

COMMISSION OF THE EUROPEAN COMMUNITIES

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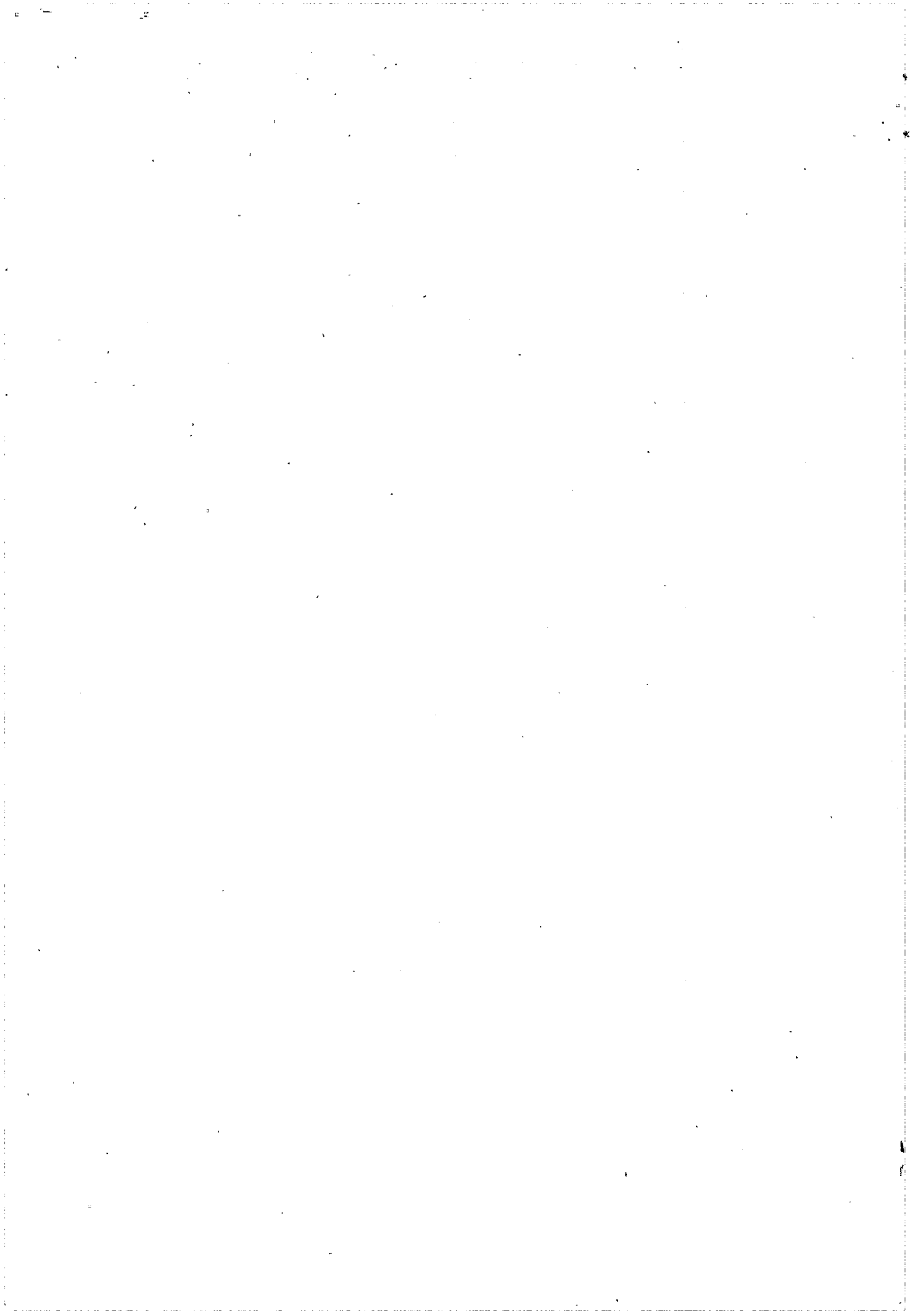
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GIFT & EXCHANGE

Proposal for a
COUNCIL REGULATION (EEC)

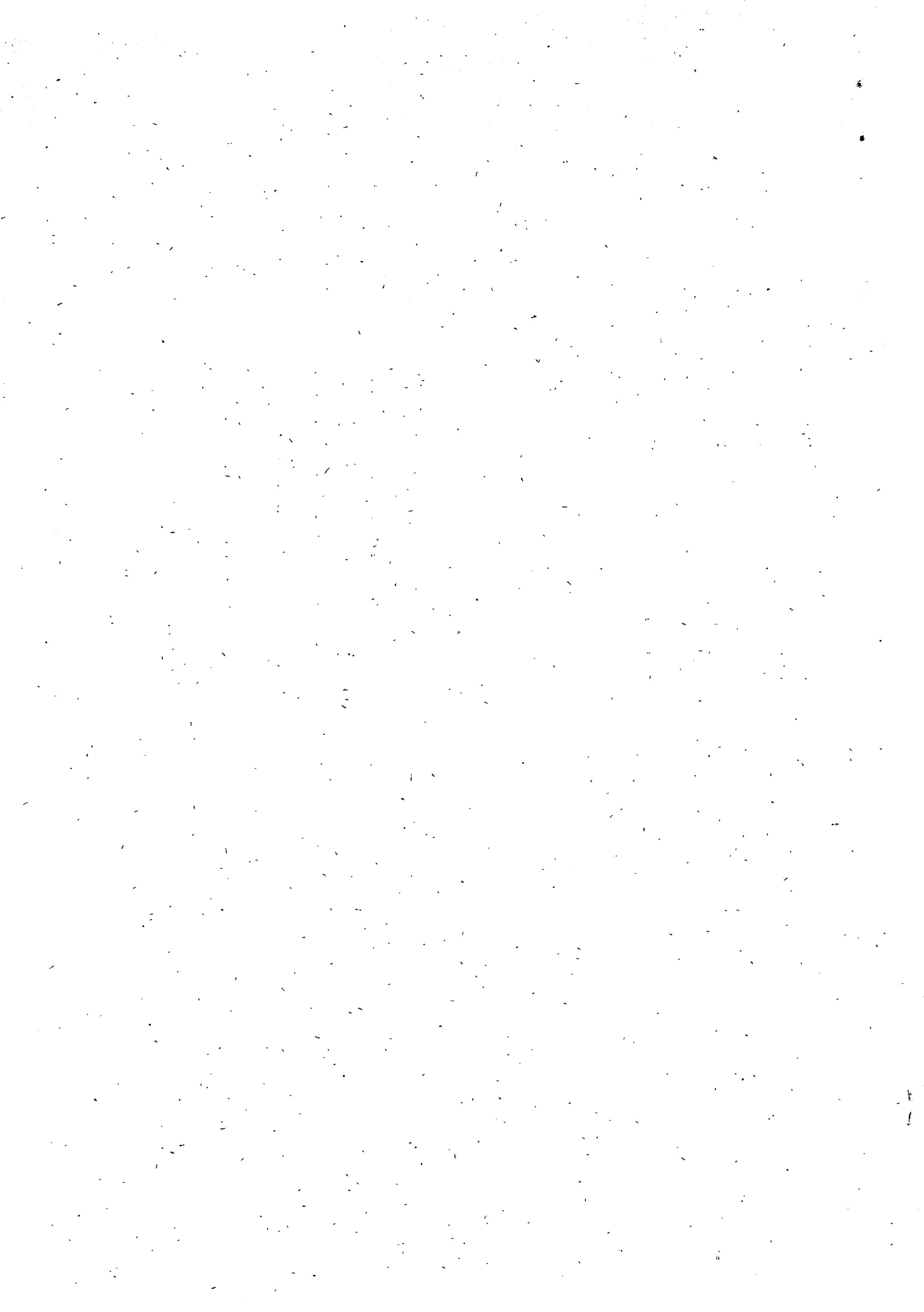
on direct collaboration between the competent bodies
in the Member States regarding the downgrading of quality
wines produced in specified regions

(submitted to the Council by the Commission)



EXPLANATORY MEMORANDUM

Article 12(5) of Regulation (EEC) No 817/70 lays down that the downgrading of a quality wine produced in a specified region may be effected at the production stage under conditions laid down by national rules, whereas at the marketing stage it may be effected only where the properties of the quality wine psr in question have deteriorated or altered as a result of a change noted during maturing, storage or transport. In both cases the downgrading is decided on by the competent bodies designated for this purpose by the Member States. If a quality wine psr has been sent from one Member State to another and if its characteristics have altered in such a way that it is liable to be downgraded, the competent bodies of the two Member States concerned should collaborate directly to ensure uniform application of the Community provisions governing production and marketing of quality wines psr. The purpose of this proposal for a Regulation is to enable such collaboration to take place. It lays down measures governing relations between the said bodies so as to permit the downgrading of a quality wine psr which has been sent from the Member State in which it was obtained to another Member State.



Proposal for
COUNCIL REGULATION (EEC) No

of

on direct collaboration between the competent bodies in
the Member States regarding the downgrading of quality
wines produced in specified regions

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
wine¹, as last amended by Regulation (EEC) No 2560/77², and in particular
Article 39a(2) thereof,

Having regard to the proposal from the Commission,

Whereas pursuant to Article 39a(2) of Regulation (EEC) No 816/70 the necessary
measures should be adopted to ensure uniform application of the Community
provisions in the wine sector, particularly as regards wines covered by
Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provi-
sions relating to quality wines produced in specified regions³; whereas Article
12 (5) of the latter Regulation lays down that a quality wine produced
in a specified region may be downgraded at the marketing stage only where the
properties of the quality wine in question have deteriorated or altered
as a result of a change noted during maturing, storage or transport;

¹OJ No L 99, 5. 5.1970, p. 1
²OJ No L 303, 28.11.1977, p. 1
³OJ No L 99, 5. 5.1970, p. 20

./.

Whereas a quality wine psr on the territory of a Member State other than that in which it originated should be downgraded by a competent body of the Member State of origin; whereas, to that end, direct collaboration should be ensured between the bodies responsible in the Member States for the supervision of the production and marketing of quality wines psr; whereas it is necessary to lay down the rules for such collaboration;

Whereas, to facilitate the task of the Member States, collaboration between the bodies responsible for the supervision of the production and marketing of quality wines psr should be coordinated in accordance with the rules laid down by Council Regulation (EEC) No on the direct collaboration of the bodies assigned by the Member States to supervise compliance with Community and national provisions on wine-growing⁴;

Whereas certain administrative and technical questions relating to direct collaboration between the competent bodies of different Member States must be settled in accordance with Community rules; whereas provision must therefore be for the adoption of detailed rules of application,

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down the measures governing relations between the bodies assigned by the Member States to supervise the production and marketing of quality wines psr and is designed to govern the downgrading of quality wines psr provided for in Article 12(5) of Regulation (EEC) No 817/70.

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⁴ in process of adoption ; see does R/659/77 of 18 March 1977, S/663/78 of 7 April 1978 and S/923/78 of 25 May 1978.

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Article 2

1. Where the characteristics of a quality wine psr have deteriorated in such a way that the wine is liable to be downgraded, the competent body of the Member State on whose geographical territory such quality wine psr is located shall inform the competent body in the Member State of origin, which shall have the exclusive right of downgrading the wine in question.

In addition to the exchange of information,

- samples may be sent to a laboratory in the Member State of origin ;
- a qualified expert from the Member State of origin may assist with the checks ;
- various Member States may participate in concerted examinations ;
- checks may be made on the documents and records required under Article 29 of Regulation (EEC) N° 816/70.

2. The competent body in the Member State of origin shall inform the requesting competent body of its decision on the downgrading of the wine.

3. Any interested party may request the competent body of the Member State on whose geographical territory the wine is located that the decision be reviewed. This body shall request the competent body of the Member State in which the wine originated to review its decision.

4. Collaboration between the competent bodies referred to in this article shall take place in accordance with the rules laid down in Regulation (EEC) N°

Article 3

1. Detailed rules for the application of this Regulation shall be adopted as regards :

- the exchange of information, account being taken of the need for prompt notification ;
- the taking and sending of samples and the cost of their analysis ;
- the payment of the services rendered by a qualified expert in a Member State other than the Member State in whose service he is.

2. Each producer Member State shall notify the Commission before 31 August 1978 which bodies are authorized to downgrade a quality wine psr.

The Commission shall publish the names and addresses of the competent bodies in conjunction with the detailed rules of application.

Article 4

This Regulation shall enter into force on 1 September 1978, with the exception of Article 3(2), which 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

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