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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(73) 1999 final

Brussels, 30 November 1973

Proposal for a
REGULATION (EEC) OF THE COUNCIL
amending Regulation (EEC) No 816/70 as regards the
definition of liqueur wine and of certain grape musts

Proposal for a
REGULATION (EEC) OF THE COUNCIL
amending Regulation (EEC) No 948/70 defining certain
products falling within headings Nos 20.07, 22.04 and
22.05 of the Common Customs Tariff and originating in
third countries

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

Italy has drawn the attention of the Council and the Commission to the difficulties encountered in exporting "Marsala" quality liqueur wines to Germany. The German authorities prohibit the circulation of Marsala and other similar liqueur wines imported from third countries, if analysis shows that concentrated grape must obtained by the direct heat of a fire was added during preparation of such liqueur wines, as this method of concentrating the must causes partial caramelization of the sugar content. The ban imposed by the German authorities is in accordance with Community provisions, as the definition of "concentrated grape must" set out in item 4 of Annex II to Regulation (EEC) No 816/70¹ forbids the use of the direct heat of a fire during the preparation of that product.

For this reason Marsala cannot be circulated freely unless the definition of liqueur wine set out in item 11 of Annex II to Regulation (EEC) No 816/70² is amended in order to allow the addition of caramelized grape must to certain quality liqueur wines produced in specified regions. Consequently it is necessary to draw up a definition for "caramelized grape must". This solution is preferable to amending the definition of concentrated grape must.

A similar problem has arisen for certain liqueur wines produced in third countries for which caramelized grape must is also used. Regulation No 948/70³ should be amended in the same fashion, in order to bring its provisions into line. In other words the definition of "liqueur wine" should be amended and a definition of "caramelized grape must" should be added.

The absence of a definition of "grape must with fermentation arrested by the addition of alcohol", a product used particularly in the manufacture of wine-based beverages, has caused the former has been treated as a liqueur wine for trade purposes, with the result that certain difficulties have arisen. As grape must with fermentation arrested by the addition of alcohol and "liqueur wine" in the strict sense of the term differ considerably as regards their uses, inherent characteristics and prices, it is desirable to separate those

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¹OJ No L 99, 5.5.1970, p. 1.

²See Doc S/1075/73, 4.10.1973,

³OJ No L 114, 27.5 1970, p. 6.

two products by drawing up distinct definitions. The proposed amendment to the definition of "liqueur wine" provides an appropriate opportunity to solve this other problem by inserting a special definition of "grape must with fermentation arrested by the addition of alcohol" in Annex II to Regulation (EEC) No 816/70 and in Regulation (EEC) No 943/70.

It is also necessary to amend the provisions of Regulation (EEC) No 816/70, and in particular Articles 1, 25, 27 and 28, in order to make them applicable where appropriate to caramelized grape must or grape must with fermentation arrested by the addition of alcohol. The two attached proposals for a Regulation have no financial implications for the Budget of the Communities.

Proposal for a
REGULATION (EEC) OF THE COUNCIL

amending Regulation (EEC) No 816/70 as regards the
definition of liqueur wine and of certain grape musts

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 "liqueur wine" and "grape must with fermentation arrested by the addition of alcohol", which is a product normally used in the preparation of products processed from wine or musts, are covered at present by the same definition, namely that set out in Annex II to Council Regulation (EEC) No 816/70¹ of 23 April 1970 laying down additional provisions for the common organization of the market in wine as last amended by Regulation (EEC) No 2592/73²; whereas the absence of a separate definition for "grape must with fermentation arrested by the addition of alcohol" means that two products whose uses, inherent characteristics and prices are very different, are treated in similar fashion; whereas it is therefore desirable that a separate definition for "grape must with fermentation arrested by the addition of alcohol" be drawn up;

Whereas the definition of concentrated grape must set out in item 4 of Annex II to Regulation (EEC) No 816/70 does not allow the dehydration of grape must by the direct heat of a fire; whereas that practice is traditional in certain areas of the Community, and in view of the fact that the product obtained in this way is marketed and used in the preparation of certain liqueur wines, provision should be made to authorise this treatment by introducing a definition for "caramelized grape must;

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¹OJ No L 99, 5.5.1970, p. 1.

²OJ No L 269, 26.9.1973, p. 1.

Whereas the definition of liqueur wine should be amended in order to allow the addition of caramelized grape must in the preparation of certain liqueur wines;

Whereas certain technical amendments to the provision of Regulation (EEC) No 816/70 are required as a result of the introduction of these new definitions; whereas it is necessary in particular, in order to prevent distortion of competition in respect of liqueur wines to introduce a provision limiting the use of grape must with fermentation arrested by the addition of alcohol;

HAS ADOPTED THIS REGULATION :

Article 1

In the second indent of Article 1 (4) (b) there is inserted, after the expression "concentrated grape must", the following : "caramelized grape must, grape must with fermentation arrested by the addition of alcohol".

Article 2

In Article 25 (1) of Regulation (EEC) No 816/70 the phrase "under items 11 and 21" is replaced by "under items 3a, 11 and 21".

Article 3

In Article 27 (4) of Regulation (EEC) No 816/70 the following first subparagraph is inserted before the existing first subparagraph :

"Grape must with fermentation arrested by the addition of alcohol may be used only in the preparation of products falling within heading 22.06 of the Common Customs Tariff".

Article 4

In Article 28 (2) of Regulation (EEC) No 816/70 the following subparagraph is added :

"Grape must with fermentation arrested by the addition of alcohol may be used only in the preparation of products falling within heading 22.06 of the Common Customs Tariff".

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¹ OJ No L 289, 27.12.1972, p. 1

Article 5

Annex II to Regulation (EEC) No 816/70 is amended as follows :

1. The following item is added after item 3 :

"3a. Grape must with fermentation arrested by the addition of alcohol :

Grape must of an actual alcoholic strength of not less than 12° and not more than 21° obtained by the addition to grape must derived exclusively from the vine varieties referred to in Article 16 and produced in the Community

- of neutral alcohol of vinous origin having an actual alcoholic strength of not less than 95°; or
- of an unrectified product derived from the distillation of wine and having an actual alcoholic strength of not less than 52° and not more than 80°; provided that products falling within the definition of liqueur wine shall not be regarded as grape must with fermentation arrested by the addition of alcohol".

2. The following item is added after item 4 :

"4a. Caramelized grape must :

Grape must

- obtained by partial dehydration of grape must through the application of the direct heat of a fire at normal atmospheric pressure causing partial caramelization of the sugar contained in that must";
- derived exclusively from vine varieties referred to in Article 16;
- produced in the Community, and
- obtained from grape must having a natural alcoholic strength of at least 10°".

3. Sub-paragraph (iii) of the second sub-indent of item 11 is replaced by the following :

"(iii) of concentrated grape must, or, in the case of certain quality liqueur wines produced in specified regions being wines appearing on a list to be drawn up of those wines for which such practice is traditional, of caramelised grape must."

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Article 6

This Regulation shall enter into force on the third day following 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 Brussels,

For the Council
The President

Proposal for a
REGULATION (EEC) OF THE COUNCIL

amending Regulation (EEC) No 948/70 defining certain products
falling within headings 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 816/70¹ of 28 April 1970 laying down additional provisions for the common organization of the market in wine, as last amended by Regulation (EEC) No 2592/73², and in particular Article 1 (4)(c) thereof;

Having regard to the proposal from the Commission;

Whereas Council Regulation No 948/70³ of 26 May 1970 laid down definitions for certain products falling within heading No 20.07, 22.04 or 22.05 of the Common Customs Tariff and originating in third countries; whereas that Regulation must be amended by the addition of a definition of "grape must with fermentation arrested by the addition of alcohol", a definition of that product having been added to Regulation (EEC) No 816/70⁴ by Regulation (EEC) No;

Whereas in certain third countries grape musts that have been subjected to dehydration by the direct heat of a fire, which normally causes partial caramelization, are used in the preparation of liqueur wines; whereas it is

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¹ CJ No L 99, 5.5.1970, p. 1

² CJ No L 269, 26.9.1973, p. 1

³ CJ No L 114, 27.5.1970, p. 6

⁴ CJ No L

therefore necessary to amend the definition of "liqueur wine" set out in Regulation (EEC) No 948/70 in order to allow the addition of caramelized grape must in the preparation of certain liqueur wines;

Whereas the tariff nomenclature used in Regulation (EEC) No 816/70 is taken from the Common Customs Tariff;

HAS ADOPTED THE FOLLOWING REGULATION :

Article 1

Article 2 of Council Regulation (EEC) No 948/70 is amended as follows :

1. The following definitions are inserted after the definition of "grape must" :

" Grape must with fermentation arrested by the addition of alcohol " means grape must of an actual alcoholic strength of not less than 12° and not more than 21° obtained by the addition to grape must having a potential natural alcoholic strength of 8.5° of a product derived from the distillation of wine; provided that products falling within the definition of "liqueur wine" shall not be regarded as "grape must with fermentation arrested by the addition of alcohol";

" Caramelized grape must " means grape must obtained

- by partial dehydration of grape must, through such application of the direct heat of a fire at normal atmospheric pressure as to cause partial caramelization of the sugar contained in that must,
- from grape must having a natural alcoholic strength of at least 10° . "

2. The definition of "liqueur wine" is replaced by the following :

" Liqueur wine" means a product

(a) with 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°;

(b) obtained from grape must, new wine still in fermentation, or wine

- by refrigeration; or

- by the addition before, during or after fermentation :

(i) of a product derived from the distillation of wine; or

(ii) of concentrated grape must; or in the case of certain liqueur wines appearing on a list to be drawn up of wines for which such practice is traditional of caramelized grape must; or

(iii) of a mixture of the products mentioned in (i) and (ii). "

.../...

Article 2

In Annex IV to Regulation (EEC) No 816/70, additional note No 4 to Chapter 22 is replaced by the following :

" 4. Subheading 22.05 shall be taken to include :

- (a) Grape must with fermentation arrested by the addition of alcohol, that is to say grape must of an actual alcoholic strength of not less than 12° and not more than 21° obtained by the addition to grape must having a potential natural alcoholic strength of 8.5° of a product derived from the distillation of wine; provided that products falling within the definition of "liqueur wine" shall not be regarded as grape must with fermentation arrested by the addition of alcohol;
- (b) Caramelized grape must, that is to say grape must obtained
 - by partial dehydration of grape must, through such application of the direct heat of a fire at normal atmospheric pressure as to cause partial caramelization of the sugar contained in that must,
 - from grape must having a natural alcoholic strength of at least 10°;
- (c) 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 of wine containing no residual sugar of an unrectified product derived from the distillation of wine having a maximum actual alcoholic strength of 86°, and
 - having a maximum volatile acidity of 2.40 g/l, expressed as acetic acid;
- (d) Liqueur wine, that is to say a product
 - (a) with 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
 - (b) obtained from grape must, new wine still in fermentation, or wine
 - by refrigeration; or
 - by the addition before, during or after fermentation :
 - (i) of a product derived from the distillation of wine; or
 - (ii) of concentrated grape must; or in the case of certain liqueur wines appearing on a list to be drawn up of wines for which such practice is traditional of caramelized grape must; or
 - (iii) of a mixture of the products mentioned in (i) and (ii).

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Article 3

Article 3

This Regulation shall enter into force on the third day following 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 Brussels,

For the Council,
The President