

**COUNCIL REGULATION (EEC) No 2633/85**  
**of 16 September 1985**  
**amending Regulation (EEC) No 354/79 laying down general rules for the import**  
**of wines, grape juice and grape must**

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No 337/79  
of 5 February 1979 on the common organization of  
the market in wine <sup>(1)</sup>, as last amended by Regulation  
(EEC) No 798/85 <sup>(2)</sup>, and in particular Article 50 (2)  
thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 354/79 <sup>(3)</sup>, as last  
amended by the 1979 Act of Accession, laid down the  
general rules for the import of wines, grape juice and  
grape must ;

Whereas some third countries, having established vis-  
à-vis their wine producers an effective inspection  
system implemented by the bodies or services of those  
third countries, referred to in Article 50 (1) (a) of Regu-  
lation (EEC) No 337/79, have expressed an interest in  
the possibility of authorizing the producers themselves  
to issue certificates and analysis reports provided for in  
that Article ; whereas, with a view to facilitating trade  
with those third countries, in so far as they have  
concluded undertakings with the Community which  
include clauses, concerning closer cooperation on the  
prevention of fraud and maintain good trade relations  
with the Community, it is appropriate to authorize  
those concerned, in a manner similar to that already  
allowed for wines of Community origin, to consider  
documents issued by the producers themselves as  
documents issued by the said bodies or services of the  
third countries, provided that they provide appropriate  
assurances and exert proper control over the issue of  
such documents ;

Whereas, in order to test the effectiveness of the new  
system, it should be stipulated from the outset, that  
these rules will apply only for a three-year trial period ;

Whereas, in view of the need to ensure swift and effec-  
tive protection of consumers, it is essential to provide  
for the possibility of temporarily suspending the new  
arrangements before the end of the test period in the  
event of a health risk to the consumer or in the event  
of fraud ;

Whereas Article 1 of Regulation (EEC) No 354/79 sets  
out the conditions which the analysis reports must  
meet ; whereas with a view to facilitating trade with  
third countries which can provide sufficient assurances  
with regard to the production of wine, it is appropriate  
to stipulate that only certain particulars need be  
provided with regard to wine originating in those third  
countries ;

Whereas the present wording of Article 2 (1) of Regu-  
lation (EEC) No 354/79 has given rise to difficulties of  
interpretation with regard to the total quantity  
exempted from the requirement to present the docu-  
ments in question ; whereas it should therefore be  
adapted for reasons of clarity ;

Whereas the arrangements laid down by Regulation  
(EEC) No 354/79 should therefore be amended,

HAS ADOPTED THIS REGULATION :

*Article 1*

Regulation (EEC) No 354/79 is hereby amended as  
follows :

1. Article 1 is replaced by the following :

*Article 1*

1. The certificate and the analysis report referred  
to in Article 50 (1) (a), first and second indents  
respectively, of Regulation (EEC) No 337/79 shall  
form a single document :

- (a) the "certificate" part of which shall be made out  
by a body of the third country in which the  
products originated, those countries to be indi-  
cated on a list to be adopted ;
- (b) the "analysis report" part of which shall be  
made out by an official laboratory recognized by  
the third country in which the products origi-  
nated, that laboratory also to appear on the list  
referred to under (a).

2. According to the procedure laid down in  
Article 67 of Regulation (EEC) No 337/79, and on  
condition that the assurances provided by the third  
country concerned have been accepted by the  
Community, documents drawn up by the producers  
may be considered as certificates or analysis reports  
made out by the bodies and laboratories appearing  
on the list referred to in paragraph 1, provided  
that :

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.

<sup>(2)</sup> OJ No L 89, 29. 3. 1985, p. 1.

<sup>(3)</sup> OJ No L 54, 5. 3. 1979, p. 97.

- (a) those producers have individually been so authorized by the said bodies,
- (b) those bodies :
  - supervise the authorized producers,
  - have forwarded to the Commission the names and addresses of the producers referred to in (a) together with their official registration numbers,
  - notify the Commission when a producer's authorization is withdrawn.'

2. The following Articles are inserted after Article 1 :

*Article 1a*

The analysis report shall include the following information :

- (a) in the case of wines and grape must in fermentation :
  - the total alcoholic strength by volume,
  - the actual alcoholic strength by volume ;
- (b) in the case of grape must and grape juice :
  - the density ;
- (c) in the case of wines, grape must and grape juice :
  - the total dry extract,
  - the total acidity,
  - the volatile acid content,
  - the citric acid content,
  - the total sulphur dioxide content,
  - the presence of varieties obtained from interspecific crossings (direct producer hybrids) or other varieties not belonging to the *Vitis vinifera* species.

By way of derogation from the provisions of the first paragraph, and in accordance with the procedure laid down in Article 67 of Regulation (EEC)

No 337/79, documents the "analysis report" part of which contains only the following information :

- the actual alcoholic strength by volume,
- the total acidity,
- the total sulphur dioxide content,

may be accepted for wines originating in a third country which has provided specific assurances, the wines being put up in labelled containers, of a content not exceeding 60 litres and having a non-recoverable closure.

*Article 1b*

1. In accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79 Article 1 (2) and the second paragraph of Article 1a may be :

- amended to take account of any simplification of the corresponding provisions applicable in the Community,
- suspended if it is found that the products to which these measures apply have been the subject of falsification likely to result in a health risk to the consumer or of oenological practices not authorized in the Community.

2. The provisions referred to in Article 1 (2) and the second paragraph of Article 1a shall apply for three years from 1 January 1986.'

3. Article 2 (1) is replaced by the following :

'1. No certificate or analysis report shall be required for products originating in or coming from third countries in containers of two litres or less, where the total quantity transported, even if it is composed of two or more individual consignments, does not exceed 60 litres.'

*Article 2*

This Regulation shall enter into force on 1 January 1986.

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

Done at Luxembourg, 16 September 1985.

*For the Council*

*The President*

M. FISCHBACH