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Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 2043/89 of 19 June 1989 amending Regulation (EEC) No 823/87 laying down special provisions relating to quality wines produced in specified regions 1
- ★ Council Regulation (EEC) No 2044/89 of 19 June 1989 amending Regulation (EEC) No 358/79 on sparkling wines produced in the Community as defined in point 15 of Annex I to Regulation (EEC) No 822/87 8
- ★ Council Regulation (EEC) No 2045/89 of 19 June 1989 amending Regulation (EEC) No 3309/85 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines 12
- ★ Council Regulation (EEC) No 2046/89 of 19 June 1989 laying down general rules for distillation operations involving wine and the by-products of wine-making 14
- ★ Council Regulation (EEC) No 2047/89 of 19 June 1989 amending Regulation (EEC) No 339/79 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries 30
- ★ Council Regulation (EEC) No 2048/89 of 19 June 1989 laying down general rules on controls in the wine sector 32

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2043/89

of 19 June 1989

amending Regulation (EEC) No 823/87 laying down special provisions relating to quality wines produced in specified regions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas experience gained from applying Regulation (EEC) No 823/87 ⁽⁴⁾ has shown the need to emphasize the horizontal nature of the said Regulation, which applies to all categories of quality wine produced in specified regions of the Community, hereinafter called 'quality wines psr', but also, for the sake of a more methodical presentation of Community wine legislation, to remove from the Regulation the detailed technical provisions which would be more appropriately included in the special Regulations dealing with these matters which already exist or which have yet to be adopted; whereas in this connection it should be stressed that the provisions of that Regulation apply to all quality wines psr, including sparkling, semi-sparkling and liqueur wines except for certain specific provisions expressly indicated; whereas the detailed provisions, which apply only to quality sparkling wines produced in specified regions, should be transferred to Council Regulation (EEC) No 358/79 of 5 February 1979 on sparkling wines produced in the Community as defined in point 15 of Annex I to Regulation (EEC) No 822/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 3805/85 ⁽⁶⁾;

Whereas the specific rules applicable to special wines produced in a specified region form part of the rules governing in particular the production and where appropriate the entry into free circulation of such wines;

Whereas the location of a vineyard and the annual weather conditions affecting it, and wine-growing techniques including in particular the oenological practices and processes used immediately after the grape harvest, determine to a large extent the characteristics of a quality wine; whereas, for this reason, but also to reduce the risk of adulteration when raw materials change hands, it should be laid down that grapes and grape must may be processed into quality wine only within or in the immediate vicinity of a specified wine-growing region, the name of which should be stated;

Whereas, in order to protect the holdings concerned from losses resulting from a break with traditional commercial practices, Member States should be granted the option of permitting that a quality wine psr be obtained by adjusting the basic product used by adding one or more wine-sector products which do not originate in the specified region whose name is borne by the wine; whereas the exceptional nature of such adjustments must be clearly apparent in the rules of application by a limit on the total volume of the products added and by the provision of a list of the quality wines psr which may undergo these adjustments and a time limit on the validity of the derogation case by case; whereas the Member States must also be granted the option of permitting, in certain cases, grapes and grape must to be processed into quality wines psr outside the specified region whose name is borne by the wine;

Whereas it should be stated that in certain specified regions where Member States have authorized the alcoholic strength of quality wines produced in specified regions to be increased, wine-makers may choose to use any one of the enrichment processes referred to in Article 19 (1) of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽⁷⁾, as last

⁽¹⁾ OJ No C 14, 19. 1. 1988, p. 8.

⁽²⁾ OJ No C 235, 12. 9. 1988, p. 38.

⁽³⁾ OJ No C 208, 8. 8. 1988, p. 8.

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 59.

⁽⁵⁾ OJ No L 54, 5. 3. 1979, p. 130.

⁽⁶⁾ OJ No L 367, 31. 12. 1985, p. 39.

⁽⁷⁾ OJ No L 84, 27. 3. 1987, p. 1.

amended by Regulation (EEC) No 1236/89 ⁽¹⁾; whereas this choice is, however, subject to the condition that sucrose may be used, after authorization by the Member State, only in the specified regions in which it is used traditionally or exceptionally in accordance with the rules existing prior to 8 May 1970; whereas in order to prevent negative effects on the quality of wines which undergo enrichment the use of rectified concentrated grape must rather than concentrated grape must should be encouraged and Member States should be authorized to prohibit the use of concentrated grape must for increasing the natural alcoholic strength by volume of products intended for processing into a quality wine psr and for sweetening such wine;

Whereas taking into account Council Regulation (EEC) No 4252/88 of 21 December 1988 on the preparation and marketing of liqueur wines produced in the Community ⁽³⁾, certain specific terms traditionally used for quality liqueur wines produced in specified regions should be included in Regulation (EEC) No 823/87; whereas in a few clearly defined cases the particular renown of certain sparkling wines and liqueur wines warrants the name of the specified regions where these wines originate being regarded as specific terms traditionally used, thus simplifying the labelling of those wines;

Whereas quality wines psr are subject to natural and human factors affecting the production and processing of grapes in their geographical region of origin; whereas this region should, therefore, be clearly defined;

Whereas, in order to protect producers from unfair competition and consumers against misunderstanding and fraud, it is necessary to uphold the principle that a region specified for the production of quality wines must be designated by its geographical name; whereas this approach corresponds to the international obligations of several Member States to protect appellations of origin and to state the geographical origin of wines, as laid down in the Lisbon Agreement of 31 October 1958 for the Protection of Appellations of Origin and their International Registration;

Whereas, however, as a result of traditional practice in accordance with French and Portuguese legislation, the terms 'Muscadet', 'Blanquette' and 'Vinho verde' have become equivalent to a geographical name used to designate a quality wine psr; whereas the Kingdom of Spain demarcated before its accession to the Community took effect the region in which the traditional production of the quality sparkling wine marketed under the name 'Cava' is located; whereas there should be an exception for these four quality wines psr from the principle that the specified region from which they are obtained must be designated by its geographical name

and these products should be allowed to be designated by the traditional terms referred to above;

Whereas experience has shown the need to draw up more precise rules for reclassifying quality wines psr as table wines and to specify the cases in which the producer has the option of not requesting that a product appearing in his harvest or production declaration as a product suitable for yielding a quality wine psr be classified as a quality wine psr,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 823/87 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

1. This Regulation lays down special provisions for quality wines produced in specified regions, hereinafter called "quality wines psr", and for products suitable for yielding a quality wine psr, viz *inter alia*:

- vine varieties,
- fresh grapes,
- grape must,
- grape must in fermentation,
- new wines still in fermentation,
- wine.

— Article 6 (1), (2), (3) and (5),

— Article 7 (2),

— Article 8 (3),

— Article 9,

— Article 18, first subparagraph, second indent,

shall not apply to the categories of quality wines psr referred to in the first, second and third indents of the second subparagraph of paragraph 2 of this Article, for which specific Community provisions apply.

2. "Quality wines psr" shall mean wines regulated by this Regulation, by other specific or implementing Regulations, and which satisfy the provisions of national rules.

The concept of quality wines psr shall include the following categories of quality wines:

- "quality liqueur wines produced in specified regions", hereinafter called "quality liqueur wines psr", which comply with the definition of liqueur wine in point 14 of Annex 1 to Regulation (EEC) No 822/87,

⁽¹⁾ OJ No L 128, 11. 5. 1989, p. 31.

⁽²⁾ OJ No L 373, 31. 12. 1988, p. 59.

- "quality sparkling wines produced in specified regions", hereinafter called "quality sparkling wines psr", which comply with the definition of sparkling wine in point 15 of Annex I to that Regulation, including quality sparkling wines of the aromatic type,
- "quality semi-sparkling wines produced in specified regions", hereinafter called "quality semi-sparkling wines psr", which comply with the definition of semi-sparkling wine in point 17 of the said Annex I,
- quality wines psr other than those mentioned in the first, second and third indents above.

3. Member States shall forward to the Commission the list of quality wines psr which they have recognized, stating, for each of these quality wines psr, details of the national provisions governing the production and manufacture of these quality wines psr.

The Commission shall have the said list published in the "C" series of the *Official Journal of the European Communities*.

2. Article 2 is replaced by the following:

'Article 2

Without prejudice to the first indent of the first subparagraph of Article 18, the specific provisions referred to in the first subparagraph of the first paragraph of Article 1 shall, taking into account the traditional conditions of production in so far as these are not such as to prejudice the policy of encouraging quality production and the creation of a single market, be based on the following factors:

- (a) demarcation of the area of production;
- (b) vine varieties;
- (c) cultivation methods;
- (d) wine-making methods;
- (e) minimum natural alcoholic strength by volume;
- (f) yield per hectare;
- (g) analysis and assessment of organoleptic characteristics.'

3. Article 3 (1) is replaced by the following:

'1. "Specified region" shall mean a wine-growing area or a combination of wine-growing areas which produces wines with particular quality characteristics and whose name is used, under the conditions referred to in Article 15, to designate those of such wines which are defined in Article 1.'

4. The second subparagraph of Article 4 (1) is deleted.

5. Article 6 is replaced by the following:

'Article 6

- 1. Quality wines psr may be produced only:
 - from grapes of vine varieties which appear on the list provided for in Article 4 (1) and are harvested within the specified region,

- by processing grapes as referred to in the first indent into grape must and processing the must thus obtained into wine, as well as by the production of such wine, within the specified region where the grapes used were harvested.

2. Notwithstanding the first indent of paragraph 1, in the case of a traditional practice governed by special provisions of the Member State of production, that Member State may permit, by means of express authorizations and subject to appropriate control, that a quality wine psr be obtained by adjusting the basic product of that wine by adding one or more wine-sector products which do not originate in the specified region whose name is born by the wine, provided that:

- this type of added wine-sector product is not produced in that specified region with the same characteristics as products not originating therein,
- this adjustment is consistent with the authorized oenological practices and with the definitions referred to in Regulation (EEC) No 822/87,
- the total volume of wine-sector products added which do not originate in the specified region does not exceed 10 % of the total volume of the products used which originate in the specified region.

The Member State may be authorized, under the procedure laid down in Article 83 of Regulation (EEC) No 822/87, to allow in exceptional cases a percentage of added products higher than 10 %,

- the quality wine psr thus obtained appears on a list to be adopted.

Where the wine-sector products added can be produced within the specified region concerned, the authorizations provided for in the first subparagraph shall be transitional in nature and apply for a maximum of 10 years as from 1 September 1989.

3. Notwithstanding the second indent of paragraph 1, a quality wine psr may be produced in an area in immediate proximity to the specified region concerned, where this has been expressly authorized by the Member State concerned subject to certain conditions.

Moreover, Member States may, by means of individual authorizations subject to appropriate control, permit a quality wine psr to be produced by processing grapes into must and must into wine, as well as by producing such wine, even outside an area in immediate proximity to the specified region concerned:

- (a) in the case of a traditional practice, provided this practice:

- was in use before 1 September 1970, or, in the case of Member States which acceded to the Community after that date, before the effective date of their accession,
- has continued without interruption since those dates, and
- involves quantities which, for the processor in question, have not increased since that date more than those corresponding to the general market trend;

(b) in other cases and in the case of a practice in use before 1 September 1989, during a transitional period ending on 31 August 1992 at the latest.

4. Any natural or legal person or group of persons which has grapes or musts which satisfy the conditions laid down for obtaining quality wines psr on the one hand and other products not satisfying these conditions on the other hand, shall ensure a separate wine-making process and storage for the former; otherwise, the wine obtained cannot be considered as quality wine psr.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

They shall include in particular:

- the definition of areas in immediate proximity to a specified region, account being taken in particular of the geographical situation and administrative structures,
- the list of quality wines psr which are the subject of the traditional practices referred to in paragraph 2.

6. The following subparagraph is added to Article 7 (1):

'The minimum natural alcoholic strength by volume referred to in the first subparagraph may be fixed at different levels for the same quality wine psr depending on:

- the subregion, local administrative area or part thereof,
- the vine variety or varieties,

from which the grapes used are obtained.'

7. Article 8 is replaced by the following:

'Article 8

1. The specific vinification and manufacturing methods used for obtaining quality wines psr shall be laid down for each of those wines by each producer Member State concerned.

2. Where weather conditions have made it necessary in one of the wine-growing zones referred to in Article 7, the Member States concerned may permit an increase

in the (actual or potential) natural alcoholic strength by volume of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine, suitable for yielding quality wine psr, with the exception of products intended for processing into quality liqueur wine psr.

The increase may not exceed the limits laid down in the third subparagraph of Article 18 (1) of Regulation (EEC) No 822/87.

In years when weather conditions have been exceptionally unfavourable, the increase in alcoholic strength provided for in the first subparagraph may, in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87, attain the limits laid down in Article 18 (2) of that Regulation. Such authorization shall not prejudice the possibility of a similar authorization for table wines as provided for in that Article.

The increase in natural alcoholic strength by volume may be effected only in accordance with the methods and conditions referred to in Article 19 of Regulation (EEC) No 822/87, excepting paragraph 6 thereof. However, Member States may exclude the use of concentrated grape must.

3. The total alcoholic strength by volume of quality wines psr shall not be less than 9 % vol.

However, for certain white quality wines psr appearing on a list to be adopted that have undergone no enrichment, the minimum total alcoholic strength shall be 8,5 % vol.

4. A list of the quality wines psr referred to in the second subparagraph of paragraph 3 shall be drawn up in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.'

8. Article 9 is replaced by the following:

'Article 9

1. The conditions and limits for the acidification and deacidification of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine, suitable for yielding quality wine psr, and the procedure for granting authorizations and derogations, shall be those laid down in Article 21 of Regulation (EEC) No 822/87.

2. The sweetening of a quality wine psr may be authorized by a Member State only if it is carried out:

- in compliance with the conditions and limits laid down in Article 22 of Regulation (EEC) No 822/87,
- within the specified region in which the quality wine psr was produced, or within an area in immediate proximity, except in certain cases to be determined,

— using one or more of the following products:

- grape must,
- concentrated grape must,
- rectified concentrated grape must.

The grape must and concentrated grape must referred to in the third indent of the first subparagraph must originate in the same specified region as the wine for the sweetening of which it is used.

3. The areas in immediate proximity to the specified region and the exceptions referred to in the second indent of the first subparagraph of paragraph 2 shall be determined in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

9. The second paragraph of Article 10 is replaced by the following:

'Subject to the provisions of Article 6 (3), such operations may be carried out only in the specified region where the fresh grapes used were harvested.'

10. Article 12 is deleted.

11. Article 13 is hereby amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. Producers shall be obliged to submit wines for which they are requesting the designation "quality wine psr" to an analytical and to an organoleptic test.

(a) The analytical test shall at least measure the factors enabling the quality wine psr in question to be distinguished, as listed in Annex I. The upper and lower limits for such factors shall be laid down by the producer Member State in respect of each quality wine psr.

(b) The organoleptic test shall relate to colour, clarity, smell and taste.'

(b) Paragraph 3 is replaced by the following:

'3. The analytical test provided for in paragraph 1 shall be performed in accordance with the methods referred to in Article 74 of Regulation (EEC) No 822/87.'

12. Article 14 is deleted.

13. Article 15 is hereby amended as follows:

(a) Paragraphs 1, 2, 3 and 4 are replaced by the following:

'1. The Community terms listed in the second subparagraph or the specific terms traditionally authorized, as provided for in paragraph 2, by the national legislation of the producer Member State, to designate particular wines may be used, respectively, only for the wines listed in Article 1 (2).

The Community terms referred to in the first subparagraph are as follows:

- "quality wine produced in a specified region", or "quality wine psr",
- "quality liqueur wine produced in a specified region", or "quality liqueur wine psr",
- "quality sparkling wine produced in a specified region", or "quality sparkling wine psr",
- "quality semi-sparkling wine produced in a specified region", or "quality semi-sparkling wine psr".

2. Without prejudice to any additional terms which may be allowed by Community and national laws, and subject to national provisions on the wines in question being observed, the specific terms traditionally used which are referred to in the first subparagraph of paragraph 1 shall be the following:

(a) Federal Republic of Germany:

an indication of the origin of the wine, accompanied by the terms "Qualitätswein" or "Qualitätswein mit Prädikat", together with one of the following terms: "Kabinett", "Spätlese", "Auslese", "Beerenauslese", "Trockenbeerenauslese" or "Eiswein".

(b) France:

"appellation d'origine contrôlée", "appellation contrôlée", "Champagne", "appellation d'origine vin délimitée de qualité supérieure"; "vin doux naturel";

(c) Italy:

"Denominazione di origine controllata", "Denominazione di origine controllata e garantita", "Asti", "Marsala", "vino dolce naturale";

(d) Luxembourg:

"marque nationale" followed by the words "Moselle luxembourgeoise — appellation contrôlée";

(e) Greece:

"Ονομασία προελεύσεως ελεγχόμενη (appellation d'origine contrôlée)", "Ονομασία προελεύσεως ανωτέρας ποιότητος (appellation d'origine de qualité supérieure)", "Σάμος (Samos)", "οίνος γλυκός φυσικός (vin doux naturel)";

(f) Spain:

"Denominación de origen", "Denominación de origen calificada", "Cava", "Jerez, Xerès or Sherry", "vino generoso", "vino generoso de licor", "vino dulce natural";

(g) Portugal, from the start of the second stage:

"Denominação de origem", "Denominação de origem controlada", "Indicação de proveniência regulamentada", "Porto", "vinho generoso", "vinho doce natural".

3. The "specified region" referred to in Article 3 shall be designated by its geographical name.

However, the terms:

- "Muscadet",
- "Blanquette",

- "Vinho verde", and,
- as regards certain quality sparkling wines psr, "Cava",

shall be recognized, respectively, as names of those respective specified regions which were demarcated and regulated by the Member States concerned before 1 March 1986.

As regards still wines the word "κάβα" and/or "cava" may be used to designate Greek table wines and Greek quality wines psr other than quality sparkling wines psr, in order to provide information concerning the ageing of such wines.

4. If a Member State uses the name of a specified region as referred to in Article 3 to designate a quality wine psr or, where appropriate, a wine intended for processing into such a quality wine psr, that name may not be used to designate products of the wine sector not produced in that region and/or products not designated by that name in accordance with the provisions of the relevant Community and national rules. This shall also apply if a Member State has used the name of a local administrative area or part thereof or a small locality solely to designate a quality wine psr or, where appropriate, a wine intended for processing into such a quality wine psr.

Without prejudice to the Community provisions concerning specific types of quality wine psr, Member States may, in the case of certain conditions of production which they shall determine, authorize the name of a specified region to be accompanied by details relating to the method of manufacture or the type of product or by the name of a vine variety or a synonym thereof.

Notwithstanding the first subparagraph, the Council, acting by a qualified majority on a proposal from the Commission may, in the case of a traditional practice which is in accordance with the legislation of the Member State concerned, authorize, for a transitional period ending on 31 August 1991, the use subject to conditions to be determined of the names of certain specified regions also to describe table wines.';

- (b) the first subparagraph of paragraph 5 is replaced by the following:

'5. The following may be used for the description and presentation of a beverage other than a wine or grape must only if there is no risk of confusion as to the nature, origin or source and composition of such beverage:

- the name of a specified region as referred to in Article 3 included on the list drawn up pursuant to Article 1 (3) with respect to quality wines psr of the Community as constituted on 1 January 1981,

- the name of a vine variety as referred to in Article 4, ;
- a traditional specific term referred to in paragraph 2, or
- provided that they are attributed by a Member State for the description of a wine under the Community provisions adopted pursuant to Article 72 (1) of Regulation (EEC) No 822/87:
 - the name of a geographical unit which is smaller than the specified region, or
 - an additional traditional term.';

- (c) paragraphs 7, 8 and 9 are replaced by the following:

'7. No wine referred to in Article 1 (2) may be marketed unless it bears:

- the name of the specified region granted it by the producer Member State, and
- one of the Community terms referred to in the second subparagraph of paragraph 1 or one of the specific terms traditionally used referred to in paragraph 2, or more than one of those specific terms traditionally used where this is provided for by the Member State concerned.

The Community term and the name of the specified region concerned must appear on the commercial or official documents accompanying shipments of the wines referred to in this paragraph.

8. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.'

14. The following Article is added:

'Article 15a

1. Member States shall draw up the rules in accordance with which, at the production stage:

- (a) a producer may:
- not request the classification as a quality wine psr of a product which appears in his harvest or production declaration as a product suitable for yielding quality wine psr,
 - downgrade a quality wine psr, in particular to a table wine;
- (b) the competent body to be designated by the Member States may downgrade a quality wine psr.

2. The downgrading of a quality wine psr at the marketing stage shall be effected:

- (a) by the competent body of the Member State in whose territory the wine is located:
- where the wine originates in that Member State, or
 - where small quantities to be determined by the Council acting by a qualified majority on a proposal from the Commission are concerned;
- (b) by the competent body of the Member State of origin of the wine in cases not referred to in (a).

The downgrading referred to in the first subparagraph shall be decided upon in particular where the competent body has established that:

- the wine has undergone a change during storage or transport which has caused the properties of the quality wine psr in question to deteriorate or alter,
- the wine has been the subject of prohibited treatments or is not legally described as a quality wine psr.

3. Detailed rules for the application of this Article, in particular as regards the use to be made of downgraded quality wines psr and the conditions governing such use, shall be adopted, where necessary,

in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

15. Article 17 is deleted.

16. Article 18 is replaced by the following:

'Article 18

Producer Member States may, taking into account fair and traditional practices:

- in addition to the factors listed in Article 2, determine such other conditions of production and characteristics as shall be obligatory for quality wines psr,
- in addition to the other provisions laid down in this Regulation, lay down any additional or more stringent characteristics or conditions of production, manufacture and movement in respect of the quality wines psr produced in their territory.

Pursuant to the second indent of the first subparagraph, the Member States may in particular limit the maximum residual sugar content of a quality wine psr, particularly as regards the relationship between the actual alcoholic strength by volume and the residual sugar.'

Article 2

This Regulation shall enter into force on 1 September 1989.

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

Done at Luxembourg, 19 June 1989.

For the Council
The President
C. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 2044/89

of 19 June 1989

amending Regulation (EEC) No 358/79 on sparkling wines produced in the Community as defined in point 15 of Annex I to Regulation (EEC) No 822/87

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾

Whereas the special provisions relating to quality wines produced in specified regions are laid down by Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specific regions ⁽⁴⁾, as amended by Regulation (EEC) No 2043/89 ⁽⁵⁾; whereas that Regulation has been amended by removing therefrom the detailed technical provisions relating in particular to the production and entry into free circulation of quality sparkling wines psr in order to transfer those provisions to Regulation (EEC) No 358/79 ⁽⁶⁾, as last amended by Regulation (EEC) No 3805/85 ⁽⁷⁾, unless they are to be inserted into Council Regulation (EEC) No 3309/85 of 18 November 1985 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines ⁽⁸⁾, as last amended by Regulation (EEC) No 2045/89 ⁽⁹⁾, or have been made superfluous by more recent parallel legislation;

Whereas, in view of the fact that rectified concentrated grape must is authorized for use in wine-making by Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁰⁾, as last amended by Regulation (EEC) No 1236/89 ⁽¹¹⁾, and in order to encourage the use of wine products as raw materials for the manufacture of sparkling wines, it should be provided that producers of sparkling wine may use rectified concentrated grape must; whereas, in order to avoid negative effects on quality, Member States should be able to prohibit the use of concentrated grape must in the manufacture of sparkling wines;

Whereas experience has shown the need for a clearer definition of the composition of the tirage liqueur used for the manufacture of sparkling wine, particularly with regard to quality sparkling wine psr; whereas the wine used to constitute a vinous suspension of yeast should not be of the same origin as the wine to which the suspension is added to induce secondary fermentation;

Whereas the location of a vineyard and the annual weather conditions affecting it, and wine-growing techniques, including in particular the oenological practices and processes used immediately after the grape harvest, determine to a large extent the characteristics of a quality sparkling wine produced in a specified region; whereas, for this reason, and to reduce the risk of adulteration when raw materials change hands, it should be laid down that the processing of grapes into must and the processing of the must thus obtained into wine and the manufacture of sparkling wine from these products must take place within or in the immediate vicinity of the specified region where the grapes used were harvested;

Whereas, in order to protect the producers of the quality sparkling wines psr concerned from losses resulting from a break with traditional commercial practices, Member States should be granted the option of authorizing, by way of exception, that a quality wine psr may be adjusted by adding to the cuvée one or more wine sector products which do not originate in the specified region of which the sparkling wine bears the name; whereas Member States should also be granted the option of authorizing, in certain cases, that a quality sparkling wine psr may be produced outside the specified region of which the sparkling wine bears the name;

Whereas the same methods of analysis should apply for all categories of wine so as to make it easier to compare the results of different analyses; whereas it should be specified that the methods of analysis referred to in connection with the application of Article 74 of Regulation (EEC) No 822/87 also apply for the analysis of sparkling wines,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 358/79 is hereby amended as follows:

⁽¹⁾ OJ No C 14, 19. 1. 1988, p. 13.

⁽²⁾ OJ No C 235, 12. 9. 1988, p. 39.

⁽³⁾ OJ No C 208, 8. 8. 1988, p. 18.

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 59.

⁽⁵⁾ See page 1 of this Official Journal.

⁽⁶⁾ OJ No L 54, 5. 3. 1979, p. 130.

⁽⁷⁾ OJ No L 367, 31. 12. 1985, p. 39.

⁽⁸⁾ OJ No L 320, 29. 11. 1985, p. 9.

⁽⁹⁾ See page 12 of this Official Journal.

⁽¹⁰⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽¹¹⁾ OJ No L 128, 11. 5. 1989, p. 31.

1. Article 1 is replaced by the following:

'Article 1

This Regulation lays down rules supplementing those contained in Regulation (EEC) No 822/87 as regards the production and marketing of the sparkling wines, including those of the aromatic type, defined in item 15 of Annex I to the said Regulation.'

2. The second paragraph of Article 2 is replaced by the following:

'The provisions of this Regulation, with the exception of Title II, shall also apply to quality sparkling wines produced in specified regions, referred to in the second indent of the second subparagraph of Article 1 (2) of Regulation (EEC) No 823/87, hereinafter called "quality sparkling wines psr".'

3. In Article 4:

(a) Paragraph 1 is deleted.

(b) Paragraph 2 is replaced by the following:

'2. The expedition liqueur may contain only:

- sucrose,
- grape must,
- grape must in fermentation,
- concentrated grape must,
- rectified concentrated grape must,
- wine,

or

- a mixture thereof,

with the possible addition of wine distillate.'

4. In the second subparagraph of Article 5 (1), points (e) and (f) are replaced by the following:

- '(e) the method used is addition of dry sucrose, of concentrated grape must or of rectified concentrated grape must.

Enrichment may be achieved by addition of sucrose or concentrated must where that method is traditionally or exceptionally practised in the Member State concerned, in accordance with rules existing as at 24 November 1974. However, Member States may exclude the use of concentrated grape must.'

5. The following Article is inserted:

'Article 10a

The tirage liqueur for sparkling wines may contain only yeast dried or in wine suspension, and:

- grape must,
- grape must in fermentation,
- concentrated grape must,

- rectified concentrated grape must, or
- sucrose wine.'

6. Article 13 is replaced by the following:

'Article 13

1. The total alcoholic strength by volume:

- (a) of the cuvées intended for the manufacture of quality sparkling wines shall be not less than 9 % vol.;
- (b) of the cuvées intended for the manufacture of quality sparkling wines psr shall be not less than:
 - 9,5 % vol in C III wine-growing zones,
 - 9 % vol in other wine-growing zones.

However, the cuvées intended for the manufacture of certain quality sparkling wines psr appearing on a list to be adopted and manufactured from a single vine variety, may have a total alcoholic strength by volume not less than 8,5 % vol.

2. A list of the quality sparkling wines psr referred to in the second subparagraph of paragraph 1 shall be drawn up in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.'

7. Article 14 is replaced by the following:

'Article 14

The actual alcoholic strength by volume of quality sparkling wines, and quality sparkling wines psr, including the alcohol contained in any expedition liqueur added, shall be not less than 10 % vol.'

8. The following Article is inserted:

'Article 14a

1. Quality sparkling wines psr shall be produced only:

- from grapes of vine varieties which appear on the list provided for in Article 4 (1) of Regulation (EEC) No 823/87 and are harvested within the specified region,
- by processing the grapes as referred to in the first indent into must and processing the must thus obtained into wine and by manufacturing sparkling wine from these products within the specified region where the grapes used were harvested.

2. Notwithstanding the first indent of paragraph 1, in the case of a traditional practice governed by special provisions of the Member State of production, that Member State may permit, by means of express authorizations and subject to appropriate control, that a quality sparkling wine psr be obtained

by adjusting the basic product of that wine by adding one or more wine-sector products which do not originate in the specified region whose name is borne by the wine, provided that:

- this type of added wine-sector product is not produced in that specified region with the same characteristics as products not originating therein,
- this adjustment is consistent with the authorized oenological practices and with the definitions referred to in Regulation (EEC) No 822/87,
- the total volume of wine-sector products added which do not originate in the specified region does not exceed 10 % of the total volume of the products used which originate in the specified region.

The Member State may be authorized, under the procedure laid down in Article 83 of Regulation (EEC) No 822/87, to allow in exceptional cases a percentage of added products higher than 10 %;

- the quality sparkling wine psr thus obtained appears on a list to be adopted.

Where the wine-sector products added can be produced within the specified region in question the authorizations provided for in the first subparagraph shall be transitional in nature and apply for a maximum of 10 years as from 1 September 1989.

3. Notwithstanding the second indent of paragraph 1, a quality sparkling wine psr may be produced in an area in immediate proximity, where this has been expressly authorized by the Member State concerned subject to certain conditions.

Member States may also, on the basis of individual authorizations or express authorizations for a period of less than five years and subject to appropriate control, permit a quality sparkling wine psr to be prepared even outside an area in the immediate proximity to the specified region:

- (a) where this is a traditional practice in use at least since 14 November 1974 or, in the case of Member States which acceded to the Community after that date, before the effective date of their accession;
- (b) in other cases and in the case of a practice in use before 1 September 1989, for a transitional period ending on 31 August 1992.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

They shall include in particular:

- the definition of areas in immediate proximity to a specified region, account being taken in particular

of the geographical situation and administrative structures,

- the list of quality sparkling wines psr which may be produced according to the traditional practices referred to in paragraph 2.'

9. Article 15 is replaced by the following:

'Article 15

1. In preparing the tirage liqueur intended for the manufacture of quality sparkling wine, only the following may be used in addition to dried yeasts or yeasts in wine suspension, sucrose and concentrated grape must, whether or not rectified:

- grape must or grape must in fermentation from which a wine suitable for yielding a table wine can be obtained,
 - wines suitable for yielding a table wine,
 - table wines,
- or
- quality wines psr.

In preparing the tirage liqueur intended for the manufacture of a quality sparkling wine psr, only the following may be used in addition to dried yeasts or yeasts in wine suspension, sucrose and concentrated grape must, whether or not rectified:

- grape must,
- grape must in fermentation,
- wine,
- quality wine psr,

suitable for yielding the same quality sparkling wine psr as that to which the tirage liqueur is added.

2. Notwithstanding point 15 of Annex I to Regulation (EEC) No 822/87, quality sparkling wines and quality sparkling wines psr, when kept at a temperature of 20 °C in closed containers, shall have an excess pressure of not less than 3,5 bars.

However, for quality sparkling wines and quality sparkling wines psr kept in containers of a capacity of less than 25 centilitres, the minimum excess pressure shall be 3 bars.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.'

10. In Article 17 (3), '1 September 1987' is replaced by '1 September 1990'.

11. Article 18 is replaced by the following:

'Article 18

1. Quality sparkling wines of the aromatic type and quality sparkling wines psr of the aromatic type may be

produced only by using as the sole constituents of the cuvée grape musts or grape musts in fermentation which were obtained from the vine varieties listed in the Annex provided these varieties are recognized as suitable for yielding quality wines psr in the specified region whose name the wines bear.

However, quality sparkling wine of the aromatic type may be produced by using as constituents of the cuvée wines obtained from grapes of the "Prosecco" vine variety harvested in the regions of Trentino-Alto Adige, Veneto and Friuli-Venezia Giulia.

Only refrigeration or other physical processes may be used to control the fermentation procedure before and after the cuvée has been constituted, in order to make the cuvée sparkling.

The addition of "liqueur d'expédition" shall be prohibited.

2. Notwithstanding Article 14, the actual alcoholic strength by volume of quality sparkling wines of the aromatic type and of quality sparkling wines psr of the aromatic type may not be less than 6 % vol.

The total alcoholic strength by volume of quality sparkling wines of the aromatic type and of quality sparkling wines psr of the aromatic type may not be less than 10 % vol.

3. Notwithstanding the first subparagraph of Article 15 (2), quality sparkling wines of the aromatic type, when kept at a temperature of 20 °C in closed containers, shall have an excess pressure of not less than 3 bars.

4. Notwithstanding Article 17, the duration of the process of making quality sparkling wines of the aromatic type may not be less than one month.'

12. Article 20 is replaced by the following:

'Article 20

The methods of analysis to be used for the purposes of this Regulation shall be those referred to in Article 74 of Regulation (EEC) No 822/87.'

13. In the Annex, 'Parellada', is inserted before 'Perle'.

Article 2

This Regulation shall enter into force on 1 September 1989.

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

Done at Luxembourg, 19 June 1989.

For the Council

The President

C. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 2045/89

of 19 June 1989

amending Regulation (EEC) No 3309/85 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular Article 72 (1) thereof,

Having regard to Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specified regions ⁽³⁾, as amended by Regulation (EEC) No 2043/89 ⁽⁴⁾, and in particular Article 15 (4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽⁵⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁶⁾,

Whereas, in order to facilitate the sale of certain quality sparkling wines, it is necessary to widen the manufacturer's choice regarding the terms on the label which make clear whether wines are quality sparkling wines produced by fermentation in the bottle following the traditional method;

Whereas it inspires a degree of confidence in the consumer if the various stages in the manufacture of a quality sparkling wine produced in a specified region, i.e. cultivation of the grapes, the wine-making process, the growth of the wine and the process of secondary fermentation, have been monitored by the same natural or legal person; whereas it is necessary to ensure that the quality sparkling wines psr produced in this way can be distinguished by a specific term from other sparkling wines;

Whereas the special provisions relating to the quality wines produced in specified regions were laid down by Regulation (EEC) No 823/87; whereas those provisions have been amended so as to establish precise rules for the use of names

of specified regions in the description of quality wines psr, including quality sparkling wines psr; whereas, in accordance with those rules, only the geographical name of a wine-growing area which produces wine possessing special quality characteristics may be used to designate a quality sparkling wine psr; whereas those rules also provide that the name of a specified region may be combined with details concerning the method of manufacture or the type of product; whereas, in order to protect such traditional descriptions which are used for other types of products of specific origin, the term 'crémant' should be reserved for certain quality sparkling wines psr manufactured in France and Luxembourg; whereas to enable manufacturers of sparkling wines who have traditionally used the term 'crémant' to describe their sparkling wines to adjust gradually to the abovementioned rules there should be provision for a derogation from those rules during a transitional period;

Whereas certain technical provisions relating to sparkling wine have been deleted from Regulation (EEC) No 823/87 in order to transfer them to Regulation (EEC) No 3309/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 538/87 ⁽⁸⁾, provided that they are not to be inserted into Council Regulation (EEC) No 358/79 of 5 February 1979 on sparkling wines produced in the Community as defined in point 15 of Annex I to Regulation (EEC) No 822/87 ⁽⁹⁾, as last amended by Regulation (EEC) No 2044/89 ⁽¹⁰⁾;

Whereas opportunity should also be taken of correcting clerical errors in the said Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3309/85 is hereby amended as follows:

1. The third indent of the second subparagraph of Article 1 (1) is replaced by the following:

— the quality sparkling wines produced in specified regions, hereinafter called "quality sparkling wines psr", referred to in the second indent of the second subparagraph of Article 1 (2) of Council Regulation (EEC) No 823/87 of 16 March 1987 laying down

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 31.

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 59.

⁽⁴⁾ See page 1 of this Official Journal.

⁽⁵⁾ OJ No C 235, 12. 9. 1988, p. 39.

⁽⁶⁾ OJ No C 208, 8. 8. 1988, p. 18.

⁽⁷⁾ OJ No L 320, 29. 11. 1985, p. 9.

⁽⁸⁾ OJ No L 55, 25. 9. 1987, p. 4.

⁽⁹⁾ OJ No L 54, 5. 3. 1979, p. 130.

⁽¹⁰⁾ See page 8 of this Official Journal.

special provisions relating to quality wines produced in specified regions ⁽⁵⁾, as amended by Regulation (EEC) No 2043/89 ⁽⁶⁾.

⁽⁵⁾ OJ No L 84, 27. 3. 1987, p. 59.

⁽⁶⁾ OJ No L 202, 14. 7. 1989, p. 1.

2. Article 6 is hereby amended as follows:

(a) in the second subparagraph of paragraph 2, point (b) is replaced by the following:

(b) that variety appears on a list to be adopted by the Member State in which the products used for constituting the cuvée were obtained; in the case of quality sparkling wines psr, that list shall be drawn up pursuant to Article 4 (1) of Regulation (EEC) No 823/87 or Article 18 (1) of Regulation (EEC) No 358/79;

(b) in the first subparagraph of paragraph 4, the introductory sentence reads as follows:

'4. The expressions "bottle-fermented by the traditional method" or "traditional method" or "classical method" or "classical traditional method" and any expressions resulting from a translation of them may be used only to describe:';

(c) the following paragraph is inserted:

'5a. In the case of quality sparkling wines psr which fulfil the conditions laid down in the second subparagraph of paragraph 4:

(a) the term "Winzersekt" shall be reserved for quality sparkling wines psr prepared in the Federal Republic of Germany which fulfil the following conditions:

- produced from grapes harvested in the same vineyard in which the grapes are made into wine and the quality sparkling wines psr are prepared, including producer groups,
- made available with labels indicating the vineyard, the vine variety or the year.

On the basis of the procedure laid down in Article 83 of Regulation (EEC) No 822/87 additional

conditions may be imposed on use of the term "Winzersekt" and on use of equivalent terms in other Community languages;

(b) the term "crémant" shall be reserved for quality sparkling wines psr made in France or Luxembourg:

- to which this term has been applied, in combination with the name of the specified region, by the Member State in which the wine was made, and
- which were produced in accordance with special rules laid down for their manufacture by the abovementioned Member States.

However, for five wine-growing years the term "crémant", in French or in translation, may be used to describe a sparkling wine which was traditionally thus described on 1 September 1989.;

(d) the second indent of paragraph 11 (a) is replaced by the following:

- terms relating to a manufacturing method other than those referred to in paragraphs 3, 4, 5 and 5a.;

3. The following Article is inserted:

'Article 14a

1. Quality sparkling wines psr may be put on the market only on condition that the name of the specified region to which they are entitled is marked on the cork and that the bottle carries a label from the time it leaves the place of preparation.

However, as regards labelling, exceptions may be permitted provided that appropriate controls are ensured.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.'

Article 2

This Regulation shall enter into force on 1 September 1989.

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

Done at Luxembourg, 19 June 1989.

For the Council

The President

C. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 2046/89

of 19 June 1989

laying down general rules for distillation operations involving wine and the by-products of wine-making

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular Articles 35 (7), 36 (5), 38 (4), 39 (8), 41 (8), 42 (4) and 79 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the general rules for distillation operations involving wine and the by-products of wine-making, laid down by Council Regulation (EEC) No 2179/83 of 25 July 1983 laying down general rules for distillation operations involving wine and the by-products of wine-making ⁽³⁾, as last amended by Regulation (EEC) No 2505/88 ⁽⁴⁾, have been substantially amended; whereas it is appropriate, for reasons of clarity, to consolidate the provisions concerned;

Whereas trade in new wines still in fermentation is of negligible importance; whereas it is desirable to ensure that such trade is not used by certain operators solely to secure access to voluntary distillation operations and that wine marketed at this stage of production cannot in this way elude compulsory distillation; whereas, in the same concern to prevent abuse of intervention measures it is desirable to lay down special exemptions to deal with the possibility of speculative movements in the trade in wine products;

Whereas, where wine-growers' cooperatives have formed themselves into associations, the administrative and material operations for the delivery of wine for distillation may be facilitated if the associations in question are allowed to carry out such operations; whereas it therefore seems advisable to allow, for a limited period at the end of which the results will be assessed, Member States, under certain conditions, to authorize the associations to substitute themselves for the wine-growers' cooperatives party thereto for the purposes of the conclusion of contracts and the delivery of wine; whereas it must be stipulated that the same guarantees offered by the normal procedure with regard to compliance with obligations and the limitation of advantages for the producers must be ensured;

Whereas it is necessary to determine the products which may be obtained by distillation, and in particular to define minimum qualitative characteristics for neutral alcohol; whereas, in fixing these characteristics, account must be taken of present technological developments and of the need to ensure the production of alcohol which can be sold normally on the markets for the various uses;

Whereas the checks on products intended for distillation should be reinforced;

Whereas, as regards voluntary distillation it should be laid down that producers must conclude delivery contracts with distillers which are subject to approval by the intervention agency, in order to allow supervision of the operations and a check on the compliance of both parties with their obligations; whereas this system also makes it possible to follow more clearly the quantitative effects of distillation operations on the market; whereas, however, adjustment of the contracts system is needed to take account of the existence both of producers who wish to entrust distillation to a jobbing distiller and of producers who have distillation plant themselves;

Whereas it is particularly important to lay down specific rules to ensure that wine delivered for one of the optional distillation operations comes from the producers' own production; whereas, to that end, provision should be made that such producer must furnish proof that he has actually produced and that he holds the wine to be delivered; whereas rules should also be drawn up ensuring a sufficient check on the essential elements of the distillation contracts;

Whereas Article 47 of Regulation (EEC) No 822/87 makes recourse to the distillation operations provided for in Articles 38, 41 and 42 of that Regulation conditional on the producer's compliance with certain obligations; whereas, therefore, provision should be made that the intervention agency must receive proof that the producer has met these obligations; whereas the necessary provisions should be adopted to ensure that no financial contribution is payable by the Community in cases where producers have not met the abovementioned obligations;

Whereas, on the basis of experience gained, it is desirable to allow a certain tolerance in the quantity and actual alcoholic strength by volume of the wine in the delivery contract;

Whereas the prices set for wines for distillation in Articles 38, 41 and 42 of Regulation (EEC) No 822/87 are usually such that the products obtained by distillation cannot be disposed

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 31.

⁽³⁾ OJ No L 212, 3. 8. 1983, p. 1.

⁽⁴⁾ OJ No L 225, 26. 7. 1988, p. 14.

of under market conditions; whereas, therefore, criteria should be adopted for fixing the amount of the aid so as to make possible the disposal of the products obtained;

Whereas it is necessary to set time limits as regards the payment of aid to distillers by the intervention agencies; whereas provision should also be made for advance payment of aid to the distiller; whereas, to ensure that the intervention agency is not exposed to unjustified risks, it is necessary to provide for a system of securities;

Whereas the quantities of wine which may be delivered for distillation as referred to in Article 41 (1) or (2) of Regulation (EEC) No 822/87 are limited; whereas, therefore, the Commission should be regularly supplied with particulars of the quantities of wine intended for distillation, so that it can decide, at short notice if required, to halt the submission of contracts and declarations and prevent the prescribed quantities from being exceeded;

Whereas experience has shown that, where compulsory distillation is concerned, it is not always easy for producers to calculate exactly the quantities of products which they have to deliver in order to meet their obligation; whereas provision should be made to ensure that the expiry of the period for delivery does not entail, for producers who have delivered almost all the quantities required and have only to make some adjustments, consequences which are out of proportion to the infringement committed, particularly as regards the application of Article 47 (1) of Regulation (EEC) No 822/87; whereas, to this end, it would seem advisable to consider that such producers have fulfilled their obligations within the time limits, provided that in due course they deliver the quantities outstanding; whereas, however, in such cases an adjustment should be made to the financial contribution payable by the European Agricultural Guidance and Guarantee Fund (EAGGF) in respect of the quantities delivered after expiry of the time limit;

Whereas compulsory distillation is a vital factor in achieving balance on the market in table wine and an indirect factor in the structural adjustment of wine-growing potential to requirements; whereas it is therefore vital that compulsory distillation be enforced very strictly and that all persons subject to the obligation to distil actually deliver for distillation the quantities corresponding their obligation; whereas exclusion from intervention measures under Article 47 of Regulation (EEC) No 822/87 has proved insufficient in certain cases to ensure that obligations are met by persons subject thereto; whereas provision must therefore be made for additional Community measures to be adopted for producers who do not fulfil their obligations before the fixed time limit but who do fulfil them before another date to be specified;

Whereas the buying-in price of wine deliveries should apply ex distiller's premises; whereas in certain cases, transport is ensured by the distiller on practical grounds; whereas in order not to disturb this practice which is often necessary, it should be specified that in such cases the transport costs will be deducted from the buying-in price;

Whereas the obligation to distil represents a considerable constraint for the isolated producer who makes only a small

quantity of wine; whereas, as a result of that obligation, he would incur transport costs for his grape marc and wine lees which would be out of all proportion to the return which he could hope to obtain on the alcohol distilled therefrom; whereas such producers should therefore be permitted not to make delivery;

Whereas it should be stipulated that, in respect of that part of their wine production actually delivered for distillation under Articles 36 and 39 of Regulation (EEC) No 822/87, producers are required to deliver only by-products of wine-making for distillation as provided for in Article 35 of that Regulation.

Whereas in certain wine-growing areas, distillation of by-products represents, for certain producers of small quantities subject to the obligation to distil, a disproportionate burden; they should therefore be granted, at the request of the Member State from which they come, the option of freeing themselves from their obligation by withdrawal under control;

Whereas, in accordance with Article 11 (1) of Council Regulation (EEC) No 823/87 of 16 March 1987, laying down special provisions relating to quality wines produced in specified regions ⁽¹⁾, as amended by Regulation (EEC) No 1/89 ⁽²⁾, a yield per hectare is fixed for each quality wine psr, which facilitates observance of the prohibition against the pressing of wine lees and overpressing of grapes; whereas, moreover, the marcs and lees of white quality wines psr contain little alcohol; whereas, therefore, it is desirable for a reduced rate to be applied to these products;

Whereas producers who deliver their marc for the manufacture of oenocyanin generally supply non-fermented grape marc; whereas the treatment which such marc undergoes for the extraction of oenocyanin makes it unsuitable for fermentation and distillation thereafter; whereas those producers should therefore be exempted in proportion to their production of grape marc;

Whereas, if the wine to be delivered for distillation is used for the manufacture of wine vinegar, the volume of alcohol delivered to intervention agencies is likely to be reduced; whereas, therefore, producers should be allowed to discharge their obligation to distil by delivering to the vinegar industry the wine which would otherwise be necessary to make up the quantity for compulsory distillation;

Whereas, where the by-products of wine-making are withdrawn under supervision in accordance with Article 35 (4) and (5) of Regulation (EEC) No 822/87, it is important to ensure that all by-products of the processing of grapes have been withdrawn by the end of the wine year in which they were produced; whereas, for this purpose, provision should be made for an appropriate monitoring system, without this giving rise to disproportionately high administrative costs, especially in Member States whose wine production is very low;

(1) OJ No L 84, 27. 3. 1987, p. 59.

(2) See page 1 of this Official Journal.

Whereas, the proof required that marc, lees or wine have been delivered to a distiller should differ according to whether the distiller is established in the same Member State as the producer or in another Member State;

Whereas distillers may, in accordance with Article 35 (6), Article 36 (4) or Article 39 (5) of Regulation (EEC) No 822/87, either qualify for aid in respect of the product to be distilled or deliver to the intervention agency the product obtained by distillation; whereas the amount of the aid should be fixed in the light of the market price for the various products which may be obtained by distillation;

Whereas, to qualify for the aid, the parties concerned must lodge an application accompanied by a number of supporting documents; whereas the nature and number of the documents demanded must reflect the differences existing between wine and wine lees on the one hand, and grape marcs on the other; whereas, to ensure that the system operates uniformly in all Member States, time limits for the lodging of applications and for the payment of aid to distillers should be laid down; whereas it is also advisable to make proportional allowance for distillers who, although they have met their principal obligations, are late in furnishing proof thereof;

Whereas the price to be paid by the intervention agencies for the products delivered to them should be fixed in the light of the average cost of transport and distillation of the products in question;

Whereas a single standard price should be fixed for products delivered to intervention agencies in connection with the distillation operation referred to in Article 35 of Regulation (EEC) No 822/87, irrespective of the origin of the products;

Whereas, in certain regions of the Community, the relation between the quantities of marc and those of wine and lees is such that the average distillation costs differ from those used to calculate the standard price; whereas, as a result of this situation, it is, or is liable to be, economically impossible in certain of these regions to achieve the objective of the obligation to distil the by-products of wine-making; whereas it appears therefore necessary to fix, at the same time, both a standard price and prices differentiated according to the origin of the product obtained from the distillation, while leaving it to the Member States to decide whether such differentiated prices should be applied in regions where application of the standard price would lead to the difficulties referred to above;

Whereas recourse to this option must not increase the expenditure incurred by the intervention agency and, hence, by the EAGGF; whereas it is necessary to correlate the prices differentiated according to the origin of the alcohol and the

standard price; whereas this correlation must be such that the weighted average of the prices differentiated according to the origin of the alcohol does not exceed the standard price;

Whereas, in the absence of an organized Community market in ethyl alcohol, the intervention agencies responsible for marketing the alcohol which they are obliged to take over following the distillation operations referred to in Articles 35 and 36 of Regulation (EEC) No 822/87 have to re-sell it at less than the buying-in price; whereas provision should be made for the difference between the buying-in price and the selling price for such alcohol to be borne, at the standard rate, by the Guarantee Section of the EAGGF;

Whereas, since the Community is responsible for the disposal of certain wine alcohols, it is incumbent upon it to obtain a better insight into the transactions carried out on the alcohol market; whereas for this reason, the information that the Member States communicated to the Commission on the subject of alcohol deriving from compulsory distillation should be extended to alcohol deriving from voluntary distillation, held by the intervention agencies;

Whereas the characteristics which products that could be delivered for distillation must present should be better defined;

Whereas the physical checks on products entering for distillation should be carried out under procedures ensuring adequate representativity;

Whereas the consequences of the producer's non-compliance with his obligations must be set out; however, provision should be made for the Commission to adopt rules to be applied, in respect of rights to aid, to distillers who do not comply with certain administrative time limits, in particular to take into account the proportionality principle;

Whereas steps should be taken to cover unforeseeable circumstances or *force majeure* which may prevent distillation from taking place as planned;

Whereas, in order to ensure appropriate supervision of distillation operations, distillers should be subject to a system of approval;

Whereas, to take account of the actual situation on the market in wine for distillation, both distillers and makers of fortified wine should be permitted to fortify such wine for distillation and the necessary adjustments should be made to the overall arrangements;

Whereas Member States should be able to restrict the places at which wine may be fortified for distillation in order to ensure the most appropriate form of supervision;

Whereas conditions should be stipulated for the payment of the price for the wine, for the payment of aid to makers of fortified wine, for advance payment of such aid, and for the provision and release of a security;

Whereas the addition of an indicator to wine for distillation is an effective method of supervision; whereas it should be stipulated that the presence of such an indicator shall be no bar to free movement of such wine or of the products obtained therefrom;

Whereas to take into account certain practices existing in certain Member States with regard to the transport of products to the distillery, in particular where small quantities are involved, Member States should be authorized to allow them to be transported in bulk;

Whereas certain definitions and administrative procedures should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down:

- (a) in Title I, the general rules for the distillation operations provided for in Articles 38, 41 and 42 of Regulation (EEC) No 822/87;
- (b) in Title II, the general rules for the distillation operations provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87;
- (c) in Title III, the general rules applicable to all the distillation operations covered by Titles I and II.

Article 2

1. For the purposes of this Regulation the following definitions shall apply:

- (a) 'producer'
 - for the purposes of Title I: any natural or legal person or group of such persons having produced wine from fresh grapes, grape must or partially fermented grape must, obtained personally or purchased,
 - for the purposes of Title II: any natural or legal person or group of such persons having produced wine from fresh grapes, grape must or partially fermented grape must or from new wine still in fermentation, obtained personally or purchased, or any natural or legal person or group of such persons subject to the obligations referred to in Article 35 of Regulation (EEC) No 822/87;
- (b) 'distiller': any natural or legal person or group of such persons:
 - distilling wine, fortified wine or the by-products of wine-making or of any other form of processing grapes, and
 - approved by the competent authorities in the Member State in the territory of which the distillation plant is located;

- (c) 'maker of fortified wine': any natural or legal person or group of such persons other than a distiller:

- engaged in processing wine into fortified wine, and
- approved by the competent authorities in the Member State in the territory of which the processing plant is located;

- (d) 'competent intervention agency':

- where the reception and approval of contracts or declarations relating to the delivery of wine for distillation and reception and approval of contracts relating to the delivery of wine for fortification are concerned, the intervention agency designated by the Member State on the territory of which the wine is located at the time when the contract or declaration is submitted,
- for the purposes of paying the aid to the maker of fortified wine as provided for in Article 26 (4), the intervention agency designated by the Member State in the territory of which fortification of the wine takes place,
- in all other cases, the intervention agency designated by the Member State in the territory of which distillation takes place.

Notwithstanding the first indent of the first subparagraph (a), it may be decided under the implementing rules that for one or more of the wine-growing zones or parts of zones, the status of 'producers' be confined to those producers satisfying criteria to be specified, in cases where, in the said wine-growing zones or parts of zones, trade in the products used for making wines delivered for distillation might encourage abuse of the system.

2. For the purposes of this Regulation distillers shall be deemed to be natural or legal persons or groups of such persons, other than makers of fortified wine if they:

- are approved by the competent authorities of the Member State in which they are established,
- buy from a producer as defined in paragraph 1 (a) wine or the by-products of wine-making or of any other form of processing of grapes with a view to having them distilled for their own account by an approved distiller, and
- pay the producer for the products purchased, not less than the minimum buying-in price for the distilled product in question.

Persons or groups deemed to be distillers shall be subject to the same obligations and enjoy the same rights as distillers.

3. Member States may, in accordance with rules which they determine, lay down that, for the purposes of the conclusion of contracts and the delivery of wine for distillation, associations of wine-growers' cooperatives shall on request be regarded as producers in respect of those quantities of wine produced and handed over by member

cooperatives. The latter shall in any case continue to hold the rights and be bound by the obligations laid down in Community regulations.

Should an association intend during a specified wine year to carry out, in agreement with the wine-growers' cooperatives concerned, a distillation operation referred to in Article 1 (a), it shall inform the intervention agency in writing. In that case:

- member cooperatives may not individually sign distillation contracts or make deliveries for the distillation in question,
- the quantities of wine delivered for distillation by the said association shall be booked to the member cooperatives on whose behalf the delivery is made.

With regard to the application of Article 47 of Regulation (EEC) No 822/87, failure to comply with the obligations laid down therein by one or more member cooperatives shall mean, irrespective of the consequences for the latter, that the association is excluded from deliveries for the distillation in question, within the limit of the quantities of wine to be delivered on behalf of the wine-growers' cooperatives which committed the infringement.

Member States which exercise the option set out in this paragraph shall inform the Commission accordingly and shall notify it of the provisions which they have adopted for this purpose. The Commission shall inform the other Member States.

4. Paragraph 3 shall apply until 31 August 1992.

Before 1 April 1992, the Commission shall submit to the Council a report on application of the said paragraph, accompanied, if necessary by an appropriate proposal. The Council shall then act on any measures to apply as from 1 September 1992.

Article 3

1. Only the following may be obtained by the distillation operations referred to in Article 1:

- (a) neutral alcohol as defined in Annex I; or
- (b) wine spirit or marc spirit meeting the qualitative requirements laid down on Community rules or, where no such rules exist, by the national provisions applicable thereto; or
- (c) a distillate or raw alcohol with an alcoholic strength of at least 52 % by volume.

Where the product specified in point (c) in the first subparagraph is obtained, it may be used only under official supervision for:

- (i) the production of an alcoholic beverage;
- (ii) processing into one of the products specified at point (a) and (b);

(iii) the production of alcohol for industrial purposes.

Member States shall take the necessary measures to ensure compliance with the obligation laid down in the second subparagraph.

2. If wine suitable for production of certain spirituous beverages with a registered designation of origin is delivered to undergo one of the distillation operations specified in Article 1, it may be decided that only a product with an alcoholic strength of at least 92 % by volume may be obtained by the direct distillation of such wine.

3. Before 1 September 1988 the Council, acting by a qualified majority on a proposal from the Commission, shall decide on a reduction by 30 grams per hectolitre or less in the maximum methanol content mentioned in the definition of neutral alcohol set out in Annex I, in so far as this reduction is compatible with technological progress.

TITLE I

General rules relating to the voluntary distillation of wine

Article 4

1. Any producer intending to deliver a wine of his own production for one of the distillation operations specified in Article 1 (a) for which he satisfies the conditions laid down for each wine year and each distillation in the Community rules shall conclude a delivery contract, hereinafter referred to as the 'contract', with a distiller and submit it to the competent intervention agency for approval, by a date to be specified.

At the same time he shall provide proof that he has actually produced, and that he holds, the quantity of wine to be delivered.

Producers subject to the obligations referred to in Article 47 (1) of Regulation (EEC) No 822/87 shall also provide the competent intervention agency with proof that they have fulfilled those obligations during the reference period set in accordance with the said Article.

2. The contract shall specify for the wine concerned at least:

- (a) the quantity;
- (b) the various characteristics, in particular:
 - colour,
 - actual alcoholic strength by volume.

The producer may not deliver the wine for distillation unless the contract has been approved by the competent intervention agency by a date to be specified.

Where distillation is carried out in a Member State other than that in which the contract is approved, the intervention agency which approved the contract shall forward a copy thereof to the intervention agency of the first Member State.

In case of distillation pursuant to Article 41 (1) or (2) of Regulation (EEC) No 822/87, it may be decided that a contract submitted by a producer who, during the same wine year, has obtained approval for a contract relating to a delivery for distillation pursuant to Article 38 of that Regulation shall not be approved unless he provides proof that at least a quantity to be specified of the wine to which the contract approved under Article 38 refers has been delivered to a distiller or a maker of fortified wine.

Where the option provided for in Article 41 (3) of Regulation (EEC) No 822/87 is exercised, submission of proof as referred to in the fourth subparagraph of this paragraph shall be required.

3. The distiller shall pay to the producer for the wine delivered to him at least the price specified in Article 38 (2), 41 (6), or 42 (3) of Regulation (EEC) No 822/87, as the case may be, such prices to apply to bulk merchandise ex producer's premises.

4. The minimum buying-in price referred to in paragraph 3 shall be paid by the distiller to the producer within a period to be determined.

5. Member States shall carry out, by means of representative spot checks, physical checks on at least the following elements:

- actual production and holding by the producer of the quantity of wine intended for delivery,
- colour of wine entered in the contract,
- actual alcoholic strength by volume entered in the contract; however, a variation of 0,8% volume is permitted between the actual alcoholic strength determined at the time of checking.

The checks shall be carried out at any time between the submission of the contract for approval and the entry of the wine into the distillery.

Detailed rules concentrating the representativeness of the spot checks referred to in the first subparagraph of paragraph 1 shall be adopted under the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 5

1. Producers referred to in Article 4 (1):

- who themselves possess distillation plants and who intend to carry out the distillation referred to in Article 1 (a), or

- who intend to have their wine distilled on their behalf in the plant of an approved distiller working under contract,

shall submit for approval to the competent intervention agency, before a date to be specified, a declaration of delivery for distillation, hereinafter referred to as the 'declaration'.

Producers subject to the obligations referred to in Article 47 (1) of Regulation (EEC) No 822/87 shall also provide the competent intervention agency with proof that they have fulfilled those obligations during the reference period set in accordance with Article 47 (3) of that Regulation.

2. For the purposes of this Regulation, the contract shall be replaced:

- in the case specified in the first indent of the first subparagraph of paragraph 1, by the declaration,
- in the case specified in the second indent of the first subparagraph of paragraph 1, by the declaration accompanied by a contract for delivery for distillation on the producer's behalf concluded between the producer and the distiller.

Article 4 shall apply, the reference to the contract being deemed also to refer to the declaration.

Article 6

1. For each producer from whom he has received deliveries of wine, the distiller shall, in respect of each delivery, communicate to the competent intervention agency the quality, colour and actual alcoholic strength by volume of the wine, together with the number of the document provided for in Article 71 (1) of Regulation (EEC) No 822/87 and used for the transport of the wine to the distiller's premises.

2. If distillation is carried out by the producer himself in his capacity as a distiller or by a distiller acting on the producer's behalf, the information referred to in paragraph 1 shall be submitted to the competent intervention agency by the producer.

3. The distiller shall provide the intervention agency, within a time limit to be specified, with:

- proof that the total quantity of wine stipulated in the contract or declaration has been distilled within the time limit laid down,
- proof that he has paid the producer the minimum purchase price referred to in Article 4 (3), within the time limit laid down.

In the case referred to in paragraph 2, only the proof referred to in the first indent shall be supplied by the producer to the intervention agency.

Article 7

1. The aid to be paid to the distiller or, in the cases referred to in Article 6 (2), to the producer, for wine which

has undergone one of the distillation operations provided for in Articles 38, 41 and 42 of Regulation (EEC) No 822/87 shall be fixed, per % volume of alcohol and per hectolitre of the product of distillation, on the basis of the minimum purchase price fixed for the distillation operation in question, the standard transport and processing costs, the technical losses and the market price for the products of distillation.

Aid granted where neutral spirits are obtained from wine may not be less than aid granted where the other products referred to in Article 3 (1) are obtained.

2. The intervention agency shall pay the distiller or, in the cases referred to in Article 6 (2), the producer, the aid calculated in accordance with paragraph 1 of the Article within three months of submission of the proof referred to in Article 6 (3).

Article 8

1. The distiller or, in the case referred to in Article 6 (2), the producer, may request that an amount equal to the lowest aid fixed for the distillation operation in question be advanced to him, on condition that he has lodged a security in favour of the intervention agency. That guarantee shall be equal to 110 % of the said amount in request of all distillation operations, with the exception of the distillation operation provided for in Article 38 of Regulation (EEC) No 822/87, for which the security shall be equal to 120 % of the said amount.

The amount referred to in the first subparagraph shall be calculated per % volume of alcohol indicated in respect of the wine referred to in the contract or delivery declaration and per hectolitre of that wine.

The amount may only be paid if the contract or delivery declaration has been approved.

2. The security shall be released by the intervention agency after submission, within the time limit laid down, of the proof referred to in Article 6 (3) and, where appropriate, in accordance with detailed rules to be adopted under the procedure provided for in Article 83 of Regulation (EEC) No 822/87.

Article 9

1. The characteristics of the wine delivered for distillation may not differ from those indicated in the contract or in the declaration, pursuant to Article 4 (2).

However, as regards the alcoholic strength, a discrepancy of 0,8 % volume shall be permitted between the actual alcoholic strength by volume as set out in the contract or declaration and the actual alcoholic strength by volume as determined when the wine enters the distillery.

2. No aid shall be due:

- where the quantity of wine actually delivered for distillation is less than 95 % of that shown in the contract or declaration,
- for that quantity of wine exceeding 105 % of the quantities shown in the contract or declaration,
- for that quantity of wine exceeding the maximum quantity laid down for the distillation operation in question.

3. Except in the case of distillation as provided for in Article 42 of Regulation (EEC) No 822/87, the quantity of wine delivered for distillation must not be less than a minimum quantity to be determined.

Article 10

1. In the case of the distillation operations referred to in Article 41 (1) and (2) of Regulation (EEC) No 822/87, the producer may benefit from the measure only in respect of a quantity of table wine no greater than the quantity specified in the contract or declaration.

2. During the distillation operations referred to in paragraph 1, the Member States shall periodically communicate to the Commission particulars of the quantities of table wine specified in the contracts and declarations submitted to the intervention agency.

3. Once the communications in paragraph 2 indicate that the quantities specified in the contracts and declarations have exceeded a quantity to be determined under the implementing rules the Commission shall decide to halt the submission of contracts and declarations.

4. Should the total quantity of table wine stated in the contracts and declarations submitted to the intervention agencies exceed the quantity determined in accordance with paragraph 3, it may be decided under the implementing rules that only the latter quantity should undergo distillation. In such cases, the quantities which have been entered in the contracts and declarations and which may be delivered for distillation shall be reduced proportionately.

TITLE II

General rules relating to compulsory distillation

Article 11

1. Producers subject to an obligation to distil under Articles 35, 36 and 39 of Regulation (EEC) No 822/87 shall discharge their obligations by delivering to a distiller, before a date to be specified, the quantities of product to be distilled as determined in accordance with the abovementioned Articles and with the measures taken in implementation thereof.

2. Producers subject to one of the obligations referred to in paragraph 1 who have delivered, by the date fixed in accordance with paragraph 1, at least 90 % of the quantity of product which they are obliged to deliver may discharge that obligation by delivering the remaining quantity before a date to be fixed by the competent national authority.

In such cases:

- the purchase price for the remaining quantities referred to in the first subparagraph and the price for the alcohol produced therefrom and delivered to the intervention agency shall be reduced by an amount equal to the aid fixed, in respect of the distillation operation in question, for neutral spirits in accordance with Article 16,
- for alcohol delivered to the intervention agency in accordance with the second indent of the first subparagraph of Article 35 (6) and the second indent of the first subparagraph of Article 36 (4) of Regulation (EEC) No 822/87, the EAGGF contribution to expenditure by the intervention agency determined in accordance with Articles 35 and 36 of the said Regulation shall be adjusted,
- no aid shall be paid for products of distillation not delivered to intervention agencies,
- the obligation shall be considered to have been discharged by the time limit set in accordance with paragraph 1,
- the time limit for distillation, the time limit for submission of proof of payment of the price referred to in the first indent and the time limit for delivery of the alcohol to the intervention agency shall be adjusted by the competent authority to the extension of the time limit for delivery.

3. The measures applicable to producers who have not discharged their obligations by the date referred to in paragraph 1 but by another date to be specified shall be adopted in accordance with the procedure provided for in Article 83 of Regulation (EEC) No 822/87.

Article 12

1. The buying-in price referred to in Article 35 (5a) of Regulation (EEC) No 822/87 shall apply to bulk merchandise ex distiller's premises.

However, where the transport costs payable by the producer are borne by the distiller, the amount of these costs shall be deducted from the buying-in price to be paid by the distiller.

2. The buying-in price referred to in Articles 36 (3) and 39 (6) of Regulation (EEC) No 822/87 shall apply to bulk merchandise ex producer's premises.

Article 13

1. The obligations provided for in Article 35 of Regulation (EEC) No 822/87 shall not apply to:

- producers who withdraw by-products of wine-making under supervision in accordance with Article 14 (1),
- producers of quality sparkling wines of the aromatic type and of quality sparkling wines of the aromatic type produced in specified regions as referred to in the first subparagraph of Article 18 (1) of Council Regulation (EEC) No 358/79 of 5 February 1979 on sparkling wines produced in the Community and defined in item 15 of Annex I to Regulation (EEC) No 822/87, as last amended by Regulation (EEC) No 2044/89⁽¹⁾, who have prepared such wines from grape must or partially fermented grape must which has been purchased and has undergone stabilizing procedures to eliminate the lees.

Producers who have not made wine or processed grapes in any other manner on cooperative premises and who, during the wine year in question, do not produce more than 25 hectolitres of wine or must shall be free not to deliver any quantities.

It may be decided that the second subparagraph shall apply, subject to conditions to be determined, to producers who have not made wine or processed grapes in any other manner on cooperative premises and who, during the wine year in question, produce more than 25 hectolitres but not more than 40 hectolitres of wine or must.

For that part of their production of wine actually delivered to a distillery under one of the distillation operations provided for in Articles 36 and 39 of Regulation (EEC) No 822/87, producers shall be required to deliver, under the distillation operation provided for in Article 35 (2) of that Regulation, only the by-products of wine-making.

2. The percentage mentioned in the second subparagraph of Article 35 (2) of Regulation (EEC) No 822/87 shall be reduced in the case of:

- (a) producers who deliver marc for the manufacture of oenocyanin;
- (b) producers of white quality wines psr, in respect of the part of their production which qualifies for this description.

3. In the case of producers who deliver wine of their own production to the vinegar industry, the quantity of alcohol, expressed in terms of pure alcohol, contained in the wine delivered to the vinegar factory shall be deducted from the quantity of alcohol, expressed in terms of pure alcohol, contained in the wine to be delivered for distillation to discharge the obligation referred to in Article 35 (2) of Regulation (EEC) No 822/87.

Article 14

1. Only the following producers may exercise the option mentioned in Article 35 (5) of Regulation (EEC) No 822/87:

⁽¹⁾ See page 8 of this Official Journal.

- those established in wine-growing areas where distillation represents a disproportionate burden. A list of the wine-growing areas concerned shall be drawn up by the competent authorities of the Member States. The latter shall inform the Commission of this list,
- those who have not carried out vinification or any other processing of grapes in cooperative plants and who have disproportionate distillation costs on account of their low volume of production and the location of the distilleries. The implementing rules governing this provision shall be adopted, at the request of the Member State concerned, in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

2. For the purpose of implementing Article 35 (4) and (5) of Regulation (EEC) No 822/87, the average minimum alcoholic strength of the by-products of wine-making to be withdrawn shall be laid down in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

The by-products shall be withdrawn without delay and no later than the end of the wine year in which they were obtained. Withdrawal, together with an indication of the estimated quantities, shall either be entered in the registers kept in accordance with Article 71 (2) of Regulation (EEC) No 822/87 or be certified by the competent authority.

Member States whose wine production exceeds 25 000 hectolitres a year shall, by means of sampling, check at least whether the average minimum alcoholic strength referred to in the first paragraph has been complied with and whether the by-products have been withdrawn in full and within the time limits set.

Article 15

1. The distiller shall provide the producer, as proof of delivery, with a certificate stating at least the nature, the quantity and the alcoholic strength by volume of the product delivered, together with the date of delivery.

However, if a producer delivers the products which he is to have distilled to a distillery located in a Member State other than that in which the said products were obtained, the distiller shall require the intervention agency of the Member State in which distillation takes place to certify, on the official document provided for in Article 71 (1) of Regulation (EEC) No 822/87, covering transport of the products, that the latter have been taken over by the distillery. The distiller shall forward to the producer a copy of the said document, thus certified, within one month of receipt of the products to be distilled.

2. The minimum buying-in price laid down for the distillation operation in question shall be paid by the distiller to the producer within time limits to be determined.

Article 16

The aid to be paid to the distiller for products which have undergone one of the distillation operations provided for in

Articles 35, 36 and 39 of Regulation (EEC) No 822/87 shall be fixed, per % vol alcohol and per hectolitre of distillation, on the basis of the minimum purchase price fixed for the distillation operation in question, the standard transport costs where they are to be taken into account, the standard processing costs, the technical losses and the market price for the products of distillation.

The aid granted in respect of neutral alcohol may not be less than the aid granted in respect of the other products listed in Article 3 (1).

No aid shall be due for quantities of wine delivered for distillation exceeding the obligation of the producer as provided for in Article 11 (1) by more than 2 %.

Article 17

1. In order to qualify for aid, the distiller shall submit an application to the intervention agency, by a date to be fixed, enclosing, in respect of the quantities for which the aid is requested:

- (a) (i) with regard to wine and wine lees, a list of the deliveries made by each producer, indicating at least:
 - the nature, quantity, colour and alcoholic strength by volume,
 - the number of the document provided for in Article 71 (1) of Regulation (EEC) No 822/87 where that document is required for the transport of the products to the distiller's premises or, where it is not required, the reference to the document used in accordance with national provisions;
- (ii) with regard to grape marc, a list of the names of the producers who have delivered marc to him and the quantities of alcohol contained in the marc delivered under the distillation operation provided for in Article 35 of Regulation (EEC) No 822/87, duly endorsed by the supervisory authority responsible for keeping accompanying documents relating to deliveries made;
- (b) a declaration, endorsed by the competent authority designated by the Member State, indicating at least:
 - the quantities of products obtained from distillation, broken down into the categories specified in Article 3 (1),
 - the dates on which the products were obtained;
- (c) evidence that he has paid the producer, within the time limit laid down, the minimum purchase price stipulated for the distillation operation in question.

2. Where distillation is carried out by the producer himself, the documents referred to in paragraph 1 shall be

replaced by a declaration, endorsed by the competent authority of the Member State, indicating at least:

- the nature, quantity, colour and alcoholic strength by volume of the produce to be distilled,
- the quantities of the products obtained from distillation, broken down into the categories specified in Article 3 (1),
- the dates on which the products were obtained.

3. The intervention agency shall pay the distiller or, in cases referred to in paragraph 2, the producer the aid calculated in accordance with Article 16 within three months of submission of the application together with the requisite documents.

Article 18

1. Distillers may deliver to the intervention agency, within a time limit to be determined, products with an alcoholic strength of 92 % volume or more.

The operations necessary to obtain the product referred to in the first subparagraph may be carried out either at the premises of the distiller who delivers the said product to the intervention agency or at the premises of a jobbing distiller.

2. The buying-in prices referred to in the third and fourth subparagraphs of Article 35 (6), the third and fourth subparagraphs of Article 36 (4) and the third and fourth subparagraphs of Article 39 (7) of Regulation (EEC) No 822/87 shall be fixed per hectolitre and per % volume of pure alcohol.

They shall apply to bulk merchandise free at the warehouse of the intervention agency. They shall be fixed on the basis of the minimum buying-in price for the products for the distillation operation in question, standard transport costs for the products to be distilled where these are to be taken into account, standard transport costs for the products of distillation, standard processing costs and technical losses.

If the distiller has qualified for aid under the conditions laid down in Article 17, the prices referred to in the first subparagraph shall be reduced by an amount equal to the amount of the aid.

3. At the same time as the standard price fixed in accordance with paragraph 2, differentiated prices shall be fixed for products delivered to the intervention agency under the third subparagraph of Article 35 (6) of Regulation (EEC) No 822/87, depending on whether the product has been distilled from grape marc, wine lees or wine, so that account is taken, where appropriate, of the differing costs and losses.

The Member States may decide to apply differentiated prices where the application of the standard price would or could

make it impossible to have one or more of the by-products of wine-making distilled in certain regions of the Community. The level of prices fixed for the product distilled from the various by-products must be such that the weighted average of these prices does not exceed the standard price.

Article 19

The amount of the contribution from the EAGGF, Guarantee Section, to expenditure incurred by intervention agencies in taking over the products of the distillation operations referred to in Articles 35 and 36 of Regulation (EEC) No 822/87 shall be fixed at a standard rate per hectolitre and per % volume of alcohol on the basis of the buying-in price for neutral alcohol taken into intervention and the price charged for such alcohol on the Community market.

TITLE III

Common provisions

Article 20

For each of the distillation operations referred to in Articles 35, 36, 38, 39, 41 and 42 of Regulation (EEC) No 822/87, Member States shall communicate the following information to the Commission every two months, distinguishing between neutral alcohol, raw alcohol and potable spirits:

- quantities produced during the previous period,
- quantities taken over by their intervention agencies on the basis of Community or national rules during the previous period,
- quantities disposed of by those intervention agencies during the previous period,
- quantities held by those intervention agencies at the end of the previous period.

In respect of quantities disposed of by these intervention agencies, they shall also communicate the selling prices charged, and shall state that the products have been consigned within the Community or exported, as the case may be.

Article 21

1. The distillation operations referred to in this Regulation may be carried out only during periods to be determined.

2. The characteristics which products delivered for distillation must present, in particular as regards volatile acidity level, shall be determined in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

3. The characteristics of the products delivered for distillation, and in particular quantity, colour and alcoholic strength, shall be checked using as a basis:

- the document provided for in Article 71 (1) of Regulation (EEC) No 822/87 under cover of which transport is carried out,
- an analysis performed on samples collected when the product enters the distillery, under the supervision of an official body of the Member State in which the distillery is located. This procedure may take the form of representative spot checks,
- the contract concluded pursuant to Article 4.

The analyses shall be performed by approved laboratories, which shall forward the results to the intervention agency of the Member State where distillation takes place.

In accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87 detailed rules shall be adopted concerning:

- application of the result of the analysis referred to in the second indent of the first subparagraph to the entire quantity conveyed by the contract or delivered, with particular reference to compliance with the principle of proportionality,
- the representativeness of the spot checks referred to in the second indent of the first subparagraph.

4. If, in accordance with the Community provisions in force, the document referred to in the first indent of paragraph 3 has not been made out, the characteristics of the product intended for distillation shall be checked using as a basis the analyses referred to in the second indent of that paragraph.

A representative of an official body shall check the quantity of product distilled and the date of distillation.

Article 22

1. Should verification of the file reveal that, in respect of all or part of the products delivered, the producer does not satisfy the conditions laid down by Community rules for the distillation operation in question, the competent intervention agency shall inform the distiller and the producer accordingly.

2. For the quantities of products referred to in paragraph 1, the distiller shall not be required to keep to the price referred to in Article 4 (3) or 12.

3. Without prejudice to Article 8 or 16 (3), should the producer or the distiller not satisfy, in respect of all or part of the products delivered for distillation, the conditions laid down by Community rules for the distillation operation in question:

- aid shall not be due for the quantities in question,
- the distiller may not deliver the products obtained from distillation of the quantities in question to the intervention agency.

If the aid has already been paid, the intervention agency shall recover it from the distiller.

If the products of distillation have already been delivered, the intervention agency shall recover an amount equal to the aid specified for the distillation operation in question from the distiller.

However, where the various time limits laid down by this Regulation have not been met, a reduction of the aid may be decided upon. Detailed rules for the application of this subparagraph shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

Article 23

1. Where, owing to unforeseeable circumstances or for reasons of *force majeure*, all or part of the product to be distilled cannot undergo distillation:

- the producer, if the unforeseeable circumstances or *force majeure* affected the product to be distilled while it was legally at his disposal, shall without delay inform the intervention agency of the Member State in which his winery is located,
- the distiller, in all other cases, shall without delay inform the intervention agency of the Member State in which the distillery is located.

In the circumstances referred to in the first subparagraph, the intervention agency, once informed, shall decide on the measures which it considers necessary. In particular, it may defer the time limits.

2. In the circumstances referred to in the first indent of the first subparagraph of paragraph 1, and where the producer's winery and the distillery are located in two different Member States, the intervention agencies of the two Member States concerned shall cooperate, by the direct exchange of information, for the purpose of implementing paragraph 1.

In the circumstances referred to in the second indent of the first subparagraph of paragraph 1, the intervention agency, once informed, may also authorize the distiller, subject to the agreement of the producer in the case of a jobbing distiller, to transfer to another distiller his rights and obligations in respect of the quantity of products not yet distilled.

3. The Member States shall inform the Commission of cases in which paragraph 1 is applied and of the action taken

in response to requests that the clauses relating to unforeseeable circumstances and *force majeure* should be invoked.

Article 24

1. The competent authorities of the Member States shall approve the distillers established in their territory who intend to perform the distillation operations referred to in this Regulation and shall draw up a list of the approved distillers. However, these authorities may decide not to include on the list approved distillers who are unable to obtain, by means of the distillation operations referred to in Title II, products of an alcoholic strength of at least 92 % vol.

The competent authorities shall be responsible for the updating of the said list, and the Member States shall forward to the Commission any subsequent amendments to it. The Commission shall publish that list and any amendments thereto in the *Official Journal of the European Communities*.

The Portuguese Republic shall forward the list drawn up in accordance with the first subparagraph to the Commission on the first day of the second stage at the latest.

2. The competent authority may withdraw approval from a distiller, either temporarily or permanently, if the latter does not meet his obligations under the Community rules.

Article 25

1. Wine which is to undergo one of the distillation operations referred to in this Regulation may be fortified for distillation. In such cases, the product of distillation of such fortified wine must be one of the products specified at point (b) of the first subparagraph of Article 3 (1).

2. Wine shall be fortified for distillation only under official supervision.

For this purpose:

- the document(s) and register(s) required under Article 71 of Regulation (EEC) No 822/87 shall show the increase in actual alcoholic strength by volume, expressed in % volume, by indicating the strength before and after addition of the distillate to the wine,
- a sample of the wine shall be taken under official supervision before it is fortified in order that the actual alcoholic strength by volume may be determined analytically by an official laboratory or a laboratory working under official supervision,
- two copies of the report on the analysis referred to in the second indent shall be sent to the manufacturer of the fortified wine and the manufacturer shall transmit one of these copies to the intervention agency of the Member State in which the wine is fortified.

3. Wine shall be fortified for distillation during the same period as that laid down in accordance with Article 21 (1) for the distillation operation in question. However, in the case of wine fortified for the distillation referred to in Article 36 of Regulation (EEC) No 822/87, a shorter period shall be set.

Articles 22 and 23 shall apply, subject to any necessary adjustments.

4. Wine fortified for distillation shall be distilled in accordance with detailed rules to be laid down. Such distillation shall take place within a period to be set.

5. Member States may restrict the number of locations at which wine may be fortified for distillation, should this be necessary to ensure that the most suitable method of supervision can be used.

Article 26

1. When the option referred to in Article 25 (1) is exercised and where the wine is not fortified for distillation by the distiller or on his behalf, the producer shall conclude a delivery contract with an approved manufacturer and shall submit it for approval to the competent intervention agency before a date to be specified.

However, if the producer is approved as a manufacturer of fortified wine and intends to fortify the wine for distillation himself, the contract referred to in the first subparagraph shall be replaced by a declaration of delivery.

2. The contracts and declarations referred to in paragraph 1 shall be governed by Articles 4, 5 and 8, subject to the necessary adjustments.

3. The manufacturer of fortified wine shall pay the producer, for the wine delivered, at least the price referred to, as the case may be, in Article 35 (5a), 36 (3), 38 (2), 39 (6), 41 (6) or 42 (3) of Regulation (EEC) No 822/87; these prices shall apply to bulk merchandise:

- free at distiller's premises in the case of the distillation referred to in Article 35 of Regulation (EEC) No 822/87,
- ex producer's premises in other cases.

Subject to the necessary adjustments, the manufacturer of fortified wine shall be subject to the same obligations as the distiller under Articles 4, 6, 12, 15 and 17.

The aid to be paid to the manufacturer of fortified wine for the respective distillation operations shall be fixed per % volume of actual alcoholic strength and per hectolitre of wine before fortification, on the basis of the minimum buying-in price for the distillation operation in question, standard transport costs, where these are to be taken into account, standard processing costs and the market price for the product of distillation.

4. The aid shall be paid by the competent intervention agency to the manufacturer of fortified wine on condition that he provides a security equal to 110 % of the aid to be received.

Where the manufacturer fortifies wine for distillation operations governed by various provisions of Regulation (EEC) No 822/87, he may provide a single security. In such case the security shall be equal to 110 % of all the aid to be paid to the manufacturer in respect of the said distillation operations.

The security referred to in the first and second subparagraphs shall be provided in accordance with the second subparagraph of Article 9 (1).

The security shall be released by the intervention agency after:

- proof of distillation, within the time limit laid down, of the total quantity of wine fortified for distillation specified in the contract or declaration, and
- proof of payment, within the time limit laid down of the minimum purchase price referred to in Articles 4 (3) and 15 (2),

has been submitted within the time limit laid down, and where appropriate, in accordance with detailed rules to be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.

In cases covered by the second subparagraph of paragraph 1, only the proof referred to in the first indent shall be supplied by the producer to the intervention agency.

Article 27

1. Where fortified wine is distilled in a Member State other than that in which the contract or declaration was approved, the aid payable in respect of distillation operations may, notwithstanding Article 26 (4), be paid to the distiller on condition that he submits an application within two months following the deadline specified for carrying out the distillation operation in question to the intervention agency of the Member State in whose territory the distillation has taken place.

2. The application referred to in paragraph 1 shall be accompanied by the following:

- a document endorsed by the competent authorities of the Member State in the territory of which the wine was fortified, transferring entitlement to the aid from the manufacturer of the fortified wine to the distiller and showing the quantities of fortified wine concerned and the amount of the corresponding aid,
- a copy of the contract or declaration referred to in Article 26 (1), approved by the relevant intervention agency,
- a copy of the analysis report referred to in Article 25,

- proof of payment of the minimum purchase price of the wine to the producer,
- the document required under Article 71 of Regulation (EEC) No 822/87 for the transport of fortified wine to the distillery, showing the increase in actual alcoholic strength, by volume, expressed in % volume, by indicating the strength before and after addition of the distillate to the wine,
- proof of distillation of the fortified wine concerned.

3. In cases covered by paragraph 1 the manufacturer of fortified wine shall not be required to lodge the guarantee referred to in Article 26 (4).

4. The aid shall be paid by the intervention agency not later than three months after the application and the documents referred to in paragraph 2 have been submitted.

Article 28

1. Member States shall take the necessary measures to ensure that the provisions of this Regulation are applied, and in particular measures to prevent products delivered to distilleries from being diverted to other uses.

Member States may, for this purpose, require that an indicator be used, subject to conditions to be laid down by implementing rules or, failing this, by national provisions. Member States may not, on the ground of the presence of an indicator, prevent the movement within their territory of products intended for distillation or distilled products obtained therefrom.

Member States may provide that, where products referred to in this Regulation are delivered for distillation by more than one producer, they shall be transported in bulk. In such cases, the checking of the characteristics of the products referred to in Article 21 shall be carried out in accordance with the detailed rules adopted by the Member State concerned.

2. Member States which exercise the option set out in the second and third subparagraphs of paragraph 1 shall inform the Commission accordingly and shall notify the Commission of the provisions which they have adopted for this purpose. The Commission shall inform the other Member States in the case referred to in the second subparagraph of paragraph 1.

Article 29

In the absence of any provisions to the contrary, any periods, dates or time limits referred to in this Regulation or fixed pursuant thereto shall be laid down in accordance with Regulation (EEC, Euratom) No 1182/71 ⁽¹⁾.

⁽¹⁾ OJ No L 124, 8. 6 1971, p. 1.

Article 30

1. Regulation (EEC) No 2179/83 is hereby repealed.
2. References to the Regulation repealed under paragraph 1 shall be construed as references to this Regulation and

should be read in accordance with the correlation table in Annex II.

Article 31

This Regulation shall enter into force on the day of 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 Luxembourg, 19 June 1989.

For the Council

The President

C. ROMERO HERRERA

ANNEX I

DEFINITION OF NEUTRAL ALCOHOL AS REFERRED TO IN ARTICLE 3 (1),
FIRST SUBPARAGRAPH, (a)

1. Organoleptic characteristics:	No extraneous flavour detect- able in the raw material
2. Minimum alcoholic strength by volume:	96 % vol
3. Maximum values of residue elements:	
— <i>Total acidity</i> expressed in g of acetic acid per hl of alcohol at 100 % vol	1,5
— <i>Esters</i> expressed in g of ethyl acetate per hl of alcohol at 100 % vol	1,3
— <i>Aldehydes</i> expressed in g of acetaldehyde per hl of alcohol at 100 % vol	0,5
— <i>Higher alcohols</i> expressed in g of 2-methylpropan-1-ol per hl of alcohol at 100 % vol	0,5
— <i>Methanol</i> expressed in g per hl of alcohol at 100 % vol	50
— <i>Dry extract</i> expressed in g per hl of alcohol at 100 % vol	1,5
— <i>Volatile bases containing nitrogen</i> expressed in g of nitrogen per hl of alcohol at 100 % vol	0,1
— <i>Furfural</i>	Not detectable

ANNEX II

CORRELATION TABLE

Regulation (EEC) No 2179/83	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6 (1), (2) and (3)	Article 6 (1), (2) and (3)
Article 7	Article 7 (1)
Article 6 (4)	Article 7 (2)
Article 9	Article 8
Article 8	Article 9
Article 10	Article 10
Article 11	Article 11
Article 12	Article 12
Article 13	Article 13
Article 14	Article 14
Article 15	Article 15
Article 16	Article 16
Article 17	Article 17
Article 18	Article 18
Article 19	Article 19
Article 20	Article 20
Article 21	Article 21
Article 22	Article 22
Article 23	Article 23
Article 24	Article 24
Article 25	Article 25
Article 26	Article 26
Article 26a	Article 27
Article 27	Article 28
Article 28	Article 29
Article 29	Article 30
Article 30	—
Article 31	Article 31

COUNCIL REGULATION (EEC) No 2047/89

of 19 June 1989

amending Regulation (EEC) No 339/79 defining certain products falling within heading Nos 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular the second indent of Article 1 (4) (a) thereof,

Having regard to the proposal from the Commission,

Whereas the definitions of rectified concentrated grape must and liqueur wine, originating in the Community, set out in points 7 and 14 of Annex I to Regulation (EEC) No 822/87 were amended by Regulations (EEC) No 2253/88 ⁽³⁾ and (EEC) No 4250/88 ⁽⁴⁾ respectively; whereas, for the sake of harmonization, it is necessary to adapt the definitions of rectified concentrated grape must and liqueur wine originating in third countries set out in Regulation (EEC) No 339/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 3308/85 ⁽⁶⁾;

Whereas on this occasion the definitions of grape must with fermentation arrested by the addition of alcohol and of concentrated grape must originating in third countries should also be adapted in order to bring them closer into line with the definitions of the corresponding Community products,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 339/79 is hereby amended as follows:

1. The title is replaced by the following:

'Council Regulation (EEC) No 339/79 of 5 February 1979 defining certain products in the wine sector falling within CN codes 2009 and 2204 and originating in third countries.'

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 31.

⁽³⁾ OJ No L 198, 26. 7. 1988, p. 35.

⁽⁴⁾ OJ No L 373, 31. 12. 1988, p. 55.

⁽⁵⁾ OJ No L 54, 5. 3. 1979, p. 57.

⁽⁶⁾ OJ No L 320, 29. 11. 1985, p. 7.

2. Article 1 is replaced by the following:

'Article 1

This Regulation concerns certain products in the wine sector falling within CN codes 2009 and 2204 and originating in third countries.'

3. Article 2 (a), (b), (c) and (d) is replaced by the following:

'(a) "grape must fermentation arrested by the addition of alcohol" means the product which:

- has an actual alcoholic strength by volume of not less than 12 % vol but less than 15 % vol, and
- is obtained by the addition of a product derived from the distillation of wine to unfermented grape must having a natural alcoholic strength by volume of not less than 8,5 % vol and derived exclusively from wine grape varieties permitted in the third country of origin;

(b) "concentrated grape must" means uncaramelized grape must which:

- is obtained by part dehydration of grape must carried out by any method authorized by the provisions of the third country of origin and not prohibited by Community regulations, other than by direct heat, in such a way that the figure indicated by a refractometer used in accordance with the method prescribed in the Annex to Regulation (EEC) No 543/86 ⁽¹⁾ at a temperature of 20 °C is not less than 50,9 %,
- is derived exclusively from wine grape varieties permitted in the third country of origin, and
- is obtained from grape must having at least the minimum natural alcoholic strength by volume laid down by the third country of origin for the preparation of wine intended for direct human consumption; that alcoholic strength may not be less than 8,5 % vol.

An actual alcoholic strength by volume of the concentrated grape must of not more than 1 % vol shall be permissible;

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 41.

(c) "rectified concentrated grape must" means the liquid uncaramelized product which:

- is obtained by part dehydration of grape must carried out by any method authorized by the

provisions of the third country of origin and not prohibited by Community regulations, other than direct heat, in such a way that the figure indicated by a refractometer used in accordance with the method prescribed in the Annex to Regulation (EEC) No 543/86 at a temperature of 20 °C is not less than 61,7%,

- has undergone treatment authorized by the provisions of the third country of origin and not prohibited by Community regulations for deacidification and elimination of constituents other than sugar,
- has the following characteristics:
 - a pH of not more than 5 at 25° Brix,
 - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100 in grape must concentrated at 25° Brix,
 - a sucrose content undetectable by a method of analysis to be defined,
 - a Folin-Ciocalteu index of not more than 6 at 25° Brix,
 - a titratable acidity of not more than 15 milliequivalents per kilogram of total sugars,
 - a sulphur dioxide content of not more than 25 milligrams per kilogram of total sugars,
 - a total cation content of not more than 8 milliequivalents per kilogram of total sugars,
 - a conductivity at 25° Brix and 20 °C of not more than 120 µS/cm,
 - a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
 - presence of mesoinositol,
- is derived exclusively from wine grape varieties permitted in the third country of origin, and
- is obtained from grape must having at least the minimum natural alcoholic strength by volume laid down by the third country of origin for the preparation of wine intended for direct human consumption; that alcoholic strength may not be less than 8,5% vol.

An actual alcoholic strength by volume of the concentrated rectified grape must of not more than 1% vol shall be permissible;

(d) "liqueur wine" means the product which:

- has an actual alcoholic strength by volume of not less than 15% vol and not more than 22% vol and an overall alcoholic strength by volume of not less than 17,5% vol, and
- is obtained from grape must in fermentation, or wine, or a combination of these products, which must come from vine varieties permitted in the third country of origin for the production of liqueur wine and have an initial natural alcoholic strength by volume of not less than 12% vol, and by the addition:
 - (i) individually or in combination, of neutral alcohol of vine origin, including alcohol produced from the distillation of dried grapes, having an actual alcoholic strength by volume of not less than 96% vol, and of wine or dried grape distillate, having an actual alcoholic strength by volume of not less than 52% vol and not more than 86% vol;
 - (ii) together with one or more of the following products, where appropriate:
 - concentrated grape must,
 - a combination of one of the products referred to in (i) with a grape must or a grape must in fermentation.

However, certain quality liqueur wines for which the conditions of production are recognized as being equivalent to those for a quality wine psr and which appear on a list to be adopted may:

- have an overall alcoholic strength by volume of less than 17,5% vol but not less than 15% vol where the legislation of the third country of origin applicable thereto before 1 January 1985 expressly so provided, or
- be obtained from grape must with a natural alcoholic strength by volume of less than 12% vol but not less than 10,5% vol;

Article 2

This Regulation shall enter into force on 1 September 1989.

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

Done at Luxembourg, 19 June 1989.

For the Council

The President

C. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 2048/89

of 19 June 1989

laying down general rules on controls 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 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1236/89 ⁽²⁾, and in particular Article 79 (2) thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

Whereas, for the purposes of uniform application of the wine provisions, there is a need for rules designed to improve the control procedures already in force at Community and national level and to strengthen cooperation between the authorities responsible for the controls in the wine sector provided for until now in Regulation (EEC) No 359/79 ⁽⁶⁾;

Whereas general rules are also required for the introduction and operation of a Community structure comprising a body of officials specialized in controls in the wine sector, responsible, at Community level, for ensuring uniform application of Community rules;

Whereas provisions should be laid down under which the national authorities and the Commission must provide mutual assistance with a view to ensuring proper application of the wine rules, in particular through preventive action and the detection of infringements or behaviour suspected of infringing the rules; whereas those provisions are not an obstacle to the application of specified rules relating to Community expenditure, the downgrading of quality wines, criminal law or administrative penalties; whereas Member States must ensure that application of specific rules on the two latter subjects does not undermine either the aim of this Regulation or the effectiveness of the controls laid down therein;

Whereas the measures adopted by the Member States to ensure compliance with the wine rules have revealed the

limits to their effectiveness, notably on the occasions of fraud which seriously disrupted the wine sector both in 1985 and in 1986; whereas the Member States should therefore be invited to adopt provisions that can ensure proper application of the rules;

Whereas it is appropriate to define particularly sensitive areas in which an improvement of controls is necessary, without excluding the possibility of improving controls in other areas of the wine rules, where called for;

Whereas each Member State must ensure that the work of control agencies is more effective and whereas, for this purpose, it shall designate an authority to liaise between the Member States and the Commission; whereas it is, moreover, essential that the control work is coordinated between the competent authorities in all Member States in which wine control work is carried out by more than one authority;

Whereas all the authorities responsible for control in the wine sector must be aware of the measures, decisions or interpretations relating to the application of the wine rules in a Member State if there is to be proper harmonization of legislation at Community level; whereas a permanent flow of relevant information on this subject must be introduced between the Member States as well as between them and the Commission;

Whereas to help make the application of the rules uniform throughout the Community, the Member States should, in particular, take the necessary action to ensure that the staff of the competent authorities have sufficient technical competence comparable with that of corresponding staff in the other Member States, and that they have the minimum essential investigative powers to ensure compliance with the rules; whereas the powers of the Member States' control officials should be defined;

Whereas the development of trade in wine between the various Member States, in particular the steady expansion in the number of multinational companies in this sector, and the scope provided by the management rules to have carried out or to transfer operations, whether or not aided, to places different from those in which the product has been grown reflect the interdependence of the wine markets; whereas this situation necessitates greater harmonization of control methods and closer cooperation between the various control authorities;

Whereas the immense damage which fraud can cause to consumers and producers, whether as regards health or business operations, therefore makes it imperative to

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 128, 3. 5. 1989, p. 31.

⁽³⁾ OJ No C 24, 29. 1. 1988, p. 8.

⁽⁴⁾ OJ No C 94, 11. 4. 1988, p. 209.

⁽⁵⁾ OJ No C 95, 11. 4. 1988, p. 9.

⁽⁶⁾ OJ No L 54, 5. 3. 1979, p. 136.

improve the cohesion of the authorities responsible for controls, in particular by the creation of a body of officials specifically assigned to this type of work; whereas the cost of setting up a body of specific officials of the Commission and that of the control activities carried out by them must be financed by the Community;

Whereas the work of the specific officials of the Commission responsible for collaborating in controls in the wine sector must comply with the absolute need to ensure uniform application of the rules and effective assistance to the corresponding national staffs; whereas, to this end, their control work could be dovetailed into programmes adopted jointly with the Member States;

Whereas where the specific officials of the Commission encounter, in carrying out their work, repeated and unjustified difficulties, the Commission must be able to call upon the Member State concerned not only for an explanation but also for the facilities enabling the work to be completed; whereas the Member State concerned must then ensure the execution of its obligations deriving from this Regulation, by facilitating the execution of these officials' tasks;

Whereas, with a view to ensuring that collaboration between Member States for the application of provisions in the wine sector is effective, the competent authority of one Member State must be able to collaborate, on request, with the competent authorities of another Member State, as a general rule, by means of their respective liaison authorities; whereas rules should be established for such collaboration;

Whereas, in view of the complex nature of some cases and the need for urgent action, it is essential that where a competent authority has submitted a request for assistance it should, in agreement with the requested competent authority, be able to involve its own designated officials, where appropriate on the spot, in the execution of the investigations;

Whereas, in cases of serious risk of fraud, or of fraud involving more than one Member State or a single Member State, the various authorities concerned must automatically implement the spontaneous assistance procedure provided for in this Regulation;

Whereas, in order to ensure the objective nature of the controls, it is important that specific officials of the Commission or officials of a competent authority of a Member State may request a competent authority of another Member State to collect samples; whereas the applicant official must be able to hold the samples collected and in particular determine the laboratory where they are to be submitted for examination;

Whereas, in view of the nature of the information exchanged pursuant to this Regulation, it should be covered by the requirements of commercial or professional secrecy;

Whereas, in order to contribute to the harmonization of the analytical controls throughout the Community, it is appropriate for the Commission to be able to participate in the financing of the control instruments necessary to achieve

the objectives pursued by this Regulation and to set up a data bank for the wine-sector products at the Joint Research Centre; whereas the Commission should make reference materials available to the Member States in order to coordinate the calibration of the apparatus used for certain analyses;

Whereas, in view of the importance of ensuring that the organization of the controls referred to in this Regulation is effective, there should be regular discussions, in the context of the Management Committee for Wine, between the representatives of the various national authorities concerned; whereas such discussions should cover topical points relating to actual or presumed infringements and, more generally, the application of this Regulation, in order to contribute to uniform implementation of its provisions throughout the Community;

Whereas Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member State and cooperation between the latter and the Commission to ensure correct application of the law on customs or agricultural matters ⁽¹⁾, as amended by Regulation (EEC) No 945/87 ⁽²⁾, provides explicitly that in the wine sector the specific rules laid down regarding cooperation in Regulation (EEC) No 359/79 are to apply;

Whereas account should be taken of the experience gained in the field of cooperation between control authorities, and the scope of such cooperation should be extended to cover, in particular, the introduction at Community level of a structure which will henceforth be competent in this field; whereas Regulation (EEC) No 359/79 should therefore be repealed in order to revise the rules governing relations between authorities;

Whereas, as a consequence, new cooperation procedures should be established in the wine sector which, while respecting the sector's special nature, which is linked in particular to the existence of a Community control structure the powers of which should be laid down, must fall within the framework defined in Regulation (EEC) No 1468/81,

HAS ADOPTED THIS REGULATION:

TITLE I

PRELIMINARY PROVISIONS

Article 1

Principles

1. This Regulation lays down rules for the improvement of controls in the wine sector.

It sets up a Community structure enabling specific officials of the Commission to intervene in this sector in cooperation

⁽¹⁾ OJ No L 144, 2. 6. 1981, p. 1.

⁽²⁾ OJ No L 90, 2. 4. 1987, p. 3.

with the authorities instructed by the Member States to carry out controls in the wine sector. It lays down rules for such cooperation.

It also lays down measures regarding relations between the authorities of the various Member States referred to in the second subparagraph and between them and the Commission with a view to preventing and detecting any infringement of the Community provisions in question and of national provisions laid down pursuant thereto.

2. The provisions of this Regulation shall not apply in so far as they overlap with those relating to:

- Community verification of expenditure, in particular that laid down in Article 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2048/88 ⁽²⁾,
- scrutiny of accounts such as laid down in Council Directive 77/435/EEC of 27 June 1977 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund ⁽³⁾,
- the Community system provided for by Council Decision 89/45/EEC of 21 December 1988 on a Community system for the rapid exchange of information on dangers arising from the use of consumer products ⁽⁴⁾.

This Regulation shall not affect the Community provisions regarding the downgrading of quality wines produced in specified regions, whereby the decision to downgrade a quality wine psr, including such a decision concerning the quality wine psr in question based on an organoleptic test, falls within the competence of the Member State of origin of the quality wine psr in question, without prejudice to the derogations provided for small quantities.

This Regulation shall not affect the application in the Member States of:

- specific provisions governing relations between Member States in combating fraud in the wine sector in so far as they are such as to facilitate the application of this Regulation,
- rules relating to:
 - criminal proceedings or mutual assistance among Member States at judicial level in criminal matters,

— the administrative penalties procedure.

Article 2

Definitions

For the purposes of this Regulation:

- (a) '*rules in the wine sector*' shall mean all the Community wine-sector provisions and national provisions laid down for their application;
- (b) '*competent authority*' shall mean each of the authorities or each of the departments designated by the Member State to ensure compliance with the rules in the wine sector;
- (c) '*liaison authority*' shall mean the competent body or authority designated by the Member State to liaise as appropriate with the liaison authorities of other Member States or with the Commission.

TITLE II

IMPROVEMENT OF CONTROLS TO BE CARRIED OUT BY MEMBER STATES

Article 3

Principles

1. Member States shall take the necessary measures to improve control of compliance with the rules in the wine sector notably in the particular fields listed in the Annex.
2. The controls in the areas referred to in the Annex shall be carried out either systematically or by sampling. In the case of sampling, Member States shall ensure by their number, nature and frequency that controls are representative of the whole of their territory and correspond to the scale of the wine-sector products marketed or held with a view to their marketing.

Member States shall ensure that the competent authorities have a sufficient number of suitably qualified and experienced staff to carry out efficiently the wine controls referred to in the Annex in particular.

Article 4

Control authorities

1. Where a Member State designates several competent authorities, it shall ensure the coordination of the work of those authorities.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽³⁾ OJ No L 172, 12. 7. 1977, p. 17.

⁽⁴⁾ OJ No L 17, 21. 1. 1989, p. 51.

2. Each Member State shall designate a single liaison authority. The authority designated shall:

- forward the applications for cooperation with a view to implementing this Regulation to the liaison authorities of other Member States or, where appropriate, to the Commission,
- receive such applications from the latter authorities or, where appropriate, the Commission, and forward them to the competent authority or authorities of the Member State under which it comes,
- represent that Member State *vis-à-vis* other Member States or the Commission in the context of the cooperation covered by Titles III and IV,
- notify the Commission of the measures taken pursuant to Article 3,
- forward to the Commission national provisions and administrative and judicial decisions of particular relevance to the uniform application of the rules in the wine sector in the Community.

3. The Commission shall establish a documentation centre on the basis of the information described in the fifth indent of paragraph 2 and shall use it in replying to requests for information from the liaison authorities.

Article 5

Powers of control officials

Each Member State shall take all appropriate measures to facilitate the work of the officials of its competent authority or authorities. It shall ensure in particular that such officials, where appropriate in conjunction with officials of other departments which it authorizes for the purpose:

- have access to the vineyards, wine-making and storage installations, installations for processing wine-sector products and vehicles for transporting those products,
- have access to the commercial premises (or warehouses) and vehicles of anyone holding, with a view to sale, marketing or transporting wine-sector products or products which may be intended for use in the wine sector,
- may undertake a survey of wine-sector products and substances or products which may be used for the preparation of such products,
- may take samples of products held with a view to sale, marketed or transported,
- may examine accounts or other documents for the purposes of controls and may take copies or extracts thereof,
- may take appropriate protective measures regarding the preparation, holding, transport, description,

presentation and marketing of a wine-sector product or a product intended for use in the preparation of such a product, if there is reason to believe that there has been a serious infringement of Community provisions, in particular in the case of fraudulent treatment or risks to public health.

TITLE III

COMMUNITY CONTROL STRUCTURE

Article 6

Body of specific officials of the Commission

1. The Commission shall set up a body of specific officials to collaborate with the competent authorities of the Member States in on-the-spot checks in order to ensure the uniform application of the rules in the wine sector and in particular in the areas referred to in Article 3.

The Commission shall ensure that such officials possess the technical expertise and appropriate experience to carry out the checks referred to in the first subparagraph.

2. The Commission shall establish suitable links with the liaison authorities of the Member States to draw up programmes of joint control activities. The Member States shall cooperate with the Commission to assist it in the accomplishment of its tasks.

3. The specific Commission officials may collaborate in controls provided for by the competent authorities of the Member States.

The Commission may request the liaison authorities of the Member States to carry out controls in which its specific officials may collaborate.

The officials of the Member States shall at all times be in charge of carrying out the control operations referred to in the first and second subparagraphs.

The Commission:

- may ask the Member States for information concerning their proposed checks,
- shall, in good time before the start of the joint control operations referred to in the first and second subparagraphs, inform the liaison authority of the Member State on the territory of which these operations will take place.

4. For the purpose of collaborating in the controls referred to in paragraph 3, the Commission's specific officials shall produce written authorization specifying their identity and status.

In carrying out their duties, the Commission's specific officials shall have the rights and powers set out in the first, second, third and fifth indents of Article 5 without prejudice to the limits imposed by the Member States on their own officials in carrying out the controls concerned.

The Commission's specific officials shall, in the course of controls, adopt an attitude compatible with the rules and practices which officials of the Member State must follow.

Where the Commission's specific officials encounter difficulties in the performance of their duties, the Member State concerned shall make available to them the resources necessary to enable them to carry out their work properly.

5. After the execution of each control operation as referred to in paragraph 3, the Commission shall forward a communication on the work of its specific officials to the liaison authority of the Member State concerned; that communication shall record any difficulties encountered or infringements noted of the provisions in force.

Article 7

Financial provisions

Expenditure on setting up the Commission's body of specific officials and on the control activities carried out by them shall be financed by the Community. Appropriations for this purpose shall be set aside within the framework of the budgetary procedure.

TITLE IV

ASSISTANCE BETWEEN CONTROL AUTHORITIES

Article 8

Assistance on request

1. Where a competent authority of a Member State undertakes control activities on its territory, regarding in particular:

- operations involving the marketing of wine-sector products originating in another Member State or a third country, or
- verification by cross-checking of documents or qualities of products held with a view to marketing or marketed,

it may request information from the Commission or from the competent authority of another Member State liable to be involved directly or indirectly in the marketing of such products.

The Commission shall be notified whenever the product which is the subject of the control activities referred to in the first subparagraph originates in a third country, and if the marketing of this product may be of specific interest to other Member States.

The requested party shall provide the applicant competent authority with all such information as may enable the latter to carry out its duties.

2. As the reasoned request of the applicant competent authority, the requested party shall perform or take necessary steps to perform special surveillance or controls enabling the desired objectives to be achieved.

3. The requested competent authority as referred to in paragraphs 1 and 2 shall act as if on its own account or at the request of an authority in its own country.

4. In agreement with the requested competent authority, the applicant competent authority may designate its own officials or officials of another competent authority of the Member State it represents:

- either to obtain, on the premises of the administrative authorities coming under the Member State in which the requested authority has its seat, information relating to the application of the rules in the wine sector or to control activities, including the making of copies of transport and other documents or extracts from the registers,
- or to be present during activities requested pursuant to paragraph 2.

The copies referred to in the first indent may be made only with the agreement of the requested competent authority.

5. An applicant competent authority which wishes to send to a Member State an official designated in accordance with paragraph 4, first subparagraph, to be present at the control operations referred to in the second indent of that subparagraph shall advise the requested competent authority accordingly in good time before the start of those operations.

The officials of the requested competent authority shall at all times be in charge of carrying out control operations.

The officials of the applicant competent authority shall:

- produce written authorization specifying their identity and status,
- have, without prejudice to the limits imposed by the Member State of the requested competent authority on its own officials in carrying out the controls concerned:
 - the rights of access provided for in the first and second indents of Article 5,

- the right to be informed of the results of controls carried out by the officials of the requested competent authority pursuant to the third and fifth indents of Article 5,
- adopt, in the course of controls, an attitude compatible with the rules and practices which must be followed by officials of the Member State within the territory of which the control operations are carried out.

6. The reasoned requests referred to in this Article shall be forwarded to the requested competent authority of the Member State in question via the liaison authority of that Member State. The same shall apply for:

- the answers to those requests, and
- communications concerning the application of paragraphs 2, 4 and 5.

By way of derogation from the first subparagraph and in the interests of quicker and more effective cooperation between them, Member States may, in certain appropriate cases, permit a competent authority to:

- make its reasoned request or communication directly to a competent authority of another Member State,
- reply directly to reasoned requests or communications received from a competent authority of another Member State.

Article 9

Spontaneous assistance

1. Where a competent authority of a Member State has grounds for suspicion or learns:

- that a product listed in Article 1 (2) of Regulation (EEC) No 822/87 does not comply with the wine-sector rules or has been the subject of fraudulent action to obtain or market such a product, and
- that such failure to comply with the rules is of specific interest to one or more other Member States and is such as to lead to administrative measures or legal action,

that competent authority shall, via the liaison authority under which it comes, notify the liaison authority of the Member State concerned and the Commission without delay.

2. Where the Commission has grounds for suspicion or has knowledge of the facts referred to in paragraph 1, it shall inform the liaison authorities of all the Member States without delay.

Article 10

Common provisions

1. The information referred to in Article 8 (1) and Article 9 shall be accompanied by documents or other evidence and

details of any administrative measures or legal action and shall relate in particular to:

- composition and organoleptic characteristics,
- description and presentation,
- compliance with the rules laid down for preparation and marketing of the product in question.

2. The Commission shall, when informed of the cooperation between Member States referred to in Articles 8 and 9, provide where appropriate the necessary coordination for the proper organization of the action planned, in particular by making available to the national authorities all the rapid-access information facilities available to it.

3. The liaison authorities concerned by a case for which the mutual assistance procedure referred to in Articles 8 and 9 is initiated shall inform each other without delay of:

- the progress of investigations, particularly in the form of reports and other documents or information media, and
- any administrative or legal action taken subsequent to the operations concerned.

4. Travel costs incurred in the application of Article 8 (2) and (4) shall be borne by:

- the Member State which has appointed an official for the measures referred to in the aforementioned paragraphs, or
- the Community budget at the request of the liaison authority of that Member State if the Commission has formally recognized in advance the Community interest of the control activity in question.

5. This Article shall not prejudice national provisions concerning the secrecy of legal proceedings.

TITLE V

GENERAL PROVISIONS

Article 11

Coordination of control activities

The Commission may convene representatives of the liaison authorities of several Member States, together, if appropriate, with representatives of the competent authorities, in order to coordinate a control activity which concerns them.

Article 12

Collection of samples

In the context of the application of Titles III and IV the specific officials of the Commission or the officials of the competent authority of a Member State may request the competent authority of another Member State to collect samples in accordance with the relevant provisions in that Member State.

The applicant official shall hold the samples collected pursuant to the first subparagraph and shall determine *inter alia* the laboratory to which they are to be submitted for examination.

Article 13

Analyses

The laboratories designated to carry out analyses pursuant to this Regulation shall be chosen from those referred to in Article 79 (1) of Regulation (EEC) No 822/87.

The methods of analysis shall be those referred to in Article 74 of the same Regulation.

Article 14

Information obtained pursuant to this Regulation — conclusive force

1. Information forwarded pursuant to this Regulation, in whatever form, shall be confidential. Information shall be covered by professional or commercial secrecy and shall qualify for the protection conferred by the national law of the Member State which received it on information of the same type and by the corresponding provisions applying at Community level.

The information referred to in the first subparagraph may not in particular be transmitted to persons other than those who, in the Member State or Community institutions, need to know such information for the purposes of their work. Nor may it be used for purposes other than those provided for by this Regulation, unless the authority which provided it has given explicit consent and provided that the provisions in force in the Member State where the authority which received it has its seat do not prevent such notification or utilization.

2. This Regulation shall not prevent the use, in the course of court proceedings or prosecutions started subsequently for failure to comply with agricultural or financial requirements, of information obtained pursuant to this Regulation.

3. The findings of the specific officials of the Commission or of the competent authorities of a Member State in the

course of application of this Regulation may be invoked by the competent authorities of the other Member States or by the Commission. In such cases, they shall have no less value because of the fact that they do not come from the Member State in question.

Article 15

Persons subject to controls

Natural or legal persons and groups of such persons whose activities may be the subject of the controls referred to in this Regulation shall not obstruct such controls and shall be required to facilitate them at all times.

Article 16

Control instruments

1. The Commission may participate in the financing of the control instruments necessary for the achievement of the objectives of this Regulation.

2. The Commission shall set up an analytical data bank for wine-sector products at the Joint Research Centre, with the aim of coordinated and uniform application of the methods of analysis referred to in Article 74 of Regulation (EEC) No 822/87, in particular those based on nuclear magnetic resonance.

Each Member State shall forward to the Joint Research Centre the samples and analysis reports to be determined for the establishment of this data bank.

3. The Commission shall make reference materials available to the Member States in order to coordinate the calibration of the apparatus used to carry out certain analyses in the wine sector.

Article 17

Information regarding application of this Regulation

1. Each quarter until 31 December 1990 and at least once a year thereafter, the Commission shall, in the context of the Management Committee for Wine, organize meetings with representatives of the liaison authorities, together if appropriate with representatives of the competent authorities, with a view to implementing this Regulation.

These meetings shall in particular concern themselves with:

- carrying out a general review of the way in which mutual assistance between competent authorities operates,
- an exchange of views on the conclusions to be drawn from experience relating to the implementation of cooperation in the wine sector,

- the organization of seminars to increase the knowledge of officials of the Member States and of the Commission with respect to the implementation of this Regulation.

2. Once a year the Commission shall forward to the European Parliament and to the Council a brief report summarizing the communications provided for in Article 6 (5), together, where appropriate, with suggestions for improving the system of controls.

This report shall record any comments by Member States on those communications.

Article 18

Regulation (EEC) No 359/79 is hereby repealed.

Article 19

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

It shall apply from 1 January 1990.

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

Done at Luxembourg, 19 June 1989.

For the Council
The President
C. ROMERO HERRERA

ANNEX

AREAS OF CONTROL PROVIDED FOR IN ARTICLE 3 (1)

- Harvest, production and stock declarations.
 - The holding and marketing of wine-sector products which are not put up, including the establishment and use of the documents accompanying their transport, and the keeping of registers.
 - The destination and use of concentrated grape musts, whether or not rectified, qualifying for aid.
 - Grubbing, replanting and new planting.
 - The natural alcoholic strength by volume of grapes used for wine-making.
 - Verification of the raw materials used for wine-making.
 - Oenological practices, including the holding and marketing of products used for the processing of wine-sector products.
 - The use of wine obtained from grapes of vine varieties classified as other than wine grape varieties.
 - The enrichment of grapes, musts and wine and the holding and marketing of sucrose, concentrated grape must and rectified concentrated grape must.
 - The preparation of concentrated grape must and rectified concentrated grape must including the production of the basic material employed.
 - The holding, marketing, distillation and destruction of the by-products of wine-making.
 - The distillation and storage of products on which aid is paid.
 - The verification of the composition of wine products.
 - The updating of the vineyard register.
 - Description and presentation of wine-sector products.
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