laying down general rules for the import of**  
**wines, grape juice and grape must**

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine<sup>1</sup>, as last amended by Regulation (EC) No 1627/98<sup>2</sup>, and in particular Article 70(2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1(2) and Article 2 of Council Regulation (EEC) No 2390/89<sup>3</sup>, as last amended by Regulation (EC) No 2611/97<sup>4</sup>, provide for import facilities for wine products originating in third countries which offer specific guarantees through the provision of a certificate of origin and conformity and an analysis report; whereas Article 3(2) of that Regulation limits those facilities to a trial period expiring on 31 December 1998;

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<sup>1</sup> OJ L 84, 27.3.1987, p. 1.

<sup>2</sup> OJ L 186, 16.7.1998, p. 9.

<sup>3</sup> OJ L 232, 9.8.1989, p. 1.

<sup>4</sup> OJ L 353, 24.12.1997, p. 1.

Whereas negotiations are currently under way between the Community, represented by the Commission, and the United States of America, with a view to reaching an agreement on trade in wine; whereas these negotiations involve the oenological practices and import conditions applied by each party; whereas the intentions expressed by both parties indicate that the adoption of an agreement satisfactory to both parties can be expected within a reasonable time; whereas to facilitate the smooth progress of these negotiations the derogations for import facilities should be extended until the conclusion of these negotiations;

Whereas, in order to avoid any deadlock in negotiations leading to the permanent introduction of these facilities, a mechanism should be created whereby the Council can verify the actual state of progress of the negotiations; whereas the Commission should therefore keep the Council regularly informed of progress,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 3(2) of Regulation (EEC) No 2390/89 is replaced by the following:

“2. Article 1(2) and the second subparagraph of Article 2(2) of Council Regulation (EEC) No 2390/89 shall apply for the duration of the negotiations with the United States of America on an agreement on trade in wine. The Commission shall keep the Council regularly informed of the progress of these negotiations.”

*Article 2*

This Regulation shall enter into force on 1 January 1999.

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

Done at Brussels,

For the Council

# FINANCIAL STATEMENT

DATE: 25.11.98

1. BUDGET HEADING: B1-16 APPROPRIATIONS:  
LA to PDB: EUR 661m
2. TITLE: Council Regulation amending Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must
3. LEGAL BASIS: Council Reg. 822/87
4. AIMS OF PROJECT: To extend, from 1 January 1999 until the conclusion of an agreement on trade in wine with the USA, derogations granted to that country in respect of wine imports.

5. FINANCIAL IMPLICATIONS		PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR (99)	FOLLOWING FINANCIAL YEAR (2000)
		million ecu	million ecu	million ecu
5.0.	EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION) - NATIONAL ADMINISTRATION - OTHER			
5.1.	REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL			
		2001	2002	2003
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. IS A SUPPLEMENTARY BUDGET NECESSARY? YES/NO
- 6.3. WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? YES/NO

OBSERVATIONS: A derogation relating to wine imports is being extended pending the conclusion of negotiations. Compared with the present situation there is no financial impact.

**Proposal for a  
COUNCIL REGULATION (EC) No [....]/98**

**of**

**amending Regulation (EEC) No 1873/84 authorising the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87**

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine<sup>1</sup>, as last amended by Regulation (EC) No 1627/98<sup>2</sup>, and in particular Article 73(1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 70(1) of Regulation (EEC) No 822/87 provides that the products referred to in Article 1(2)(a) and (b) of that Regulation may only be imported if accompanied by a certificate attesting that they comply with the provisions on production, release for free circulation and, where appropriate, disposal for direct human consumption applying in the third country in which they originate;

Whereas Article 73(1) of that Regulation stipulates that if the imported products in question have undergone oenological practices not allowed by Community rules or do not comply with the provisions of that Regulation or of those adopted pursuant thereto, they may not, except by way of a derogation, be offered or disposed of for direct human consumption; whereas the Council derogated from this principle by Regulation (EEC)

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<sup>1</sup> OJ L 84, 27.3.1987, p. 1.

<sup>2</sup> OJ L 186, 16.7.1998, p. 9.

No 1873/84<sup>3</sup>, as last amended by Regulation (EC) No 2612/97<sup>4</sup>; whereas the derogation expires on 31 December 1998;

Whereas negotiations are currently under way between the Community, represented by the Commission, and the United States of America with a view to reaching an agreement on trade in wine; whereas the negotiations relate to the two parties' oenological practices; whereas the intentions expressed by the two parties indicate that the adoption of an agreement satisfactory to both parties can be expected within a reasonable time; whereas to facilitate the smooth progress of the negotiations the American oenological practices referred to in paragraph 1(b) of the Annex to Regulation (EEC) No 1873/84 which have hitherto only been permitted for limited periods should be authorised as a transitional measure until the conclusion of the negotiations;

Whereas to avoid any deadlock in negotiations leading to the permanent introduction of the oenological practices concerned, a mechanism should be created whereby the Council can verify the actual state of progress of the negotiations; whereas the Commission should therefore keep the Council regularly informed of progress,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the second subparagraph of Article 1(1) of Regulation (EEC) No 1873/84, "until 31 December 1998" is replaced by "for the duration of the negotiations with the United States of America on an agreement on trade in wine. The Commission shall keep the Council regularly informed of the progress of these negotiations."

*Article 2*

This Regulation shall enter into force on 1 January 1999.

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<sup>3</sup> OJ L 176, 3.7.1984, p. 6.

<sup>4</sup> OJ L 353, 24.12.1997, p. 2.

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

Done at Brussels,

For the Council

The President

# FINANCIAL STATEMENT

DATE: 25.11.98

1. BUDGET HEADING: B1-16

APPROPRIATIONS:

LA to PDB: EUR 661m

2. TITLE: Council Regulation amending Regulation (EEC) No 1873/84 of 28 June 1984 authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87

3. LEGAL BASIS: Council Reg. 822/87

4. AIMS OF PROJECT: To extend, from 1 January 1999 until the conclusion of an agreement on trade in wine with the USA, derogations granted to that country in respect of wine imports.

5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS		CURRENT FINANCIAL YEAR (99)	FOLLOWING FINANCIAL YEAR (2000)
	million ecu		million ecu	million ecu
5.0. EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION) - NATIONAL ADMINISTRATION - OTHER				
5.1. REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL				
	2001	2002	2003	2004
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. IS A SUPPLEMENTARY BUDGET NECESSARY? YES/NO

6.3. WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? YES/NO

OBSERVATIONS: A derogation relating to wine imports is being extended pending the conclusion of negotiations. Compared with the present situation there is no financial impact.



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