

REGULATION (EEC) No 1022/70 OF THE COMMISSION**of 29 May 1970****introducing accompanying certificates for certain wines for a transitional period**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 816/70¹ of 28 April 1970 laying down additional provisions for the common organization of the market in wine, and in particular Articles 35 and 37 thereof;

Having regard to Council Regulation (EEC) No 817/70² of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions, and in particular Article 17 thereof;

Whereas Article 29(1) of Regulation (EEC) No 816/70 provides that a number of products in the wine sector may be put into circulation within the Community only with an officially checked accompanying document; whereas, to apply such provisions, a certain period of time is needed to set up the machinery for issuing and controlling those documents; whereas, until then, provision must be made to exclude from intra-Community trade wines originating in the Community which are not recognized to be of sound and fair marketable quality by the producer Member State and do not meet the requirements laid down in Article 27(2) of Regulation (EEC) No 816/70; whereas to that end it is necessary, for a transitional period, to provide for a movement certificate valid solely for trade between the Member States;

Whereas, however, such a measure is needed only to facilitate the application of Article 27(2) of Regulation (EEC) No 816/70; whereas liqueur wines, sparkling wines and semi-sparkling wines can therefore be excluded; whereas, until the list of quality wines p.s.r. referred to in Article 5(3) of Regulation (EEC) No 817/70 is drawn up, reference may be made to the definitions given in Article 3 of the Council Decision³ concerning the fixing of import quotas which the Federal Republic of Germany, the French Republic and the Italian Republic must open for wine; whereas most of those definitions require a certificate to be produced; whereas the produc-

tion of an accompanying certificate for quality wines p.s.r. can therefore be dispensed with;

Whereas it is also necessary, from now on, to adhere to the principle of prohibiting the coupage of an imported wine with a wine produced within the Community or coupage between imported wines; whereas the best way of achieving this is to make it compulsory to produce a document accompanying the imported wine when it is re-exported to another Member State specifying, on the one hand, that the provisions of Article 28(1)(a) of Regulation (EEC) No 816/70 have been observed and, on the other, that the wine in question has not been subjected to coupage; whereas, however, account should be taken of the exceptions provided for in Commission Regulation (EEC) No 1021/70⁴ of 29 May 1970 authorizing coupage between imported wines;

Whereas, for that purpose, Member States should take all necessary measures to ensure that the statements appearing in the certificates are correct;

Whereas, furthermore, wines which do not meet the requirements of Article 27(2) and Article 28(1)(a) of Regulation (EEC) No 816/70 may not be offered for direct human consumption; whereas it is necessary to provide appropriate measures which ensure that they are put to the uses which are open to them;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

1. With the exception of:

- (a) liqueur wines
- (b) sparkling wines and
- (c) semi-sparkling wines

no wine intended for direct human consumption may be traded between Member States except with an accompanying certificate.

¹ OJ No L 99, 5.5.1970, p.1.

² OJ No L 99, 5.5.1970, p. 20.

³ OJ No 30, 20.4.1962, p. 1002/62.

⁴ OJ No L 118, 1.6.1970, p.19.

2. By way of derogation from paragraph 1, quality wines p.s.r. may be traded between Member States only if the wine in question fulfils the conditions laid down in Article 3 of the Council Decision concerning the fixing of import quotas which the Federal Republic of Germany, the French Republic and the Italian Republic must open for wine.

For the purpose of this Regulation any wine which meets those conditions shall be considered as quality wine p.s.r.

3. Paragraph 1 shall not apply to quantities of less than 50 litres.

Article 2

1. The colour of the accompanying certificate for wine originating in the Community shall be white.

The colour of the accompanying certificate for wine originating outside the Community shall be red.

2. Each certificate shall bear a serial number.

Article 3

1. The accompanying certificates shall be drawn up in triplicate on the form set out:

- (a) in Annex I as regards wines originating in the Community;
- (b) in Annex II as regards wines originating outside the Community.

2. The original certificate and copies thereof shall be completed at one and the same time, using carbon paper, and shall be either typewritten or written by hand. In the latter case, they shall be completed in capital letters.

3. One copy of the certificate shall be retained by the competent authority that issued it. Another copy shall be forwarded by the issuing authority to the competent authority of the Member State into whose territory the wine is imported. The third copy shall accompany the wine up to the stage specified by the provisions of the latter Member State.

Article 4

1. The accompanying certificate shall be issued by a competent authority appointed by each Member State. Subject to compliance with the following Articles, it shall be issued to any applicant.

2. To be valid, the certificate must be completed in full.

Article 5

1. The white accompanying certificate shall be issued by the competent authority of the Member State in whose territory the wine was produced (hereinafter called the 'producer Member State').

2. The authority shall issue the certificate only when it is satisfied, after an analytical and organoleptic exami-

nation carried out in a laboratory or an official institute or an institute acting under the supervision of the producer Member State, that the wine in question is of sound and fair marketable quality and, moreover, meets the requirements of Article 27(2)(a) or (b) of Regulation (EEC) No 816/70.

Article 6

1. Where a wine originating in the Community is dispatched from a Member State (hereinafter called the 'dispatching Member State') other than the producer Member State, the competent authority of the dispatching Member State shall issue a white accompanying certificate only when it is satisfied that the wine in question:

- (a) will be forwarded unaltered or
- (b) is the result of a coupage of wines originating in the Community.

2. In the case referred to in paragraph 1(a), the competent authority of the dispatching Member State need only authenticate the white certificate accompanying the wine when it enters the territory of the Member State concerned.

3. In the case referred to in paragraph 1(b) the competent authority of the dispatching Member State shall issue the certificate on the basis of the white certificate accompanying each of the wines used in the coupage when they entered the territory of the Member State concerned.

Article 7

1. The red accompanying certificate shall be issued by the competent authority of the Member State from whose territory the wine in question is dispatched to the territory of another Member State.

Such authority shall issue the accompanying certificate only when it is satisfied that the wine in question meets the requirements of Article 28(1) (a) of Regulation (EEC) No 816/70.

2. Except where a wine is forwarded to a Member State in which the coupage of wines originating outside the Community is authorized in accordance with Regulation (EEC) No 1021/70, Member States shall take all necessary measures to ensure that the wine dispatched:

- (a) is identical to the product imported under the description in question and
- (b) has not been subjected to a coupage on their territory.

Article 8

With regard to intra-Community trade in wines:

- (a) declaration T 2 referred to in Article 39 of Council Regulation (EEC) No 542/69¹ of 18 March 1969

¹ OJ No L 77, 29.3.1969, p. 1.

on Community transit, or, as the case may be, document T 2 L referred to in Article 1 of Commission Regulation (EEC) No 2313/69¹ of 19 November 1969 on the internal Community transit document issued for the purpose of substantiating the Community nature of goods, shall include in Section 31, in an official language of the dispatching Member State one of the following statements:

- 'admis à la consommation humaine directe'
'zum unmittelbaren menschlichen Verbrauch zugelassen'
'ammesso al consumo diretto delle persone'
'toegelaten voor rechtstreekse menselijke consumptie'
(for direct human consumption); or
- 'non admis à la consommation humaine directe'
'zum unmittelbaren menschlichen Verbrauch nicht zugelassen'
'non ammesso al consumo diretto delle persone'
'niet toegelaten voor rechtstreekse menselijke consumptie'
(not for direct human consumption).

(b) Where Article 41(2) of Regulation (EEC) No 542/69 is applied, the copy of the national export document shall include one of the statements shown under (a).

Article 9

1. Member States shall subject wines originating outside the Community and not approved for direct human consumption to a customs control, or equivalent administrative control, to ensure that they are used as stated.

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

Done at Brussels, 29 May 1970.

2. Member States shall subject wines originating in the Community and not approved for direct human consumption to the control referred to in paragraph 1 when they are traded between Member States.

Article 10

1. Each Member State shall inform the Commission of the name and address of the competent authority issuing the accompanying certificates.

The Commission shall inform the other Member States thereof.

2. Each Member State shall inform the Commission of the measures taken under Article 7(2) of this Regulation.

Article 11

1. Until detailed rules for application of Article 29 of Regulation (EEC) No 816/70 take effect, obligations arising from that Article shall be suspended.

2. Subject to the provisions of this Regulation, national rules shall apply to the control of the movement of wines within the territory of a Member State.

Article 12

1. This Regulation shall enter into force on 1 June 1970.

2. The provisions of this Regulation shall be applicable until such time as detailed rules for applying Article 29 of Regulation (EEC) No 816/70 take effect and not later than 31 December 1970.

For the Commission

The President

Jean REY

¹ OJ No L 295, 24.11.1969, p. 8.

ANNEX I

EUROPEAN COMMUNITIES
COMMON ORGANIZATION OF THE MARKET IN WINE

ACCOMPANYING CERTIFICATE

No.

WINES ORIGINATING IN THE COMMUNITY

Issuing Authority
(full address)

Consignor: Surname Forename

Address

Consignee: Surname Forename

Address

Description of the goods:

Colour:

Alcoholic strength: actual Total
(to 1/10 of a degree)

Total acidity

Description of consignment:

Nature of containers: Number

Total volume

It is hereby certified that the abovementioned product is of sound and fair marketable quality and has been produced in accordance with¹ the requirements of Article 27 (2) of Regulation (EEC) No 816/70. from wines meeting

Stamp of issuing authority

Date Signature

¹ Delete as necessary.

ANNEX II

EUROPEAN COMMUNITIES
COMMON ORGANIZATION OF THE MARKET IN WINE

ACCOMPANYING CERTIFICATE

No

WINES ORIGINATING OUTSIDE THE COMMUNITY

Issuing authority:
(full address)

Third country ^{in which the wine was produced¹}
from which the wine was imported

Consignor: Surname Forename

Address

Consignee: Surname Forename

Address

Description of the goods:

Colour:

Alcoholic strength: actual Total
(to 1/10 of a degree)

Total acidity

Description of the consignment:

Nature of containers Number

Total volume

It is hereby certified that the above mentioned product meets the requirements of Article 28 (1) (a) of Regulation (EEC) No 816/70 and ^{has been¹} the subject of a coupage within the Community.
_{has not been}

Stamp of issuing authority:

Date Signature

¹ Delete as necessary.