

COMMISSION OF THE EUROPEAN COMMUNITIES

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PROPOSAL FOR A COUNCIL REGULATION (EEC)
AMENDING, FOR THE SECOND TIME, REGULATION (EEC) No 355/79
LAYING DOWN GENERAL RULES FOR THE DESCRIPTION AND
PRESENTATION OF WINES AND VINOUS WINEST

(presented by the Commission to the COUNCIL)



EXPLANATORY MEMORANDUM

Regulation (EEC) No 355/79 laid down general rules for the description and presentation of wines and grape musts. Experience with this Regulation in practice and the accession of Greece suggest that some modifications should be made in respect of (a) the designation of wines made by coupage of table wines from different Member States, (b) the designation of Greek table wines to which resin has been added and (c) the option of adding the name of a larger geographical area than the specified region to the designation of less well-known quality wines *s.r.* Furthermore, some terminological changes in the provisions covering prohibited indications likely to mislead the consumer are proposed.

There are also proposals in respect of the use of containers of a capacity of from 5 ml to 10 l, supplementing the rules in Council Directive 75/106/EEC on the approximation of the laws of the Member States relating to the making-up by volume of certain prepacked liquids. The object of these supplementary provisions is complete standardization of the nominal volumes of bottles employed for wines throughout the Community.

The adoption of this Regulation involves no expenditure against the Community budget.



PROPOSAL FOR A
COUNCIL REGULATION (EEC) No
of

amending, for the second time, Regulation (EEC) No 355/79
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 337/79 of 5 February 1979
on the common organization of the market in wine ¹, as last amended
by Regulation (EEC) No ², and in particular Article 54(1) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 355/79 ³, as amended by Regulation (EEC)
No 461/80 ⁴, laid down general rules for the description and presentation
of wines and grape musts;

Whereas the rules in force for the description of table wines have not
so far expressly covered table wines obtained by the coupage, with
another product, of a table wine which was not made in the Member State
where the grapes were harvested; whereas, in the interests of clarity,
the description of table wines so obtained should be laid down;

¹OJ No L 54, 5.3.1979, p.1

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³OJ No L 54, 5.3.1979, p.99

⁴OJ No L 57, 29.2.1980, p.36

Whereas the definition of table wine given in point 11 of Annex II to Regulation (EEC) No 337/79 has been expanded to include a definition of "retsina" table wine; whereas rules for the use of the term "retsina" should be laid down in the present Regulation;

Whereas the obligation to repeat, sometimes on an additional label, the expression "Wine from different countries of the European Community" in an official language of the Member State in which the wine in question is offered to the consumer has caused some practical difficulties; whereas, in order to overcome these difficulties, which could increase the cost of distributing the products in question, the Member State to which the said products are consigned should have discretion to decide whether the expression referred to above should be repeated in an official language of that Member State;

Whereas, in order to ensure consistent application of the provisions prohibiting certain indications which might mislead the consumer, particularly those concerning the geographical origin, the vine variety, the vintage, an expression implying a superior quality or the composition of the product, and in order to make the said provisions simpler to interpret, they should be adapted so that their scope in all the official languages of the Community is the same;

Whereas the regions specified for production of quality wines are in some cases quite small and the consumer, particularly outside the producer Member State, has little idea of their whereabouts; whereas, with a view to giving the consumer more information, it should be permitted to amplify the statement of the specified region from which the quality wine p.s.r. in question comes by adding the name of a larger geographical unit of which the said specified region is a part;

Whereas the nominal volume of the containers of a nominal volume of not less than 5 ml and not exceeding 10 l in which wines and grape musts may be put up is covered by Council Directive 75/106/EEC on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids ⁵, as amended by Directive 79/1005/EEC ⁶; whereas the said Directive does not prevent the Member States from allowing the use of containers of a volume which complies with Annex III to the said Directive but does not comply with the regulations or commercial practice of the Member State from which the product originates, whereas, in order to encourage trade amongst the Member States by imposing full standardization throughout the Community, to eliminate clear distortions of competition if the same wine were to be offered in bottles of a very similar nominal volume, to avoid costly sorting before the recycling of empty bottles and to facilitate export, appropriate provisions for this purpose should be adopted;

Whereas the application of Member States' legislation governing, in order to meet environmental requirements, the use of containers with a view to their recycling may make it necessary to derogate from the Community provisions on the nominal volume of containers for wines and grape musts; whereas provision should be made for the Commission to authorize application of the said national provisions by way of derogation from the Community provisions on the nominal volume of containers whose use is prescribed for wine and grape musts,

⁵ OJ No L 42, 15.2.1975, p.1.

⁶ OJ No L 308, 4.12.1979, p.25

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(1)(d) of Regulation (EEC) No 355/79 is hereby replaced by the following text:

"(d) in the case of:

- (i) consignment to another Member State or export: the Member State in whose territory the grapes were harvested and turned into wine, provided that both these operations took place in the same Member State;
- (ii) table wine which was made in a Member State other than that in which the grapes were harvested: the initials "EEC";
- (iii) table wine resulting from coupage
 - of products originating in more than one Member State,
 - of a table wine referred to in (ii) above with another table wine or another product with which coupage is permitted for the production of a table wine:
the words "wine from different countries of the European Community".

Article 2

1. The following text shall be added to Article 2(1) of Regulation (EEC) No 355/79:

- "(e) in the case of the table wines referred to in the third indent of point 11 of Annex II to Regulation (EEC) No 337/79: the word "Retsina"."

2. The following text shall be added to (b) in the second subparagraph of Article 3(6) of Regulation (EEC) No 355/79, after the third indent:

" - the word "Retsina", referred to in Article 2(1)(e)".

Article 3

Paragraph (c) in the second subparagraph of Article 3(6) of Regulation (EEC) No 355/79 is amended to read as follows:

- "(c) the Member States may prescribe, for table wines marketed on their territory, that indication of the terms referring to coupage of the products referred to in Article 2(1)(d)(iii) shall be repeated, on a supplementary label if necessary, in an official language of the Member State in which the wine in question is offered to the consumer, if this indication appears on the label in another official language of the Community".

Article 4

1. Article 8(c) of Regulation (EEC) No 355/79 is hereby amended, except for the English text, which needs no change.
2. Article 18(c) of Regulation (EEC) No 355/79 is hereby amended, except for the English text, which needs no change.

3. Article 34(c) of Regulation (EEC) No 355/79 is hereby amended, except for the English text, which needs no change.

Article 5

The following text is hereby added to the second indent of Article 13(1) of Regulation (EEC) No 355/79:

- " - The Member States may allow the statement of the specified region referred to in Article 12(1)(a) to be accompanied by a statement of the name of a larger geographical unit of which the specified region in question is a part, in order to indicate its whereabouts, provided however, that the conditions governing use of the name of the said specified region and of the name of the said geographical unit are complied with."

Article 6

The following Article shall be added to Regulation (EEC) No 355/79:

"Article 39a

1. The nominal volumes of products put up in containers of from 5 ml to 10 l:
 - (a) shall be those given in column I, point 1(a) and (b) of Annex III to Directive 75/106/EEC,
 - (b) may also, up to 31 December 1985, be of 0.73 litre, and up to 31 December 1988, be the other volumes listed in column II, point 1(a) of Annex III to the said Directive for the Member States in which they were permitted as at 31 December 1973.

The Member States may not, for reasons concerning the nominal volumes, provided that these are listed in Annex III to Directive 75/106/EEC, or concerning the determination of such volumes or the methods by which they have been checked, refuse, prohibit or restrict the placing on the market of products put up in containers whose nominal volumes comply with the provisions of the above subparagraph;

2. However, by way of derogation from paragraph 1, a Member State may, for its internal trade, export trade and intra-Community trade, whether market preparation is done within the geographical territory of that Member State, in another Member State or in a non-member country, authorize the use of containers with nominal volumes other than those referred to in paragraph 1 up to 31 December 1983.
3. The maximum ullage tolerance for the containers referred to in paragraph 1 shall be that fixed in Directive 75/106/EEC.
4. If a Member State wishes to permit the use of containers of a nominal volume which is not listed in Column I of Annex III to Directive 75/106/EEC after 31 December 1983 by virtue of its legislation governing, in order to meet environmental requirements, the use of containers with a view to their recycling, it shall notify the Commission accordingly. The Commission shall decide, not later than six months after such notification, what derogations may be made to this Regulation and shall make them subject to any appropriate conditions".

Article 7

Article 43(1) of Regulation (EEC) No 355/79 is amended to read as follows:

"Article 43

1. The description and presentation of the products referred to in Article 1(3) must not be such as to mislead with regard to the nature, origin and composition of the product; this shall apply to the information referred to in Articles 2, 12, 27, 28 and 29".

Article 8

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

Articles 1, 3, 4, 5 and 7 shall apply with effect from 1 September 1980.

Articles 2 and 6 shall apply with effect from 1 January 1981.

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

Done at Brussels,

for the Council