

No L 281/6

Official Journal of the European Communities

27.12.70

REGULATION (EEC) No 2612/70 OF THE COUNCIL
of 15 December 1970

amending Regulation (EEC) No 816/70 making additional provisions for the common organisation of the market in wine

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;

Having regard to the Opinion of the European Parliament;

Whereas Council Regulation (EEC) No 816/70¹ laying down additional provisions for the common organisation of the market in wine, as amended by Regulation (EEC) No 1253/70,² lays down in Annex II the definitions of wine lees and grape marc; whereas these definitions have given rise to customs difficulties, particularly in respect of the tariff classification of the products in question;

Whereas, moreover, it has proved necessary to be more specific over the rates of customs duties applicable to certain products;

Whereas Regulation (EEC) No 816/70 should consequently be amended along those lines;

HAS ADOPTED THIS REGULATION:

Article 1

The following text shall be substituted for the text of Article 12 (1) of Regulation (EEC) No 816/70:

'The Common Customs Tariff shall be amended in accordance with Annex IV.

The general rules for the interpretation of the Common Customs Tariff and the special rules for

its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from application of this Regulation shall be incorporated in the Common Customs Tariff.'

Article 2

The following definition shall be substituted for the definitions appearing under items 17 and 19 of Annex II to Regulation (EEC) No 816/70:

'17. Wine lees: the muddy residue accumulating in wine vessels after fermentation or during the storage of wine, dried or not; a distinction is drawn between:

- lees having a total alcohol content of not more than 10 l of pure alcohol per 100 kg and having a dry matter content not less than 25% by weight; and
- other lees.

19. Grape marc: the residue from the pressing of fresh grapes, whether or not fermented; a distinction is drawn between:

- grape marcs having a total alcohol content of not more than 5.50 l of pure alcohol per 100 kg and a dry matter content of not less than 40% by weight;
- other grape marcs.'

Article 3

A new Annex IV, as set out in the Annex to this Regulation, shall be added to Regulation (EEC) No 816/70.

Article 4

This Regulation shall enter into force on 1 January 1971.

¹ OJ No L 99, 5.5.1970, p. 1.

² OJ No L 143, 1.6.1970, p. 1.

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

Done at Brussels, 15 December 1970.

For the Council

The President

J. ERTL

ANNEX

ANNEX IV

Amendment of the Common Customs Tariff

CHAPTER 22

BEVERAGES, SPIRITS AND VINEGAR

Notes

(unchanged)

Additional Notes

1. For the purposes of headings Nos 22.04, 22.05 and 22.06 and sub-heading No 22.07 A:

- (a) 'actual alcoholic strength' means the number of volumes of alcohol contained in 100 volumes of the product;
- (b) 'potential alcoholic strength' means the number of volumes of alcohol capable of being produced by total fermentation of the sugars contained in 100 volumes of the product;
- (c) 'total alcoholic strength' means the sum of the actual and potential alcoholic strengths;
- (d) 'degree of alcohol by volume' means the actual alcoholic strength.

Determination of the alcoholic strength must be carried out at 20°C.

2. For the purposes of heading No 22.04, 'grape must in fermentation' means grape must having an actual alcoholic strength less than three-fifths of the total alcoholic strength.

3. For the purposes of heading No 22.05:

A. 'Sparkling wine' (sub-heading No 22.05 A) means products having an actual alcoholic strength not less than 8.5°, obtained:

- either by first or second alcoholic fermentation of fresh grapes, grape must or wine, and characterised at the uncorking of the container by a release of carbon dioxide resulting exclusively from the fermentation,
- or from wine and characterised at the uncorking of the container by a release of carbon dioxide resulting wholly or partly from the addition of this gas,

and showing, when kept at a temperature of 20°C in closed containers, an overpressure of not less than 3 atmospheres.

B. 'Total dry extract' means the content in grammes per litre of all the substances in a product which, under given physical conditions, do not volatilize.

Determination of the total dry extract must be determined with the densimeter at 20°C.

C. (a) The presence in products falling within sub-heading 22.05 C of the quantities of total dry extract per litre indicated in I, II, III and IV below does not affect their classification:

I. Products of an alcoholic strength of not more than 13°: 90 g or less of total dry extract per litre;

II. Products of an alcoholic strength of more than 13° but not more than 15°: 130 g or less of total dry extract per litre;

III. Products of an alcoholic strength of more than 15° but not more than 18°: 130 g or less of total dry extract per litre;

IV. Products of an alcoholic strength of more than 18° but not more than 22°: 330 g or less of total dry extract per litre.

Products with a total dry extract exceeding the maximum quantity shown above in each category are to be classified in the next following category, except that if the total dry extract exceeds 330 g per litre the products are to be classified in sub-heading No 22.05 C V.

(b) The above rules do not apply to products with a registered designation of origin falling within sub-headings 22.05 C III (a) and 22.05 IV (a)

4. Sub-heading No 22.05 C covers in particular:

(a) Wine fortified for distillation, that is to say a product:

- having an actual alcoholic strength of not less than 18° and not more than 24°,
- obtained exclusively by the addition to wine containing no residual sugar of an unrectified product, derived from the distillation of wine and having a maximum actual alcoholic strength of 86°, and
- having a maximum volatile acidity of 2.40 g/l, expressed as acetic acid;

(b) Liqueur wine ('vin de liqueur'), that is to say a product:

- having a total alcoholic strength of not less than 17.5° and an actual alcoholic strength of not less than 15° and not more than 22°, and
- obtained from grape must, new wine still in fermentation or wine:
 - by freezing, or
 - by the addition, during or after fermentation, of a product derived from the distillation of wine.

5. For the purposes of sub-headings Nos 22.05 C III (a) and 22.05 C IV (a), the expression 'registered designation of origin' applies only to the following wines: port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel.

Entry under these sub-headings is also subject to the production of a certificate of origin recognised by the competent authorities.

6. For the purposes of sub-heading No 22.07 A, 'piquette' means the product obtained by the fermentation on untreated grape marc macerated in water or by the extraction of fermented grape marc with water.

7. For the purposes of sub-heading No 22.10 A, 'wine vinegar' means vinegar obtained exclusively by acetous fermentation of wine and having a total acidity of not less than 60 g/l, expressed as acetic acid.

CCT heading No	Description of goods	Duty rates	
		autonomous % or levies (P)	conventional %
1	2	3	4
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:		
	A. Sparking wine hl	40 ua	—
	B. Wine in bottles with 'mushroom' corks held in place by ties or fastenings, and wine in other containers having an excess pressure of not less than 1 atmosphere but less than 3 atmospheres, measured at a temperature of 20 °C hl	40 ua	—
	C. Other:		
	I. Of an actual alcoholic strength not exceeding 13° and in containers holding:		
	(a) 2 litres or less hl	12 ua	—
	(b) More than 2 litres hl	9 ua	9 ua
	II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding:		
	(a) 2 litres or less hl	14 ua	—
	(b) more than 2 litres hl	11 ua	11 ua
	III. Of an actual alcoholic strength exceeding 15° but not exceeding 18°:		
	(a) With a registered designation of origin, in containers holding:		
	1. 2 litres or less hl	15 ua	13.8 ua
	2. More than 2 litres:		
	(aa) port, Madeira, sherry and Setubal muscatel hl	12 ua	11.2 ua
	(bb) Other hl	12 ua	—
	(b) Other, in containers holding:		
	1. 2 litres or less hl	17 ua	—
	2. More than 2 litres hl	14 ua	—
	IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°:		
	(a) With a registered designation of origin, in containers holding:		
	1. 2 litres or less hl	16 ua	14.8 ua
	2. More than 2 litres:		
	(aa) port, Madeira, sherry and Setubal muscatel hl	13 ua	12.2 ua
	(bb) Other hl	13 ua	—
	(b) Other hl	19 ua	19 ua

CCT heading No	Description of goods	Duty rates	
		autonomous % or levies (P)	conventional %
1	2	3	4
22.05 (cont'd)	V. Of an actual alcoholic strength exceeding 22°, in containers holding:		
	(a) 2 litres or less	hl 1.60 ua ¹	—
		hl + 10 ua	—
	(b) More than 2 litres	hl 1.60 ua	—
22.07	Other fermented beverages (for example, cider, perry and mead):		
	A. Piquette:	hl 1.60 ua ¹ with min charge of 9 ua	—
	B. Other:		
	I. Sparkling	hl 30 ua	—
	II. Still, in containers holding:		
	(a) 2 litres or less	hl 12 ua	—
	(b) More than 2 litres	hl 9 ua	—
22.10	Vinegar and substitutes for vinegar:		
	A. Wine vinegar, in containers holding:		
	I. 2 litres or less	hl 8 ua	—
	II. More than 2 litres	hl 6 ua	—
	B. Other, in containers holding:		
	I. 2 litres or less	hl 8 ua	—
	II. More than 2 litres	hl 6 ua	—
23.05	Wine lees; argol:		
	A. Wine lees:		
	I. Having a total alcohol content not exceeding 10 l of pure alcohol per 100 kg, and a dry matter content not less than 25% by weight	free	—
	II. Other	1.60 ua per l of total alcohol	—
	B. Argol	free	—

¹ Per degree of alcohol.

CCT heading No	Description of goods	Duty rates	
		autonomous % or levies (P)	conventional %
1	2	3	4
23.06	<p>Vegetable products of a kind used for animal food, not elsewhere specified or included:</p> <p>A. Acorns, horse chestnuts and pomace or marc of fruit:</p> <p>I. Grape marc:</p> <p>(a) Having a total alcohol content not exceeding 5.50 l of pure alcohol per 100 kg and a dry matter content not less than 40% by weight</p> <p>(b) Other</p> <p>II. Other</p> <p>B. Other</p>	<p>free</p> <p>1.60 ua per l of total alcohol</p> <p>free</p> <p>4</p>	<p>free</p> <p>free</p> <p>2.4</p>