

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 4 July 1974

Proposal for a

REGULATION (EEC) OF THE COUNCIL

concerning the addition of alcohol to
products in the wine sector

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

Some of the provisions of Regulation (EEC) No 1093/70 concerning the addition of alcohol to products in the wine sector are about to expire.

Since the definitions of vermouths and other aromatic wines have still not been harmonized, the existing provisions will have to be extended for another year.

This opportunity has been taken to produce a consolidated version of The Regulation and to make some minor amendments, namely:

- sparkling wines have been included;
- the temporary provision specifying the nature of the alcohol to be added to products falling within subheading No. 22.07 B II has been adopted on a permanent basis.

This Regulation has no financial effects.

PROPOSAL FOR A
REGULATION (EEC) No /74 OF THE COUNCIL
OF

concerning the addition of alcohol to products
in the wine sector

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 (1) of 28 April 1970 laying down additional provisions for the Common organization of the market in wine, as last amended by Regulation (EEC) No 2592/73 (2), and in particular Article 25 (2) thereof;

Having regard to the proposal from the Commission;

Whereas Article 25 (1) of Regulation (EEC) No 816/70 prohibits the addition of alcohol to the products listed in Article 1 (2) of that Regulation, excepting wine fortified for distillation and liqueur wine; whereas Article 25 (2) of that Regulation, however, permits derogations from this prohibition;

Whereas the possibility of adding alcohol to table wines and to quality wines produced in specified regions should be provided for where they are exported to third countries, either to take account of consumer habits in those countries, or to prevent climatic conditions or transport from affecting the quality of the exported wines; whereas the non-European territories of Member States are in the same situation as the third countries in question; whereas this possibility should be extended to consignments of these products to these territories; whereas, however, to enforce the prohibition on the addition of alcohol, the sale of these products should be forbidden in the European territories of the Member States; whereas to simplify control, reconsignment to the European territories of Member States should be prohibited;

(1) OJ No L 99, 5.5.1970, p.1.

(2) OJ No L 269, 26.9.1973, p.1.

Whereas it is equally necessary to authorise the addition of alcohol when a sweetener has to be added to a sparkling wine;

Whereas the preparation of products falling within heading No 22.06 and subheading No 22.07 B 11 of the Common Customs Tariff requires the addition of alcohol to some of the products listed in Article 1(2) of Regulation (EEC) No 816/70; whereas in these cases such preparation is significant enough to justify derogation from the prohibition on the addition of alcohol;

Whereas, in order to prevent frauds, in all cases the nature of the alcohol which may be added should be specified and in certain cases the permissible limits for such addition should be fixed;

Whereas the measures concerning products falling within heading No 22.06 of the Common Customs Tariff should be of a temporary nature, pending the adoption of provisions of harmonizing the definitions of these products; whereas such measures should therefore be laid down for a limited period;

Whereas most of the above considerations have already formed the basis of provisions contained variously in Council Regulation No 1093/70 (3) of 8 June 1970 concerning the addition of alcohol to products in the wine sector originating in the Community, as last amended by Regulation (EEC) No 1929/73 (4), and in the amendments thereto; whereas, because of their number and complexity, these texts lack the clarity which a Regulation requires; whereas they should therefore be consolidated in a single Regulation;

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the provisions of Article 25 (1) of Regulation (EEC) No 816/70, alcohol may, under the conditions provided in this Regulation, be added to the following products:

1. Table wines and quality wines p.s.r., where climatic conditions or consumer habits necessitate an addition of alcohol and where they are exported to third countries or dispatched to the non-European territories of Member States, on condition that in this latter case they are not redispached to the European territories of Member States.

(3) OJ No L 128, 12 June 1970, p.1.

(4) OJ No L 199, 19 July 1973, p. 8.

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- 2) sparkling wines when a sweetener is added.
- 3 a) grape musts and grape musts in fermentation derived exclusively from the vine varieties referred to in Article 16 of Regulation (EEC) No 816/70 and having at least the minimum natural alcoholic strength fixed for the wine-growing zone where the grapes were harvested;
 - b) table wines;
 - c) quality wines p.s.r.;
 - d) in certain cases liqueur wines, whether or not imported;
 - e) imported wines complying with the provisions of Article 28 (1) of Regulation (EEC) No 816/70;intended for the preparation of products falling within heading No 22.06 of the Common Customs Tariff.
- 4) concentrated grape must to be used in the manufacture of products falling within subheading 22.07 B II of the Common Customs Tariff.

Article 2

1. the alcohol added to the products listed in Article 1 (1) and (2) must be either neutral alcohol of vinous origin having an actual alcoholic strength of not less than 95° or an unrectified product derived from the distillation of wine and having an actual alcoholic strength of not less than 52° and not more than 30°.

However, in the case of sparkling wines, "Esprit de Cognac", as defined in accordance with the legislation in force in France, may be added.
2. Alcoholic added to the products specified in Article 1 (3) and (4) must be ethyl alcohol of agricultural origin.

Article 3

1. The quantities of alcohol added may not:
 - a) increase the total alcoholic strength of the products specified in Article 1 (a) by more than 2°;
 - b) increase the total alcoholic strength of the products specified in Article 1 (b) by more than 0,5°.
2. In respect of quality wines p.s.r., Member States may restrict the addition of alcohol still further, or even prohibit it altogether.

Article 4.

In respect of the products specified in Article 1 (3), the provisions of Articles 1 (3) and 2 (2) shall be applicable until 31 August 1975.

Article 5

Regulation (EEC) No 1093/70 is repealed with effect from 31 August 1974.

Article 6

This Regulation shall enter into force on 1 September 1974.

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

Done at Brussels,

For the Council,

The President.