II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation:

I. amending Regulation (EEC) No 358/79 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79

II. laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

(Submitted by the Commission to the Council on 21 March 1983)

I

Proposal for a Council Regulation amending Regulation (EEC) No 358/79 on sparkling wines produced in the Community and defined in item 13 of Annex II to Regulation (EEC) No 337/79

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, for reasons of clarity and logic, Article 8 of Council Regulation (EEC) No 358/79 (1), the provisions of which are now contained in Regulation (EEC) No . . ./. ., should be deleted,

HAS ADOPTED THIS REGULATION:

Article 1

Article 8 of Regulation (EEC) No 358/79 is hereby deleted.

Article 2

This Regulation shall enter into force on 1 September 1984.

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

(1) OJ No L 54, 5. 3. 1979, p. 130.

II

Proposal for a Council Regulation laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

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 (1), as last amended by Regulation (EEC) No 3082/82 (2), and in particular Article 54 (1) thereof,

(1) OJ No L 54, 5. 3. 1979, p. 1.
(2) OJ No L 326, 23. 11. 1982, p. 1.

Having regard to the proposal from the Commission,

Whereas Article 54 of Regulation (EEC) No 337/79 makes provision for the adoption of general rules for the description and presentation of products in the wine sector; whereas Council Regulation (EEC) No 355/79 of 5 February 1979 laying down general rules for the description and presentation of wines and grape musts (1), as last amended by Regulation (EEC) No 3685/81 (2), does not apply to sparkling wines or aerated sparkling wines; whereas rules should be established for the description and presentation of the latter products;

Whereas the purpose of description and presentation should always be to provide potential buyers and public bodies responsible for organizing and supervising the marketing of the products concerned with sufficiently clear and accurate information to enable them to form an opinion of the products; whereas rules should therefore be drawn up to ensure that this purpose is served;

Whereas, in the case of descriptive items, a distinction should be made between mandatory information needed to identify a sparkling or aerated sparkling wine and optional information designed mainly to indicate the intrinsic qualities of a product or to distinguish it clearly from other, competing products on the market in sparkling and aerated sparkling wines; whereas, in order to facilitate the marketing of the said products, it should be left to the parties concerned to choose the optional information they wish to include, without provision of an exhaustive list; whereas the choice of optional information should nevertheless be restricted to details which are not inaccurate or liable to create confusion in the minds of those for whom the information is intended;

Whereas Council Directive 79/112/EEC of 18 December 1979 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for the sale to the ultimate consumer (3) has been amended by Directive .../.. (4); whereas the amendment includes a requirement for labels on products containing more than 1,2 % by volume of alcohol to specify the ingredients and alcoholic strength; whereas, in the case of products of the wine sector, provision is also made for the ingredients and alcoholic strength to be indicated in accordance with specific provisions;

Whereas, in order not to interfere with customary practice and in order to establish conditions for fair competition on the market in sparkling wines, aerated sparkling wines and other sparkling beverages, precise rules should be laid down regarding the manner in which mandatory information and some optional items of information are given;

Whereas the characteristic features of sparkling and aerated sparkling wines are determined principally by natural and technical factors at all stages from the cultivation of the vine to the wine-making process; whereas, therefore, in order to ensure uniform treatment of these products, conditions should be defined — as for wine — under which the name of a Member State or the adjective derived from that name may be used in combination with the name of the product;

Whereas the presentation of sparkling and aerated sparkling wines traditionaly includes special features, such as the form of the closure, which distinguish these products from other beverages; whereas rules should therefore be laid down regarding the appearance of these special features;

Whereas provision should be made for the adoption of transitional arrangements to facilitate the changeover from national to Community rules on description and presentation, in particular so that products which comply with national rules on description and presentation applying before the entry into force of this Regulation, but not with the new Community rules, may be marketed,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down general rules for the description and presentation of:

(a) the sparkling wines defined in item 13 of Annex II to Regulation (EEC) No 337/79 originating in the Community;

(b) the aerated sparkling wines originating in the Community defined in item 14 of Annex II to Regulation (EEC) No 337/79;

(c) the sparkling wines defined in Article 2 of Council Regulation (EEC) No 339/79 (5) originating in non-member countries; and

(1) OJ No L 54, 5. 3. 1979, p. 99.
(2) OJ No L 369, 24. 12. 1981, p. 1.
(3) OJ No L 33, 8. 2. 1979, p. 1.
(4) Proposal for an amending Directive published in OJ No C 281, 26. 10. 1982, p. 3.
(5) OJ No L 54, 5. 3. 1979, p. 57.

(d) the aerated sparkling wines defined in Article 2 of Regulation (EEC) No 339/79 originating in non-member countries.

The sparkling wines referred to in the preceding subparagraph under (a) shall comprise:

— the sparkling wines referred to in Title II of Council Regulation (EEC) No 358/79 (1),

— the quality sparkling wines referred to in Title III of the same Regulation, and

— the quality sparkling wines produced in specified regions referred to in the fourth paragraph of Article 1 of Council Regulation (EEC) No 338/79 (2), hereinafter called 'quality sparkling wines psr'.

2. The rules referred to in paragraph 1 shall apply to the description of the products there indicated:

(a) on labels;

(b) in registers and in the accompanying and other documents prescribed by Community legislation, hereinafter called 'official documents', other than customs documents;

(c) in commercial documents, particularly in invoices and delivery notes; and

(d) in advertising material, in so far as special provision is made for such purpose in this Regulation.

3. The rules referred to in paragraph 1 shall apply to the presentation of the products there indicated in respect of:

(a) containers, including the closure;

(b) labelling;

(c) packaging.

4. The rules referred to in paragraph 1 shall apply to products held for sale and to products put on the market.

TITLE I

Description

Article 2

1. In the case of the products referred to in Article 1 (1), the description on the labelling shall include the following information:

(a) the product category, in accordance with Article 4 (2);

(b) the nominal volume of the product, in accordance with Council Directive 75/106/EEC (3);

(c) the actual alcoholic strength, by volume, in accordance with Article 4 (3);

(d) the residual sugar content of the product, in accordance with Article 4 (4);

(e) the ingredients, in accordance with Article 4 (5).

2. In the case of the products referred to in Article 1 (1) (a) and (b), the description on the labelling shall include, in addition to the information specified in paragraph 1, the name or business name of the producer and the names of the commune and Member State in which the producers' head office is situated, in accordance with Article 4 (6).

In the case of quality sparkling wines psr, the description on the labelling shall also include the name of the specified region in which the grapes used to make the product were harvested.

In the case of the quality sparkling wines of the aromatic type referred to in Article 18 of Regulation (EEC) No 358/79, the description on the labelling shall also include the following information:

— either the name of the vine variety from which they were obtained,

— or the words 'produced from aromatic varieties of grape'.

3. In the case of the products referred to in Article 1 (1) (c) and (d), the description shall include the following information in addition to the information specified in paragraph 1:

(a) the name or business name of the importer and the names of the commune and Member State in which the importer's head office is situated, in accordance with Article 4 (7),

(b) the name or business name of the producer and the names of the commune and non-member country in which the producer's head office is situated, in accordance with Article 4 (6).

Article 3

1. In the case of products referred to in Article 1 (1), the description on the labelling may be supplemented by other particulars, provided that:

— they are not liable to mislead the persons for whom the information is intended, particularly as regards the mandatory information specified in Article 2 and the optional information specified in Article 5,

— where appropriate, the provisions of Article 5 are observed.

(1) OJ No L 54, 5. 3. 1979, p. 130.
(2) OJ No L 54, 5. 3. 1979, p. 48.
(3) OJ No L 42, 15. 2. 1975, p. 1.

2. It shall be for the producer or the importer to prove the accuracy of any information used to describe a product as referred to in Article 1 (1), when requested to do so by the authority responsible for the application of this Regulation.

Article 4

1. The items of information specified in Article 2:

— shall appear together within the same visual field on the container, and

— shall be presented in clear, legible and indelible characters which are large enough to stand out well from the background on which they are printed and to be distinguished clearly from other written or pictorial matter.

2. The product category referred to in Article 2 (1) (a) shall be indicated by one the following expressions:

(a) in the case of a sparkling wine as referred to in Title II of Regulation (EEC) No 358/79, 'sparkling wine':

(b) in the case of a quality sparkling wine as referred to in Title III of Regulation (EEC) No 358/79, 'quality sparkling wine';

(c) in the case of a quality sparkling wine psr, 'quality sparkling wine produced in a specified region' or 'quality sparkling wine psr' or a specific traditional term assigned by the Member State in which production took place and contained in a list to be drawn up, or two of these expressions used in combination;

(d) in the case of a sparkling wine originating in a non-member country, 'sparkling wine';

(e) in the case of an aerated sparkling wine originating in the Community or in a non-member country, 'aerated sparkling wine'.

The designation referred to in the preceding subparagraph under (e) shall be given in characters at least 8 mm high.

3. The actual alcoholic strength referred to in Article 2 (1) (c) shall be indicated by the corresponding figures, rounded to the nearest unit, followed by the symbol '% vol'.

4. The residual sugar content of the product, as referred to in Article 2 (1) (d), shall be indicated by the term:

— 'extra brut':
if the residual sugar content is between 0 and 6 g/l,

— 'brut':
if the residual sugar content is less than 15 g/l,

— 'extra dry':
if the residual sugar content is between 12 and 20 g/l,

— 'dry':
if the residual sugar content is between 17 and 35 g/l,

— 'semi-dry':
if the residual sugar content is between 33 and 55 g/l,

— 'sweet':
if the residual sugar content is more than 50 g/l.

If the residual sugar content of the product justifies the use of two of the terms specified in the preceding subparagraph, the producer or importer must choose to use one such term only.

Notwithstanding Article 2 (1), it shall not be compulsory to indicate the residual sugar content of the quality sparkling wines psr produced in Italy, referred to in the second subparagraph of Article 12 (5) of Regulation (EEC) No 338/79.

5. Only the ingredients listed below shall be indicated on the labelling of the products referred to in Article 1 (1), provided they have been used in the wine-making process or added to such product:

— wine,

— concentrated grape must,

— rectified concentrated grape must,

— sucrose,

— sulphur dioxide (E_{220}),

— potassium metabisulphite (E_{224}),

— sorbic acid (E_{200}),

— potassium sorbate (E_{202}),

— L-ascorbic acid (E_{300}),

— citric acid (E_{330}),

— tartaric acid (E_{334}).

The labelling of products originating in non-member countries, as referred to in (c) and (d) of the first subparagraph of Article 1 (1), shall also indicate the ingredients within the meaning of Article 6 (4) of Directive 79/112/EEC which are not listed in the preceding subparagraph and have been used in the wine-making process or added to such products.

Indication of the ingredients on the labelling shall be:

(a) by designating their category followed by their specific name or EEC number in the case of ingredients in the categories listed in Annex II to Directive 79/112/EEC;

(b) preceded by the phrase 'produced using the following ingredient(s):'.

6. The producer of a product referred to in Article 1 (1) means the natural or legal person or group of persons by whom, or on whose behalf, production is carried out. Production means the processing of fresh grapes, grape musts and wines into a product referred to in Article 1 (1).

The name or business name of the producer and the names of the commune and Member State in which the producers' head office is situated shall be given in full.

Where the product has been produced on behalf of a producer, the name or business name of the person who has actually carried out production, and the names of the commune and Member State or non-member country where production has taken place, if indicated, may be given in full on one line or in code.

7. The name or business name of the importer and the names of the commune and Member State in which the importers' head office is situated shall be indicated on one line in characters of the same type, size and colour.

Article 5

1. The name of a geographical unit other than a specified region, and smaller than a Member State or a non-member country, may be used only to supplement the description of:

— a quality sparkling wine psr,

— a quality sparkling wine, or

— a sparkling wine originating in a non-member country.

Use of such name shall be allowed only if:

(a) it conforms to the rules of the Member State or non-member country in which the sparkling wine was produced;

(b) the geographical unit in question is exactly defined;

(c) all the grapes from which the product was obtained came from that geographical unit;

(d) in the case of quality sparkling wines psr, the geographical unit is situated within the specified region whose name the wine bears;

(e) in the case of quality sparkling wines, the name of that geographical unit is not laid down for describing a quality sparkling wine psr.

Notwithstanding the provision contained in the preceding subparagraph under (c), Member States may authorize use of the name of a geographical unit smaller than a specified region to supplement the description of a quality sparkling wine psr if at least 85 % of the product was obtained from grapes harvested in that unit.

2. The name of a vine variety may be used only to supplement the description of:

— a quality sparkling wine psr,

— a quality sparkling wine whose description contains the name of a geographical unit,

— a sparkling wine operating in a non-member country whose description contains the name of a geographical unit.

Use of the name of a vine variety shall be allowed only if:

(a) at least 85 % of the product was obtained from grapes belonging to the variety in question, with the exception of the products contained in the 'liqueur de tirage' or the 'liqueur d'expédition';

(b) the cultivation of the variety and its use for the products which were obtained from it conform to Community provisions or to the provisions of the non-member country in which the grapes used were harvested;

(c) the name used appears:

— in the classification of vine varieties adopted pursuant to Article 31 (4) of Regulation (EEC) No 337/79 or, in the case of products originating in non-member countries, on a list of vine varieties officially adopted or recognized in the non-member country in which the grapes were harvested, or

— where applicable, on a list of synonyms to be drawn up;

(d) the variety has a preponderant effect on the nature of the product in question;

(e) the name of the variety cannot be confused with the name of a specified region or geographical

unit used to describe another wine produced in the Community or imported.

However, in the case of quality sparkling wines psr produced in their territory, Member States may prescribe that the vine variety may be indicated only if the product was obtained entirely form grapes of the variety in question.

3. The term 'reserve', whether or not combined with other terms, may be used only to describe:

— a quality sparkling wine psr,

— a quality sparkling wine, or

— a sparkling wine originating in a non-member country whose description contains the name of a geographical unit.

Use of this term shall not be allowed:

— in the case of the quality sparkling wines psr produced in Italy, referred to in the second paragraph of Article 12 (5) of Regulation (EEC) No 338/79, unless the product spent at least six months without interruption in contact with the lees,

— in the case of the other products referred to in the preceding subparagraph, unless the product spent at least nine months without interruption in contact with the lees.

4. The expression 'bottle-fermented' may be used only to describe:

— a quality sparkling wine psr,

— a quality sparkling wine, or

— a sparkling wine originating in a non-member country whose description contains the name of a geographical unit.

Use of this expression shall be allowed only if the product:

(a) was made sparkling by alcoholic fermentation in the bottle;

(b) spent at least six months without interruption in the bottle in contact with the lees; and

(c) was separated from the lees by filtering using the decantation method or by disgorging.

5. The expression 'Champagne method' or 'bottle-fermented by the Champagne method' shall be used only to describe:

— a quality sparkling wine psr,

— a quality sparkling wine, or

— a sparkling wine originating in a non-member country whose description contains the name of a geographical unit.

Use of these expressions shall be allowed only if the product:

(a) was made sparkling by alcoholic fermentation in the bottle;

(b) has spent at least nine months without interruption in the bottle in contact with the lees; and

(c) was separated from the lees by disgorging.

6. The vintage year may be used only in the description of:

— a quality sparkling wine psr,

— a quality sparkling wine, or

— a sparkling wine originating in a non-member country whose description contains the name of a geographical unit.

Reference to the vintage year shall be allowed only if at least 85 % of the product was obtained from grapes harvested in the year in question, with the exception of the products contained in the 'liqueur de tirage' or the 'liqueur d'expédition'.

However, Member States may prescribe that the vintage year may be given for quality sparkling wines psr produced in their territory only if the product was obtained entirely from grapes harvested in the year in question, with the exception of the products contained in the 'liqueur de tirage' or the 'liqueur d'expédition'.

7. Reference to superior quality or to a method of production, other than those referred to in paragraphs 3, 4 and 5, shall be allowed only in the case of:

— a quality sparkling wine psr,

— a quality sparkling wine, or

— a sparkling wine originating in a non-member country.

Such references shall be subject

(a) in the case of quality sparkling wines and quality sparkling wines psr:

— to conditions to be laid down in implementing provisions, which may provide for chemical analysis and organoleptic examination of each batch,

— or, in the absence of such implementing provisions, to conditions laid down by the Member State in which the product was produced;

(b) in the case of sparkling wines originating in non-member countries, to the condition that such references are employed on the internal market of the non-member country in which production took place in accordance with the national rules of that country and are employed on the Community market in accordance with the rules which may be laid down as necessary in the implementing provisions.

Expressions referring to superior quality may be limited to those contained in a list to be laid down in the implementing provisions.

8. The expression 'blanc de blancs' or equivalent expressions may be used only for products obtained from grapes belonging to vine varieties listed as white grape varieties in the classification drawn up pursuant to Article 31 (4) of Regulation (EEC) No 337/79.

9. A Member State or non-member country may not be indicated by the use of its name, or of the adjective derived from its name, in combination with the name of the product unless the product is made exclusively from grapes harvested and processed into wine on the territory of the Member State or non-member country in which it has been produced.

Article 6

1. Each Member State shall accept the description of products as referred to in Article 1 (1) which originate in other Member States and are put on the market in its territory, provided that such description conforms to Community rules and is allowed pursuant to this Regulation in the Member State in which the product was produced.

2. The term 'quality sparkling wine' may be replaced by the term 'Sekt'. The term 'quality sparkling wine produced in a specified region' or 'quality sparkling wine psr' may be replaced by the term 'Sekt bestimmter Anbaugebiete' or 'Sekt bA'.

3. The implementing provisions may allow:

— the term 'sparkling wine', where used to describe a sparkling wine originating in a non-member country; to be replaced by the word 'Sekt' if the provisions of the non-member country where the product was produced are equivalent to those contained in Title III of Regulation (EEC) No 358/79;

— the particulars specified in Article 5 (2), (3), (4) and (6) to be used to describe a sparkling wine originating in a non-member country whose description does not contain the name of a geographical unit, if the provisions of that non-member country are substantially equivalent to those contained in the abovementioned provisions.

4. The information specified in Articles 2 and 3 shall be given in one or more of the official languages of the Community. In the case of products put on the market in their territory, Member States may allow this information to be given also in a language other than an official language of the Community where the use of such language is traditional and customary in the Member State concerned or in a part of its territory.

However:

(a) in the case of quality sparkling wines psr and quality sparkling wines, the official language of the Member State in whose territory production took place shall be used:

— for the name of the specified region, as referred to in the second subparagraph of Article 2 (2),

— for the name of another geographical unit, as referred to in Article 5 (1),

— for an expression indicating superior quality, as referred to in Article 5 (7);

(b) in the case of products originating in non-member countries,

— the use of an official language of the non-member country in which production took place shall be allowed, provided that the information specified in Article 2 (1) is also given in an official language of the Community,

— the translation of some of the information specified in Article 3 into an official language of the Community may be governed by implementing provisions.

Article 7

1. In the case of the products referred to in Article 1 (1), the description in the registers kept by producers, in official documents and, where an accompanying document is not made out, in commercial documents, shall include:

— the mandatory information specified in Article 2 (1) (a) and (d) and, as appropriate, (2) or (3);

— the information specified in Article 5, in so far as it appears or is intended to appear on the labelling.

The description in registers kept by persons other than producers shall include the information referred to in the preceding subparagraph. In such cases, the information referred to in the second indent may be replaced in the registers by the number of the accompanying document and the date on which it was made out.

2. The information referred to in paragraph 1 may be given in code. The code must be such as to enable the designated authority referred to in Article 64 (1) of Regulation (EEC) No 337/79 to identify rapidly the description of the sparkling wine concerned.

3. The information referred to in paragraph 1 shall be given in accordance with Articles 3, 4 and 5.

TITLE II

Presentation

Article 8

The containers used for the production and storage of the products referred to in Article 1 (1) shall be marked in indelible writing, in such a way as to enable the designated authority to identify their contents rapidly by reference to registers or equivalent documents.

However, in the case of containers with a nominal volume not exceeding 60 litres which are filled with the same product and stored together in the same batch, the batch as a whole may be marked instead of the individual containers, provided that the batch is clearly separated from other batches.

Article 9

1. The products referred to in Article 1 (1) may be held for sale and put on the market only in glass bottles which:

(a) conform with Directive 75/106/EEC;

(b) are closed with:

— a mushroom-shaped stopper made of cork or other material permitted to come into contact with foodstuffs, held in place by a fastening, surmounted by a cap and sheathed in foil completely covering the stopper and all or part of the neck of the bottle,

— any other suitable closure in the case of bottles with a nominal content not exceeding 0,20 litres;

(c) bear labelling conforming to the provisions of this Regulation.

However, exceptions to (b) and (c) of the preceding subparagraph may be made in the implementing provisions in respect of the sale of quality sparkling wines and quality sparkling wines psr between wine-makers in areas adjoining the place where the product was made, provided that the designated authority can identify the wine rapidly by reference to registers or equivalent documents.

2. For the purposes of this Regulation, labelling shall mean all descriptions and other references, symbols, illustrations and marks which serve to distinguish the product and which appear on the same container, including the closure, tags attached to the container and the sheathing covering the neck of bottles.

Descriptive details, symbols and other marks shall not form part of the labelling if they:

— are prescribed by the tax laws of the Member States,

— refer to the manufacturer or volume of the container and are inscribed directly and indelibly thereon,

— are used for monitoring bottling operations and are specified in detailed rules to be laid down,

— are used to identify the product by means of a code number or machine-readable symbol,

— refer to the price of the product concerned.

3. In so far as labelling is not governed by this Regulation, it may be governed by implementing provisions, in particular as regards:

(a) the positioning of labels on containers;

(b) the minimum size of labels;

(c) the arrangement on labels of the various items comprising the description;

(d) the size of the characters on labels;

(e) the use of symbols, illustrations and brand names.

Article 10

1. For the purposes of this Regulation, packaging means protective wrappings such as paper, straw envelopes of all kinds, cartons and cases, used in the transport of one or more containers.

2. The packaging may not bear information relating to the packed product which does not comply with Articles 3, 4 and 5.

TITLE III

General provisions

Article 11

1. The description of the products referred to in Article 1 (1) may not:

(a) be liable to mislead the persons for whom they are intended, in particular:

(i) as regards the characteristics of the product such as its nature, identity, quality, composition, quantity, storage life, origin or provenance and the method used in making it,

(ii) by attributing to the product effects or properties which it does not possess,

(iii) by suggesting that the product possesses special characteristics which are in fact possessed by all similar products;

(b) attribute to the product properties for preventing, treating or curing human ailments or make allusion to such properties.

2. Paragraph 1 shall also apply:

(a) to the presentation of the products referred to in Article 1 (1), in particular as regards their shape and design including the shape and design of the packaging used, the way in which they are sold and the setting in which they are displayed;

(b) to the advertising of the said products.

Article 12

1. The designations in Article 4 (2) and the term 'Sekt' shall be used only for the products referred to in Article 1 (1).

2. Without prejudice to provisions on the harmonization of laws, paragraph 1 shall not affect the right of Member States to allow as the description of a beverage:

— in the form of a composite name, the use of the expression 'sparkling wine' accompanied by the name of a fruit falling within Chapter 8 of the Common Customs Tariff, where such beverage was obtained by alcoholic fermentation of that fruit,

— other composite names including the expression 'sparkling wine', where such beverage was obtained by alcoholic fermentation of a product referred to in the second subparagraph of Article 48 (5) and the fourth subparagraph of Article 50 (3) of Regulation (EEC) No 337/79.

The composite names referred to in the preceding subparagraph shall be indicated on the labelling in characters of the same type and colour and of a height which enables them to stand out clearly from other information.

Article 13

1. Products as referred to in Article 1 (1), whose description or presentation does not conform to the provisions of this Regulation or the detailed rules adopted for its implementation, may not be held for sale or put on the market in the Community or exported.

Derogations from the provisions of this Regulation may be provided for in the implementing provisions in respect of the description of products as referred to in Article 1 (1) intended for export, where the legislation of the importing non-member country so requires.

2. The authority referred to in Article 64 (1) of Regulation (EEC) No 337/79, of the Member State where the product is, shall decide on the use to be made of products whose description or presentation does not conform to the provisions referred to in paragraph 1 and shall, where appropriate, take the necessary steps to sanction the infringement committed according to its gravity.

Such decisions and measures to be taken by the authority referred to in the preceding subparagraph may include:

— authorization to hold the product in question for sale, to put it on the market in the Community or to export it, provided that its description or presentation is changed to conform to the provisions referred to in paragraph 1,

— directions to deliver the product in question for distillation, vinegar-making or other industrial uses,

— directions to return the product to the consignor,

— directions to destroy the product in question.

Article 14

Transitional arrangements shall be adopted in the implementing provisions concerning:

— the putting on the market of products whose description and presentation do not conform to the provisions of this Regulation,

— the use of stocks of labels or other labelling accessories printed or manufactured before the date of entry into force of this Regulation.

Article 15

This Regulation shall enter into force on 1 September 1984.

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

Amendment to the proposal for a Council Directive on crude oil-saving through the use of substitute fuel components in petrol (1)

(Submitted by the Commission to the Council pursuant to Article 149 (2) of the EEC Treaty on 21 April 1983)

TEXT PROPOSED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES	TEXT AMENDED BY THE EUROPEAN PARLIAMENT
Preamble and recitals unchanged	
Article 1	*Article 1*
Member States shall take all such steps as may be necessary to ensure that there are no legal or administrative obstacles on their respective territories to the production, sale, distribution and use of petrol blends containing organic oxygenates as substitute fuel components which are in conformity with the technical Annex. Such blended fuels must be usable safely and with similar performance to current petrol by vehicles propelled by spark-ignition internal combustion engines currently in use or being offered for sale without requiring any modification to such vehicles.	Member States shall take all such steps as may be necessary to ensure that there are no legal or administrative obstacles on their respective territories to the production, sale, distribution and use of petrol blends containing organic oxygenates as substitute fuel components which are in conformity with the technical Annex. Such blended fuels must be usable safely and with similar performance to current petrol by vehicles propelled by spark-ignition internal combustion engines currently in use or being offered for sale without requiring any modification to such vehicles. **Member States shall ensure consumer protection such that significant variations in the calorific value of blended fuels relative to unblended fuels are reflected in the price charged at the pump to the general public.**
Articles 2 to 8 unchanged	
Annex unchanged	

---

(1) OJ No C 229, 2. 9. 1982, p. 4.