

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 129 final.

Brussels, 15 April 1977.

Proposal for a  
COUNCIL REGULATION (EEC)

amending for the ~~first~~ time Regulation (EEC) No 2133/74  
laying down general rules for the description and presen-  
tation of wines and grape musts

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(submitted to the Council by the Commission)

COM(77) 129 final.



EXPLANATORY MEMORANDUM

In the light of experience gained in applying Regulation (EEC) No 2133/74, certain provisions should be added so that consumers are given more information and the work of the supervisory bodies entrusted by the Member States with the task of ensuring compliance with Community rules may be facilitated. This draft Regulation therefore proposes :

- laying down guidelines for the rules which Member States may draw up governing the description of table wines to which one of the terms "Landwein", "vin de pays" or "vino tipico" may be applied ;
- allowing Member States to limit the use of the optional particulars in the description of table wines, in particular those concerning the residual sugar content, to take account of regional factors ;
- allowing the term "quality wines produced in specified regions", abbreviated if necessary to "q.w.p.s.r." to be used in conjunction with terms of a traditional nature used by producer Member States ;
- making some corrections to the provisions governing the accompanying document, commercial documents and registers in order to improve the alignment of the rules governing the description of all products within the scope of the Regulation to be amended ;
- extending to all the products concerned the possibility of being described by means of a code and creating a legal basis on which to draw up, in due course, Community rules for using that code ;
- replacing, in the case of wine imported in bulk and divided into several consignments, the obligatory naming of the importer by the naming of the consignee ;
- defining what is meant by labelling.

The adoption of this draft Regulation will have no financial impact on the Community budget.



Proposal for  
COUNCIL REGULATION (EEC) No

of

amending for the third time Regulation (EEC) No 2133/74  
laying down general rules for the description and presen-  
tation of wines and grape musts

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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 2842/76 (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 Council Regulation (EEC) No 2133/74 of 8 August 1974 (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 ;

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- (1) OJ No L 99, 5.5.1970, p. 1
  - (2) OJ No L 327, 27.11.1976, p. 2
  - (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

Whereas it should be specified that the terms "Landwein", "vin de pays" or "vino tipico" are restricted to wine-growing areas conferring typical characteristics on the wine and may be used only with reference to such growing areas; whereas, therefore, the use of the names of these areas for other wines must be prohibited;

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 wines the description of which includes a geographical reference ; whereas this has proved particularly necessary where information is given concerning types of table wine characterized by their residual sugar content ;

Whereas there should be no risk of confusion between the name or business name of the bottler, the consignor or any natural or legal person involved in the commercial distribution of a wine and the name of a specific region within the meaning of Article 2 of Regulation (EEC) No 817/70 ; whereas in this case provision must be made for the abovementioned information to be given by means of a code ;

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

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 on the official documents and registers, where such information appears or is intended to appear on the labels ; whereas certain characteristics to which this information refers, namely the residual sugar content and the particular colour, can change with time ; whereas, therefore, there seems to be no justification for maintaining the requirement that such particulars be entered 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 ;

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Whereas Article 12 of that same Regulation provides for the optional use on the labels of the term "q.w.p.s.r." or of the appropriate specific details of a traditional kind as 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 non-member countries, the term "q.w.p.s.r." should be made compulsory, although the use of specific details of a traditional kind should also be permissible ;

Whereas experience has shown that on commercial documents information concerning products other than a table wine or a q.w.p.s.r. is only necessary 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 the Member States have made responsible for ensuring compliance with the Community rules on wine, the giving of information by means of a code should be made possible in the case of all products which must be described in accordance with Regulation (EEC) No 2133/74 ; whereas the need for rapid identification of such a code will justify Community rules for its use ;

Whereas Regulation (EEC) No 2133/74 provides for the compulsory naming of the importer ; whereas, in the case of a product imported in bulk and divided into several consignments and distributed to various persons, provision should be made for the compulsory naming of the consignor instead of the importer, in order to provide the consumer with more information and to facilitate the task of the supervisory authorities ;

Whereas Article 41 of Regulation (EEC) No 2133/74 defines what is meant by labelling ; whereas it should be stated that such definition excludes non-removable particulars which appear on the container itself and refer to that container and not to the product contained therein ; 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 amended so that it is fully in line with the other versions ;

HAS ADOPTED THIS REGULATION :

Article 1

The following sentence is added to Article 2(3)(i) of Regulation (EEC) No 2133/74 :

"The rules shall provide that these terms be used in conjunction with a specific geographical reference to a region of production conferring typical characteristics on the wine".

Article 2

Article 3(2) of Regulation (EEC) No 2133/74 is amended to read as follows :

"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)".

Article 3

1. Article 3(4) and (5) of Regulation (EEC) No 2133/74 is amended to read as follows :

"4. In the case of table wines distributed in their territory, the Member States may allow the information concerning the bottler or consignor laid down in Article 2(1)(c) to be given on the label in the form of a code, on condition that the information referred to in Article 2(2)(c) is also given.

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5. In the case of a table wine other than that referred to in the second indent, it shall be prohibited to give the name or business name of the bottler, of the consignor or of any natural or legal person involved in the commercial distribution of a table wine, or of any group of such persons, if it includes all or part of the name
- of a specified region within the meaning of Article 2 of Regulation (EEC) No 817/70, or
  - of a region of production reserved for the description of a table wine to which may be applied one of the terms "Landwein", "vin de pays" or "vino tipico" referred to in Article 2(3)(i).

However in the case of table wines distributed on their territory, Member States may authorize such information to be given :

- a) in the form of a code, provided that it is accompanied by the information which is referred to in Article 2(2)(c) and which is not prohibited by the preceding sub-paragraph, or
- b) where they have determined the size of the letters to be used for this information so as to avoid any confusion concerning the geographical origin of the wine".

2. Article 13 of Regulation (EEC) No 2133/74 is amended to read as follows :

a) paragraph 4 is amended to read as follows:

"4. In the case of q.w.p.s.r. distributed in their territory, Member States may allow the information concerning the bottler or consignor laid down in Article 12(1)(d) to be given on the labelling in the form of a code, on condition that the labelling includes the information referred to in Article 2(2)(c)".

b) the following paragraph is added after paragraph 4 :

"4a. In the case of a q.w.p.s.r. other than that referred to in the first indent, it shall be prohibited to give the name or business name of the bottler, of the consignor or of any natural or legal person involved in the commercial distribution of the q.w.p.s.r. or of any group of such persons, if it includes all or part of the name

- of a specified region within the meaning of Article 2 of Regulation (EEC) No 817/70 and does not originate in that region, or
- of a region of production reserved for the description of a table wine to which may be applied one of the terms "Landwein", "vin de pays" or "vino tipico" referred to in Article 2(3)(i).

However, in the case of q.w.p.s.r. distributed on their territory, Member States may authorize such information to be given :

- a) in the form of a code, provided that it is accompanied by the information which is referred to in Article 12(2)(d) and which is not prohibited by the preceding sub-paragraph, or
- b) where they have determined the size of the letters to be used for this information so as to avoid any confusion concerning the geographical origin of the wine."

3. Article 30(6) of Regulation (EEC) No 2133/74 is amended to read as follows :

"6. In the case of products distributed on their territory, Member States may allow the information concerning the bottler or consignor laid down in Articles 27(1)(c), 28(1)(c) and 29(1)(d) to be given on the labelling in the form of a code, on condition that the labelling includes the information referred to in Articles 27(2)(c), 28(2)(h) and 29(2)".

#### Article 4

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

- 1. The first subparagraph is amended to read as follows :
- "3. The use of one of the names referred to in paragraph 1 to describe a table wine shall be subject of the condition that it cannot be identified

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- either with the name of a region of production 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 q.w.p.s.r. named after the specified region, or, where appropriate, named in accordance with the provision 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 q.w.p.s.r. or with an imported wine.

2. The word "Ischia" is added to the list in the second subparagraph.

#### Article 5

Article 9(2)(d), Article 19(2)(c) and Article 35(2)(e) of Regulation (EEC) No 2133/74 are each amended to read as follows :

"a statement as to the method of production or the type of product, except as to the residual sugar content".

#### Article 6

Article 12 of Regulation (EEC) No 2133/74 is amended as follows:

- a) the text of paragraph 1(b) is amended to read as follows :
  - "b) the Community term "quality wine produced in a specified region" or "q.w.p.s.r." ;"
- b) the text of paragraph 2(i) is amended to read as follows :
  - "i) specific details of a traditional kind as referred to in Article 12(2) of Regulation (EEC) No 817/70 ;
  - j) 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 ;"

Article 7

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

1. Paragraph 1 is amended to read as follows :

"1. Where no accompanying document has been drawn up for a product other than a table wine or a q.w.p.s.r., the description in the commercial documents referred to in Article 1(2)(c) shall include at the very least the information referred to in Article 24(1)".

2. The following paragraph is added after paragraph 5 :

"6. In the case of products other than table wines or q.w.p.s.r. distributed in their territory, the Member States may permit the information referred to in Article 22 to be entered on 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 8

1. The third indents of Article 27(1)(c) and of Article 28(1)(c) of Regulation (EEC) No 2133/74 are amended to read as follows :

" - 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 is amended to read as follows :

"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 9

The following subparagraph is added to Article 38 of Regulation (EEC) No 2133/74 :

"4. In the case of imported wines distributed on their territory, Member States may allow the information referred to in Articles 27, 28 and 29 to be given in the 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 table wine concerned".

#### Article 10

Article 41(1) of Regulation (EEC) No 2133/74 is amended to read as follows :

"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 or other coverings, and on the tag attached thereto.

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 on the container, or
- are used by the bottler for his own internal checks and are indicated in a manner to be laid down.

Article 11

The German version of Article 43 of Regulation (EEC) No 2133/74 is amended to read as follows :

- "1. Bezeichnung und Aufmachung von in Artikel 1 Absatz 3 genannten Erzeugnissen, einschliesslich jeder Art von Werbung, dürfen nicht geeignet sein Verwechslungen über die Art, den Ursprung und die Zusammensetzung des Erzeugnisses hinsichtlich der in den Artikeln 2, 12, 27, 28 und 29 genannten Angaben hervorzurufen.
2. Bezeichnung und Aufmachung in der Werbung darf 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 12

The following article is added after Article 43 of Regulation (EEC) No 2133/74 :

"Article 43a

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

- the codes referred to in Article 3(4), Article 13(4) and Article 30(6) ;
- the codes referred to in Article 11(3), Article 21(3), Article 26(6) and Article 38(4) ;
- the control numbers referred to in Article 12(2)."

Article 13

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 Brussels,

For the Council  
the President