



COMMISSION OF THE EUROPEAN COMMUNITIES

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Draft

DECISION OF THE EEA JOINT COMMITTEE

**amending Protocol 47 to the EEA Agreement
on the abolition of technical barriers to trade in wine**

- Draft common position of the Community -
(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In order to ensure the requisite legal security and homogeneity, the EEA Joint Committee is to integrate all the relevant Community legislation into the EEA Agreement as soon as possible after its adoption.
2. A number of Community acts have been adopted in recent years, which should be introduced into the EEA Agreement's Protocol 47 on the abolition of technical barriers to trade in wine. A major review of Community acts that should be included in Protocol 47 has therefore been carried out and has resulted in the present draft Decision of the EEA Joint Committee.
3. On that basis, Protocol 47 is to be extended to include the acts listed in the attached draft Decision of the EEA Joint Committee.
4. Article 1(3)(a) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for decisions extending Community legislation with substantial changes.
5. The draft Decision of the EEA Joint Committee is submitted for the approval of the Council, after which the Commission will put forward the position of the Community in the EEA Joint Committee.

Draft

DECISION OF THE EEA JOINT COMMITTEE

amending Protocol 47 to the EEA Agreement on the abolition of technical barriers to trade in wine

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No ... of ...¹.
- (2) EEA Council Decision No 1/95 introduced the system of parallel marketability for Liechtenstein.
- (3) Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine², as corrected by OJ L 271, 21.10.1999, p. 47, is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1607/2000 of 24 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine, in particular the Title relating to quality wine produced in specified regions³ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1622/2000 of 24 July 2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes⁴ is to be incorporated into the Agreement.
- (6) Commission Regulation (EC) No 2451/2000 of 7 November 2000 amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes, as regards Annex XIV⁵ is to be incorporated into the Agreement.

¹ OJ L ...

² OJ L 179, 14.7.1999, p. 1.

³ OJ L 185, 25.7.2000, p. 17.

⁴ OJ L 194, 31.7.2000, p. 1.

⁵ OJ L 282, 8.11.2000, p. 7.

- (7) Commission Regulation (EC) No 884/2001 of 24 April 2001 laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector⁶ is to be incorporated into the Agreement.
- (8) Commission Regulation (EC) No 1609/2001 of 6 August 2001 amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes, as regards the methods of analysis⁷ is to be incorporated into the Agreement.
- (9) Commission Regulation (EC) No 1655/2001 of 14 August 2001 amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes⁸ is to be incorporated into the Agreement.
- (10) Commission Regulation (EC) No 2066/2001 of 22 October 2001 amending Regulation (EC) No 1622/2000 as regards the use of lysozyme in wine products⁹ is to be incorporated into the Agreement.
- (11) Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products¹⁰, as corrected by OJ L 272, 23.10.2003, p. 38, is to be incorporated into the Agreement.
- (12) Commission Regulation (EC) No 2086/2002 of 25 November 2002 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products¹¹ is to be incorporated into the Agreement.
- (13) Commission Regulation (EC) No 440/2003 of 10 March 2003 amending Regulation (EEC) No 2676/90 determining Community methods for the analysis of wines¹² is to be incorporated into the Agreement.
- (14) Commission Regulation (EC) No 1205/2003 of 4 July 2003 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products¹³ is to be incorporated into the Agreement.

⁶ OJ L 128, 10.5.2001, p. 32.

⁷ OJ L 212, 7.8.2001, p. 9.

⁸ OJ L 220, 15.8.2001, p. 17.

⁹ OJ L 278, 23.10.2001, p. 9.

¹⁰ OJ L 118, 4.5.2002, p. 1.

¹¹ OJ L 321, 26.11.2002, p. 8.

¹² OJ L 66, 11.3.2003, p. 15.

¹³ OJ L 168, 5.7.2003, p.13.

- (15) Commission Regulation (EC) No 1410/2003 of 7 August 2003 amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes¹⁴ is to be incorporated into the Agreement.
- (16) Commission Regulation (EC) No 1793/2003 of 13 October 2003 fixing the minimum natural alcoholic strength by volume of "Vinho verde" quality wines *psr* originating in Portuguese wine-growing zone C I a) for the 2003/2004 and 2004/2005 wine years¹⁵ is to be incorporated into the Agreement.
- (17) Commission Regulation (EC) No 1795/2003 of 13 October 2003 amending Annex VI to Council Regulation (EC) No 1493/1999 as regards quality wines produced in specified regions¹⁶ is to be incorporated into the Agreement.
- (18) Commission Regulation (EC) No 128/2004 of 23 January 2004 amending Regulation (EEC) No 2676/90 determining Community methods for the analysis of wines¹⁷ is to be incorporated into the Agreement.
- (19) Commission Regulation (EC) No 316/2004 of 20 February 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products¹⁸ is to be incorporated into the Agreement.
- (20) Commission Regulation (EC) No 908/2004 of 29 April 2004 adapting several regulations concerning the common organisation of the market in wine by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union¹⁹ is to be incorporated into the Agreement.
- (21) Commission Regulation (EC) No 1427/2004 of 9 August 2004 amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes²⁰ is to be incorporated into the Agreement.
- (22) Commission Regulation (EC) No 1428/2004 of 9 August 2004 amending Regulation (EC) No 1622/2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes²¹ is to be incorporated into the Agreement.

¹⁴ OJ L 201, 8.8.2003, p. 9.

¹⁵ OJ L 262, 14.10.2003, p. 10.

¹⁶ OJ L 262, 14.10.2003, p. 13.

¹⁷ OJ L 19, 27.1.2004, p. 3.

¹⁸ OJ L 55, 24.2.2004, p. 16.

¹⁹ OJ L 163, 30.4.2004, p. 56.

²⁰ OJ L 263, 10.8.2004, p. 3.

²¹ OJ L 263, 10.8.2004, p. 7.

- (23) Commission Regulation (EC) No 1429/2004 of 9 August 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products²² is to be incorporated into the Agreement.
- (24) Commission Regulation (EC) No 1991/2004 of 19 November 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products²³ is to be incorporated into the Agreement.
- (25) Regulation (EEC) No 2676/90²⁴, which is already incorporated into the Agreement, needs to be moved to a separate point in Appendix 1 of Protocol 47 to the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 47 to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The texts of Regulations (EC) Nos 1493/1999, as corrected by OJ L 271, 21.10.1999, p. 47, 1607/2000, 1622/2000, 2451/2000, 884/2001, 1609/2001, 1655/2001, 2066/2001, 753/2002, as corrected by OJ L 272, 23.10.2003, p. 38, 2086/2002, 440/2003, 1205/2003, 1410/2003, 1793/2003, 1795/2003, 128/2004, 316/2004, 908/2004, 1427/2004, 1428/2004, 1429/2004 and 1991/2004 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee* .

²² OJ L 263, 10.8.2004, p. 11.

²³ OJ L 344, 20.11.2004, p. 9.

²⁴ OJ L 272, 3.10.1990, p. 1

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

*For the EEA Joint Committee
The President*

*The Secretaries
to the EEA Joint Committee*

ANNEX

to Decision of the EEA Joint Committee No [...]

Appendix 1 of Protocol 47 shall be replaced by the following:

‘APPENDIX 1

1. **390 R 2676**: Commission Regulation (EEC) No 2676/90 of 17 September 1990 determining Community methods for the analysis of wines (OJ No L 272, 3.10.1990, p. 1), as amended by:
 - **392 R 2645**: Commission Regulation (EEC) No 2645/92 of 11 September 1992 (OJ No L 266, 12.9.1992, p. 10),
 - **395 R 0060**: Commission Regulation (EC) No 60/95 of 16 January 1995 (OJ No L 11, 17.1.1995, p. 19),
 - **396 R 0069**: Commission Regulation (EC) No 69/96 of 18 January 1996 (OJ No L 14, 19.1.1996, p. 13),
 - **397 R 0822**: Commission Regulation (EC) No 822/97 of 6 May 1997 (OJ L 117, 7.5.1997, p. 10),
 - **399 R 0761**: Commission Regulation (EC) No 761/1999 of 12 April 1999 (OJ L 99, 14.4.1999, p. 4),
 - **32003 R 0440**: Commission Regulation (EC) No 440/2003 of 10 March 2003 (OJ L 66, 11.3.2003, p. 15),
 - **32004 R 0128**: Commission Regulation (EC) No 128/2004 of 23 January 2004 (OJ L 19, 27.1.2004, p. 3).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.

2. **399 R 1493**: Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ L 179, 14.7.1999, p. 1), as corrected by OJ L 271, 21.10.1999, p. 47, as amended by:
 - **1 03 T**: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33),
 - **32003 R 1795**: Commission Regulation (EC) No 1795/2003 of 13 October 2003 (OJ L 262, 14.10.2003, p. 13).

The provisions of the Regulation shall, for the purpose of this Agreement, be read with the following adaptations:

- (a) References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.
- (b) Article 1(1) shall not apply.
- (c) Title II, with the exception of Article 19, and titles III, IV and VII shall not apply.
- (d) Article 19(2), last sentence shall not apply for Liechtenstein.

Additionally the last sentence of Annex VI point B 1 shall not apply for Liechtenstein.

- (e) In Article 44(1) the words: “and where appropriate, notwithstanding Article 45, legally imported wines” shall not apply.
- (f) In Article 44(14) “Coupage of a wine originating in a third country” shall read “Coupage of a wine originating in a third country or an EFTA State”.
- (g) In Article 45(1a) the words: “whether imported or not” shall not apply.
- (h) Chapter II of Title V shall apply with the following adaptation:

By way of derogation from Liechtenstein’s national legislation, table wines originating in Liechtenstein, which are not entitled to carry a geographic indication, have to comply with the provisions of Chapter II of Title V concerning description, designation, presentation and protection of certain products, if these table wines are destined for the EEA market outside of Liechtenstein.

- (i) Title VI shall apply with the following adaptations:

Quality wines originating in EFTA States shall be considered as equivalent to quality wines produced in specified regions (“quality wines *psr*”), provided that they comply with national legislation which, for the purposes of this Protocol, shall be in accordance with the principles of Council Regulation (EC) No 1493/1999, as amended for the purpose of this Agreement.

However, the description “quality wine *psr*” as well as other descriptions referred to in Article 54(2), may not be used for these wines.

The list of quality wines established by wine producing EFTA States shall be published in the *Official Journal of the European Union*.

- (j) With reference to Article 54(4), wines originating in Liechtenstein are recognised as quality wines if they fulfill all requirements for so-called “Category 1- wines” according to national legislation.

Quality wines originating in Liechtenstein are entitled to carry one of the following geographic indications, amended or not by the name of the vineyard, referring to the origin of the grapes as listed in the official “Viticulture and AOC directory” of Liechtenstein:

Balzers, Bendern, Eschen, Eschnerberg, Gamprin, Mauren, Ruggell, Schaan, Schellenberg, Triesen, Vaduz.

The geographical indication is accompanied by one of the expressions “Kontrollierte Ursprungsbezeichnung”, “KUB”, “Appellation d’origine contrôlée” or “AOC” on the label.

- (k) Articles 71, 77, 78 and 79 shall not apply.
 - (l) For the purposes of Annex III, Liechtenstein shall be considered as belonging to wine-growing zone B.
 - (m) Notwithstanding Point D.1. of Annex VI, wines originating in Liechtenstein, produced according to national legislation and classified thereafter as "category 1- wines without additional quality attribute", shall be recognized as quality wines.
3. **32000 R 1607:** Commission Regulation (EC) No 1607/2000 of 24 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine, in particular the Title relating to quality wine produced in specified regions (OJ L 185, 25.7.2000, p. 17).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.

4. **32000 R 1622:** Commission Regulation (EC) No 1622/2000 of 24 July 2000 laying down certain detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine and establishing a Community code of oenological practices and processes (OJ L 194, 31.7.2000, p. 1), as amended by:
- **32000 R 2451:** Commission Regulation (EC) No 2451/2000 of 7 November 2000 (OJ L 282, 8.11.2000, p. 7),
 - **32001 R 1609:** Commission Regulation (EC) No 1609/2001 of 6 August 2001 (OJ L 212, 7.8.2001, p. 9),
 - **32001 R 1655:** Commission Regulation (EC) No 1655/2001 of 14 August 2001 (OJ L 220, 15.8.2001, p. 17),
 - **32001 R 2066:** Commission Regulation (EC) No 2066/2001 of 22 October 2001 (OJ L 278, 23.10.2001, p. 9),
 - **32003 R 1410:** Commission Regulation (EC) No 1410/2003 of 7 August 2003 (OJ L 201, 8.8.2003, p. 9),

- **1 03 T**: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33),
- **32004 R 1427**: Commission Regulation (EC) No 1427/2004 of 9 August 2004 (OJ L 263, 10.8.2004, p. 3),
- **32004 R 1428**: Commission Regulation (EC) No 1428/2004 of 9 August 2004 (OJ L 263, 10.8.2004, p. 7).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.

5. **32001 R 0884**: Commission Regulation (EC) No 884/2001 of 24 April 2001 laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector (OJ L 128, 10.5.2001, p. 32), as amended by:

- **32004 R 0908**: Commission Regulation (EC) No 908/2004 of 29 April 2004 (OJ L 163, 30.4.2004, p. 56).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.
- (b) Articles 1(1)(b) first and second indent and 1(2) shall not apply.
- (c) Article 5(2) shall not apply.
- (d) Article 6(5), third sub-paragraph, second sentence shall be replaced by the following: “Such information shall be forwarded in accordance with Appendix 2 to Protocol 47 of the Agreement.”
- (e) Article 7(5) and 7(6) shall not apply.
- (f) In Article 7(1)(c), first indent, the words “on copies 1 and 2” shall be replaced by “on copies 1, 2 and 4”.
- (g) Articles 8(2), 8(3) and 8(5) shall not apply.
- (h) Title II shall not apply.
- (i) Article 19(2) shall not apply.

6. **32002 R 0753:** Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ L 118, 4.5.2002, p. 1), as corrected by OJ L 272 , 23.10.2003, p. 38, as amended by:
- **32002 R 2086:** Commission Regulation (EC) No 2086/2002 of 25 November 2002 (OJ No L 321, 26.11.2002, p. 8),
 - **32003 R 1205:** Commission Regulation (EC) 1205/2003 of 4 July 2003 (OJ No L 168, 5.7.2003, p. 13),
 - **32004 R 0316:** Commission Regulation (EC) No 316/2004 of 20 February 2004 (OJ No L 55, 24.2.2004, p. 16),
 - **32004 R 0908:** Commission Regulation (EC) No 908/2004 of 29 April 2004 (OJ L 163, 30.4.2004, p. 56),
 - **32004 R 1429:** Commission Regulation (EC) No 1429/2004 of 9 August 2004 (OJ L 263, 10.8.2004, p. 11),
 - **32004 R 1991:** Commission Regulation (EC) No 1991/2004 of 19 November 2004 (OJ L 344, 20.11.2004, p. 9).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.
- (b) As far as Liechtenstein is concerned, Article 3(2) first sentence shall read: "The actual alcoholic strength by volume referred to in the third indent of Annex VII(A)(1) and Annex VIII(B)(1)(d) to Regulation (EC) No 1493/1999 shall be indicated in percentage units, half units or tenth percentage units."
- (c) Article 7(c) shall not apply.
- (d) In Article 10, the references to Article 11 of Regulation (EC) No 884/2001 shall not apply.
- (e) The provisions of the Regulation shall not apply to Title II products originating in third countries.
- (f) In Article 16, the following shall be added:
 - (i) In Article 16(1) (a): "þurrt" and "tørr"
 - (ii) In Article 16(1) (b): "hálfþurrt" and "halvtørr"
 - (iii) In Article 16(1) (c): "hálf sætt" and "halvsöt"
 - (iv) In Article 16(1) (d): "sætt" and "söt"

- (g) The provisions of Article 19 shall not apply for products originating in third countries.
- (h) Article 28, first paragraph, first indent shall read: “‘Landwein’ in the case of table wines originating in Germany, Austria, Liechtenstein and in the Province of Bolzano in Italy,”.
- (i) According to Article 28(a), in the case of Liechtenstein, wines described as ‘Landwein’ use either "Liechtensteiner Oberland" or "Liechtensteiner Unterland" as geographical indication.
- (j) In Article 29, paragraph 1, the following point shall be added:
- “q) Liechtenstein: the expression “Appellation d’origine contrôlée”, “AOC”, “Kontrollierte Ursprungsbezeichnung” or „KUB“ accompanying the designation of origin, and for quality wines with additional quality attribute “Auslese Liechtenstein”, “Sélection Liechtenstein” or “Grand Cru Liechtenstein” according to national legislation.”
- (k) Title V shall not apply.
- (l) In Annex II the following shall be added:

Variety name or its synonyms	Countries that may use the variety name or one of its synonyms
Blauburgunder	Liechtenstein
Chardonnay	Liechtenstein
Müller-Thurgau	Liechtenstein
Weissburgunder	Liechtenstein

- (m) In Annex III the following shall be added:

Traditional terms	Wines concerned	Category/categories of product	Language
LIECHTENSTEIN			
Additional traditional terms			
Ablass	All	Quality wine psr, Table wine with GI	German
Beerenauslese	All	Quality wine psr	German

Beerle or Beerli or Beerliwein	All	Quality wine psr, Table wine with GI	German
Federweiss(*) or Weiss Herbst	All	Quality wine psr, Table wine with GI	German
Eiswein	All	Quality wine psr	German
Kretzer or Süsdruck	All	Quality wine psr, Table wine with GI	German
Strohwein	All	Quality wine psr	German
Trockenbeerenauslese	All	Quality wine psr	German

(*) without prejudice to the use of the German traditional expression “Federweißer” for grape must partially in fermentation intended for direct human consumption as foreseen in paragraph 34c of the German Wine Regulation and in Articles 12(1)(b) and 14(1) of Commission Regulation (EC) No 753/2002, as amended.

7. **32003 R 1793:** Commission Regulation (EC) No 1793/2003 of 13 October 2003 fixing the minimum natural alcoholic strength by volume of "Vinho verde" quality wines *psr* originating in Portuguese wine-growing zone C I a) for the 2003/2004 and 2004/2005 wine years (OJ L 262, 14.10.2003, p. 10).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.’