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REGULATION (EEC) No 2680/72 OF THE COUNCIL
of 12 December 1972

amending Regulation (EEC) No 816/70 laying down additional provisions for the common organisation of the market in wine and Regulation (EEC) No 817/70 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;

Having regard to the Opinion of the European Parliament;

Whereas, in the light of experience in implementing Council Regulation (EEC) No 816/70¹ of 28 April 1970 laying down additional provisions for the common organisation of the market in wine, as last amended by Regulation (EEC) No 1651/72,² certain provisions thereof should be amended;

Whereas these amendments are, by their nature, mainly points of clarification or technical adaptations designed to make it easier to understand and apply Regulation (EEC) No 816/70 or to permit of a more flexible application to allow for all possible cases;

Whereas on these same grounds Council Regulation (EEC) No 817/70³ of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions as amended by Regulation (EEC) No 1627/71⁴ should also be amended;

Whereas tariff problems have arisen as regards diluted alcohol of agricultural origin; whereas having regard to the limited importance of this product as such it should be excluded from the list of products referred to in Article 1 (2) of Regulation (EEC) No 816/70; whereas it is however necessary to ensure that products obtained in a manner contrary to the existing rules governing oenological practices should not be offered or disposed of for direct human consumption;

Whereas the organisation of the market in wine should be extended to grape juice to which a significant amount of vine production is devoted and which hitherto was only subject to rules concerning oenological practices and conditions for release to the market; whereas such an extension should be restricted to those juices which by virtue of their composition, are closely connected with the wine sector;

Whereas in order to obtain the most accurate assessment possible of the production potential of wine-growing areas within the Community, both grubbing-up of vines and the abandon of their cultivation should be made subject to notification in the same way as planting and re-planting;

Whereas in order to facilitate inspections, especially those relating to increases in alcoholic strength, the quantities of sugar or must concentrate held by each producer should be known;

Whereas it is necessary to ensure compliance with Regulation (EEC) No 816/70; whereas inspections harmonised at Community level are necessary to this effect;

¹ OJ No L 99, 5.5.1970, p. 1.

² OJ No L 174, 1.8.1972, p. 52.

³ OJ No L 99, 5.5.1970, p. 20.

⁴ OJ No L 170, 29.7.1971, p. 3.

HAS ADOPTED THIS REGULATION:

Article 1

1. The following table is substituted for the table in Article 1 (2) of Regulation (EEC) No 816/70:

CCT heading No	Description of goods
(a) 20.07 A I (a) 2, A I (b) 2, B I (a) 1 (bb) and B I (b) 1 (bb)	Grape juice (including grape must) not containing added sugar or with an added sugar content not exceeding 30% by weight, but unfermented and not containing spirit
(b) 22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol
(c) 08.04 A II	Fresh grapes other than table grapes
22.10 A	Wine vinegar
(d) 22.07 A	Piquette
23.05 A	Wine lees
23.05 B	Argol
23.06 A I	Grape marc

2. Article 1 (3) of Regulation (EEC) No 816/70 is replaced by the following:

'As regards the provisions of Title IV, only those provisions specified in Articles 27 to 30 shall apply to grape juice and concentrated grape juice. The same shall apply to grape must and concentrated grape must, provided they are intended for the preparation of grape juice.'

Article 2

The date of '31 January' in Article 5 (6) (a) of Regulation (EEC) No 816/70 is replaced by that of '15 February'.

Article 3

Article 17 of Regulation (EEC) No 816/70 is amended as follows:

1. Paragraph 1 is replaced by the following:

'Any natural or legal person intending to plant or replant, grub up or abandon the cultivation of vines during the following wine-growing year shall notify the competent authorities of the Member States concerned before 1 September of each year.'

2. Paragraph 3 (b) is replaced by the following:

'(b) the areas which will be grubbed up or abandoned during the following wine-growing year,
(c) the development of the production potential which these details indicate.'

Article 4

The last subparagraph of Article 18 (1) of Regulation (EEC) No 816/70 is deleted.

Article 5

Article 20 of Regulation (EEC) No 816/70 is amended as follows:

1. To the second subparagraph of paragraph 1:

after '1.50 g/l expressed in tartaric acid', add: 'or 20 milliequivalents per litre'.

2. To paragraph 2:

after '1.50 g/l' add: 'or 20 milliequivalents per litre'

after 'be raised to 2.50 g/l' add: 'or to 34 milliequivalents per litre'

after '3 g/l expressed in tartaric acid' add: 'or 40 milliequivalents per litre'.

Article 6

Article 22 of Regulation (EEC) No 816/70 is amended as follows:

1. The second subparagraph of paragraph 1, is replaced by the following two subparagraphs:

'Each of the processes referred to in the first subparagraph must be notified to the competent authorities.

The same shall apply in respect of the quantities of sucrose or concentrated grape must held in the exercise of their profession by natural or legal persons, in particular producers, bottlers, processors and merchants to be determined, at the same time and in the same place as fresh grapes, grape must, partially fermented grape must or wine in bulk. The notification of these quantities may however be replaced by entry in a goods inwards and stock utilisation register.'

2. Paragraph 3 is replaced by the following:

'Detailed rules for the application of this Article and the derogations from the closing dates laid down in paragraph 2 shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24. Exceptions to the requirements laid down in the third subparagraph of paragraph 1 may be adopted in accordance with the same procedure.'

Article 7

Regulation (EEC) No 816/70 is supplemented by the following Article:

Article 22a

The provisions laid down in Articles 18 to 22 applicable to products harvested in Community regions not included within the wine-growing zones specified in Annex III shall be determined in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 8

The words 'the control of coupage and' in Article 26 (6) of Regulation (EEC) No 816/70 are deleted.

Article 9

Article 27 of Regulation (EEC) No 816/70 is amended as follows:

1. To paragraph 2 (b) second indent, add: 'or 60 milliequivalents per litre'.

2. Paragraph 3 (a) is replaced by the following:

- (a) Except in the case of bottled wine in respect of which there is proof that bottling was effected prior to the above date, wine other than quality wine p.s.r., derived from the vine varieties referred to in Article 16 but not corresponding to the definitions contained under items 9 to 15 of Annex II may be used only for consumption in the families of individual wine growers, for the production of wine vinegar or for distillation.

However, in years when the climatic conditions have been unfavourable, it may be decided that products from wine-growing zones A and B which do not possess the minimum natural alcoholic strength laid down for the wine-growing zone in question may be used in the Community for the production of sparkling wine and aerated sparkling wine provided that these wines have an actual alcoholic strength of not less than 8.5° or for the production of aerated semi-sparkling wine provided that such wine has a total alcoholic strength of not less than 9°.'

3. Paragraph 4 is replaced by the following:

'Grape juice and concentrated grape juice originating in the Community may not be turned into wine nor be added to wine. These products shall be subject to control with respect to their use.

With the exception of alcohol, potable spirits and piquette, neither wine nor any other beverage intended for direct human consumption shall be made from wine lees or grape marc originating in the Community.

Piquette, in so far as its production is authorised by the Member State concerned, may be used only for distillation or for consumption in the families of individual wine growers.

Wine fortified for distillation may only be used for distillation.'

4. Paragraph 5 is replaced by the following:

'The derogations provided for in the first and second subparagraphs of paragraph 3 (a), together with detailed rules for the application of this Article shall be adopted according to the procedure laid down in Article 7 of Regulation No 24.'

Article 10

Article 28 of Regulation (EEC) No 816/70 is amended as follows:

1. To paragraph 1 (a) add: 'or 60 milliequivalents per litre'.
2. Paragraph 2 is replaced by the following: 'Imported fresh grapes, imported grape must, imported concentrated grape must, imported grape must in fermentation, imported grape juice and imported concentrate grape juice may not be turned into wine nor added to wine.'

Neither wine nor any other beverage intended for direct human consumption shall be made from imported wine lees, grape marc, piquette or wine fortified for distillation; however, potable spirits may be made from imported wine fortified for distillation.'

3. Paragraph 5 is replaced by the following: 'Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 11

Regulation (EEC) No 816/70 is supplemented by the following Article:

'Article 28a

1. Products falling within heading No 22.05 of the Common Customs Tariff, whether imported or not, which have been used in oenological practices not allowed by Community rules or, where such rules do not exist, by national rules or by rules which do not conform either to the provisions of this Regulation or to those adopted in implementation thereof, may not be offered or disposed of for direct human consumption.

The same shall apply to:

- products referred to in Article 1 (2) (a), (b) and (c) which are not wholesome, genuine or saleable;
- products referred to in Article 1 (2) which do not comply with the definitions appearing in Annex II to this Regulation or those adopted in implementation thereof.

2. Detailed rules for the application of this Article, especially the conditions governing holding and circulation, the use of products referred to in paragraph 1 and the establishment of criteria for the purpose of avoiding excessive rigour in individual cases, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 12

Regulation (EEC) No 816/70 is supplemented by the following Article:

'Article 39a

1. Member States shall take all appropriate measures to ensure compliance with this Regulation. They shall designate one or more bodies which shall be instructed to verify compliance with this Regulation.

They shall inform the other Member States and the Commission of the name of such body or bodies.

2. The Council acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt measures designed to ensure uniform application of this Regulation especially as regards verification.

3. Detailed rules for the application of the second subparagraph of paragraph 1, and of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 13

1. In Annex II to Regulation (EEC) No 816/70, the definitions given under items 3 and 5 are replaced by the following definitions:

3. Grape must in fermentation: grape must having an actual alcoholic strength of less than three-fifths of its total alcoholic strength; however, certain quality wines p.s.r. having an actual alcoholic strength of less than three-fifths of their total alcoholic strength but not less than 5.5° shall not be considered as grape must in fermentation.

5. Grape juice: unfermented but fermentable grape must which has undergone the appropriate treatment rendering it fit for consumption as it is and which has an actual alcoholic strength of not more than 1°.
2. Item 22 of Annex II to Regulation (EEC) No 816/70 is deleted.

Article 14

In Annex III to Regulation (EEC) No 816/70, the list given under item 1 is supplemented as follows:

- the Belgian wine-growing area
- the Netherlands wine-growing area.

Article 15

1. Annex IV to Regulation (EEC) No 816/70 is replaced by the Annex to this Regulation.

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

Done at Brussels, 12 December 1972.

2. The Common Customs Tariff is amended as follows:

- (a) Under subheading 22.09 A I, footnote reference (a) in the third column is deleted;
- (b) Under subheading 22.09 A II, footnote reference (a) in the third column and the related footnote (a) are deleted.

Article 16

In Article 12 (3) of Regulation (EEC) No 817/70 the words 'Article 30 (2)' are replaced by the words 'Article 30 (2) and (3)'.

Article 17

This Regulation shall enter into force on 1 January 1973.

However, Article 8 of Regulation (EEC) No 816/70 shall only apply to the products referred to in Article 1 (2) (a) of the said Regulation as from 1 March 1973.

For the Council

The President

P. LARDINOIS

ANNEX IV

Amendment to the Common Customs Tariff

CCT heading No	Description	Rate of duty	
		autonomous % or levy (L)	conventional %
1	2	3	4
20.07	<p>Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit:</p> <p>A. Of a specific gravity exceeding 1.33 at 15 °C:</p> <p>I. Grape juice (including grape must):</p> <p>(a) Of a value exceeding 22 u.a. per 100 kg net weight:</p> <p>1. With an added sugar content exceeding 30% by weight 50</p> <p>2. Other 50 (b)</p> <p>(b) Of a value not exceeding 22 u.a. per 100 kg net weight:</p> <p>1. With an added sugar content exceeding 30% by weight 50 + (L)</p> <p>2. Other 50 (b)</p> <p>II and III (unchanged)</p> <p>B. Of a specific gravity of 1.33 or less at 15 °C:</p> <p>I. Grape, apple and pear juice (including grape must); mixtures of apple and pear juice:</p> <p>(a) Of a value exceeding 18 u.a. per 100 kg net weight:</p> <p>1. Grape juice (including grape must):</p> <p>(aa) With an added sugar content exceeding 30% by weight .. 28</p> <p>(bb) Other 28 (b)</p> <p>2. Apple and pear juice:</p> <p>(aa) Containing added sugar 25</p> <p>(bb) Other 25</p> <p>3. Mixtures of apple and pear juice 25</p> <p>(b) Of a value of 18 u.a. or less per 100 kg net weight:</p> <p>1. Grape juice (including grape must):</p> <p>(aa) With an added sugar content exceeding 30% by weight .. 28 + (L)</p> <p>(bb) Other 28 (b)</p> <p>(rest unchanged)</p>		

(a) See Annex.

(b) In certain conditions, a countervailing tax is provided for in addition to the customs duty.

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 subheading 22.07

- (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' 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 of less than three-fifths of the total alcoholic strength.

3. For the purposes of heading No 22.05:

- A. 'Sparkling wine' (subheading 22.05 A) means a product having an actual alcoholic strength of not less than 8.5°, obtained:

- either by first or second alcoholic fermentation of fresh grapes, grape must or wine, and releasing, when the container is opened, carbon dioxide derived exclusively from the fermentation,
 - or from wine and releasing, when the container is opened, carbon dioxide derived wholly or partly from the addition of this gas,
- and having, when kept at a temperature of 20 °C in closed containers, an excess pressure of not less than 3 atmospheres.

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

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

- C. (a) The presence in the products falling within subheading 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 subheading 22.05 C V.

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

4. Subheading 22.05 C shall be taken to include:

- (a) Wine fortified for distillation, that is to say, a product:
 - having an actual alcoholic strength of not less than 18° but 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° but 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 subheadings 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 subheadings is also subject to the production of a certificate of origin recognised by the competent authorities.
6. For the purposes of subheading 22.07 A, the expression 'piquette' means the product obtained by the fermentation of untreated grape marc macerated in water or by the extraction of fermented grape marc with water.
7. For the purposes of subheading 22.10 A, the expression 'wine vinegar' means vinegar obtained exclusively by acetous fermentation of wine and having a total acidity not less than 60 g/l, expressed as acetic acid.

CCT heading No	Description	Rate of duty	
		autonomous % or levy (L)	conventional %
1	2	3	4
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol	40 (a)	—
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol:		
	A. Sparkling wine	40 u.a. per hl (a)	—
	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	40 u.a. per hl (a)	—
	C. Other:		
	I. Of an actual alcoholic strength not exceeding 13°, in containers holding:		
	(a) 2 litres or less	12 u.a. per hl (a)	—
	(b) More than 2 litres	9 u.a. per hl (a)	9 u.a. per hl
	II. Of an actual alcoholic strength exceeding 13° but not exceeding 15°, in containers holding:		
	(a) 2 litres or less	14 u.a. per hl (a)	—
	(b) More than 2 litres	11 u.a. per hl (a)	11 u.a. per hl
	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	15 u.a. per hl	13.5 u.a. per hl
	2. More than 2 litres:		
	(aa) Port, Madeira, sherry and Setubal muscatel	12 u.a. per hl	11 u.a. per hl
	(bb) Other	12 u.a. per hl	—
	(b) Other, in containers holding:		
	1. 2 litres or less	17 u.a. per hl (a)	—
	2. More than 2 litres	14 u.a. per hl (a)	—
	IV. Of an actual alcoholic strength exceeding 18° but not exceeding 22°:		
	(a) With a registered designation of origin, in containers holding:		

(a) In certain conditions, a countervailing tax is provided for in addition to the customs duty.

CCT heading No	Description	Rate of duty	
		autonomous % or levy (L)	conventional %
1	2	3	4
22.05 (cont'd)	C.		
	1. 2 litres or less	16 u.a. per hl	14.5 u.a. per hl
	2. More than 2 litres:		
	(aa) Port, Madeira, sherry and Setubal muscatel	13 u.a. per hl	12 u.a. per hl
	(bb) Other	13 u.a. per hl	—
	(b) Other	19 u.a. per hl (a)	19 u.a. per hl
	V. Of an actual alcoholic strength exceeding 22°, in containers holding:		
	(a) 2 litres or less	1.60 u.a. per hl and per degree + 10 u.a. per hl (a)	—
	(b) More than 2 litres	1.60 u.a. per hl and per degree (a)	—
	V. Of an actual alcoholic strength exceeding 22°, in containers holding:		
22.07	Other fermented beverages (for example, cider, perry and mead):		
	A. Piquette	1.60 u.a. per hl and per degree with a min. of 9 u.a. per hl (a)	—
	B. Other:		
	I. Sparkling	30 u.a. per hl	—
	II. Still, in containers holding:		
	(a) 2 litres or less	12 u.a. per hl	—
	(b) More than 2 litres	9 u.a. per hl	—
22.10	Vinegar and substitutes for vinegar:		
	A. Wine vinegar, in containers holding:		
	I. 2 litres or less	8 u.a. per hl (a)	—
	II. More than 2 litres	6 u.a. per hl (a)	—
	B. Other, in containers holding:		
	I. 2 litres or less	8 u.a. per hl	—
	II. More than 2 litres	6 u.a. per hl	—

(a) In certain concitions, a countervailing tax is provided for in addition to the customs duty.

CHAPTER 23

RESIDUES AND WASTE FROM THE FOOD INDUSTRIES:
PREPARED ANIMAL FODDER

Additional notes

1. For the purposes of subheadings 23.05 A and 23.06 A I, the following expressions shall have the meanings hereby assigned to them:
- 'total alcohol content': the sum of the actual and potential alcohol contents;
 - 'actual alcohol content': the number of litres of alcohol contained in 100 kg of the product;
 - 'potential alcohol content': the number of litres of alcohol capable of being produced by total fermentation of the sugars contained in 100 kg of the product.
2. (unchanged)

CCT heading No	Description	Rate of duty	
		autonomous % or levy (L)	conventional %
1	2	3	4
23.05	Wine lees; argol; A. Wine lees: I. Having a total alcohol content not exceeding 10 litres of pure alcohol per 100 kg, and a dry matter content not less than 25% by weight ... II. Other	Free (a) 1.60 u.a. per l of total alcohol (a) Free (a)	— — —
23.06	Products of vegetable origin of a kind used for animal food, not elsewhere specified or included: A. Acorns, horse chestnuts and pomace or marc of fruit: I. Grape marc: (a) Having a total alcohol content not exceeding 5.50 litres of pure alcohol per 100 kg and a dry matter content not less than 40% by weight (b) Other II. Other B. Not specified	Free (a) Free (a) 1.60 u.a. per l of total alcohol (a) Free 4	Free — Free 2

(a) In certain conditions, a countervailing tax is provided for in addition to the customs duty.