



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.09.2005
COM(2005) 437 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 527/2003 authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999

(presented by the Commission)

EXPLANATORY MEMORANDUM

Wines originating in third countries which have undergone oenological processes not allowed by Community rules may not, except by way of derogation to be decided by the Council, be offered for direct human consumption in the Community. The derogation procedure is provided for in Article 45(2) of Regulation (EC) No 1493/1999 on the common organisation of the market in wine. Malic acid may be added to wine originating in Argentina to correct acidity, and while this oenological process is permitted in Argentina, it is prohibited in the European Union.

Negotiations concerning, in particular, the mutual recognition of the respective oenological practices and processes of both parties are being conducted between the Community, represented by the Commission, and Mercosur, which includes the Republic of Argentina, in the context of overall negotiations for an agreement on trade in wines. These negotiations started in 2002 and are still ongoing. To demonstrate the Commission's positive and constructive approach to these negotiations and in order to avoid any possible difficulties on trade, the provisional authorisation of this oenological process, which is important for certain Argentinean wines, should be extended until the entry into force of the agreement resulting from the negotiations, and no later than 31 December 2006. The agreement should, specifically, provide for Argentina to be able to use this process permanently.

The Commission is proposing to authorise the presence of malic acid in wine imported from Argentina into the Community, until the end of the ongoing negotiations between the Community and Mercosur (including the Republic of Argentina), with a view to concluding, if possible, an agreement on trade in wines.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine¹, and in particular Article 45(2) thereof,

Having regard to the proposal from the Commission,²

Whereas:

- (1) By way of derogation from Article 45(1) of Regulation (EC) No 1493/1999, Council Regulation (EC) No 527/2003³ authorises imports into the Community of wine produced in Argentina which has undergone oenological processes not provided for in the Community rules. That authorisation is due to expire on 30 September 2005.
- (2) Negotiations are still ongoing between the Community, represented by the Commission, and Mercosur, which includes Argentina, on an agreement on trade in wines. These negotiations concern, in particular, the respective oenological practices and processes used by both parties and the protection of geographical indications.
- (3) In order to facilitate the progress of the negotiations, the derogation allowing malic acid to be added to wine produced in Argentina and imported into the Community should be extended until the entry into force of the agreement resulting from the negotiations, and no later than 31 December 2006.
- (4) Regulation (EC) No 527/2003 should therefore be amended accordingly

¹ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

² OJ C [...] [...], p. [...]

³ OJ L 78, 25.3.2003, p. 1. Regulation as last amended by Regulation (EC) No 2067/2004 (OJ L 358, 3.12.2004, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

In the second subparagraph of Article 1(1) of Regulation (EC) No 527/2003, "30 September 2005" is hereby replaced by "31 December 2006".

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 October 2005.

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

Done at Brussels,

*For the Council
The President*