

Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector

### TITLE III

## TRADE WITH THIRD COUNTRIES

### CHAPTER I

#### Entry price arrangements for grape juice and must

##### *Article 38*

##### **Definition**

For the purposes of this title ‘consignment’ means the quantity of a product consigned by one consignor to one consignee, presented under a single custom declaration for release for free circulation. Each declaration may cover only goods of one and the same origin, as defined in Articles 23 and 24 of Regulation (EEC) No 2913/92<sup>(1)</sup>, falling within a single Combined Nomenclature code.

##### *Article 39*

##### **Verification by consignment**

1 For products falling within CN codes 2009 61, 2009 69 and 2204 30 listed in Annex I, Part Three, Section I, Annex 2 to the Common Customs Tariff and subject to entry price arrangements, the actual customs value shall be verified by checking every consignment.

2 The entry price in Annex 2 of the Regulation (EEC) No 2658/87<sup>(2)</sup> for the products indicated in paragraph 1 shall be determined on the basis of the customs value.

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*Status: Point in time view as at 25/02/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE III. (See end of Document for details)*

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## CHAPTER II

### Certificates and analysis reports for wine, grape juice and must on import

#### Section 1

#### General

#### Article 40

#### Documents required

The certificate and the analysis report referred to in Article 82(3)(a) and (b), respectively, of Regulation (EC) No 479/2008 shall form a single document:

- (a) the 'certificate' part of which shall be made out by a body of the third country from which the products comes;
- (b) the 'analysis report' part of which shall be made out by an official laboratory recognised by the third country from which the products comes.

#### Article 41

#### Contents of the analysis report

The analysis report shall include the following information:

- (a) in the case of wines and grape must in fermentation:
  - (i) the total alcoholic strength by volume;
  - (ii) the actual alcoholic strength by volume;
- (b) in the case of grape must and grape juice, the density;
- (c) in the case of wines, grape must and grape juice:
  - (i) the total dry extract;
  - (ii) the total acidity;
  - (iii) the volatile acid content;
  - (iv) the citric acid content;
  - (v) the total sulphur dioxide content<sup>[F1.]</sup>
  - (vi) <sup>[F2.]</sup> . . . . .

#### Textual Amendments

- F1** Substituted by Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector.

*Status: Point in time view as at 25/02/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE III. (See end of Document for details)*

- F2** Deleted by Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector.

## Article 42

### Exemptions

1 No certificate or analysis report need be presented for products originating in and exported from third countries in labelled containers of not more than five litres fitted with a non-reusable closing device where the total quantity transported, whether or not made up of separate consignments, does not exceed 100 litres.

2 Where products do not fulfil the conditions set out in paragraph 1, no certificate and analysis report needs to be presented for:

- a wine, grape must and grape juice contained in the personal luggage of travellers within the meaning of Article 45 of Council Regulation (EEC) No 918/83<sup>(3)</sup> up to a maximum of 30 litres per traveller;
- b wine sent in consignments from one private individual to another, within the meaning of Article 29 of Regulation (EEC) No 918/83 up to a maximum of 30 litres per consignment;
- c wine and grape juice forming part of the personal property of private individuals transferring their normal place of residence from a third country to the Community within the meaning of Article 2 of Regulation (EEC) No 918/83;
- d wine and grape juice for trade fairs as defined in Article 95 of Regulation (EEC) No 918/83, provided that the products in question are put up in labelled containers of not more than two litres fitted with a non-reusable closing device;
- e quantities of wine, grape must and grape juice in other containers, imported for the purpose of scientific and technical experiments up to a maximum of 100 litres;
- f wines and grape juice imported in accordance with the provisions of the Vienna Convention on diplomatic relations of 18 April 1961, the Vienna Convention on consular relations of 24 April 1963 or other consular conventions, or the New York Convention of 16 December 1969 on special missions;
- g wines and grape juice held in stores on board of vessels and aircraft operating in international transport;
- h wines and grape juice originating and bottled in the European Community, exported to a third country and returned to the customs territory of the Community and released for free circulation.

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## Section 2

### **Requirements to be met and detailed rules for drawing up and using the certificate and analysis report for imports of wine, grape juice and grape must**

#### *Article 43*

#### **V I 1 document**

1 The certificate and analysis report for each consignment intended for import into the Community shall be drawn up on a single V I 1 document.

The document referred to in the first subparagraph shall be drawn up on a V I 1 form corresponding to the specimen shown in Annex IX. It shall be signed by an officer of an official body and by an official of a recognised laboratory as referred to in Article 48.

2 Where the product concerned is not intended for direct human consumption, the analysis report section of the V I 1 form need not be completed.

[<sup>F3</sup>In the case of wine put up in labelled containers of a capacity not exceeding 60 litres, fitted with non-reusable closing devices, and provided that the wine originates in a country appearing in Annex XII, part A, which has offered special guarantees accepted by the Community, the analysis report section of the V I 1 form need be completed only in respect of:]

- a the actual alcoholic strength by volume;
- b the total acidity;
- c the total sulphur dioxide content.

#### **Textual Amendments**

- F3** Substituted by [Commission Implementing Regulation \(EU\) No 202/2013 of 8 March 2013 amending Regulation \(EC\) No 555/2008 as regards the submission of support programmes in the wine sector and trade with third countries.](#)

#### *Article 44*

#### **Description of documents**

1 V I 1 forms shall comprise a typed or handwritten original and a simultaneously produced copy, in that order.

2 The V I 2 form shall be an extract made out in accordance with the specimen shown in Annex X, containing the data appearing on a V I 1 document or another V I 2 extract and stamped by a Community customs office. V I 2 forms shall comprise an original and two copies, in that order.

3 V I 1 documents and V I 2 extracts shall comply with the technical rules set out in Annex XI.

4 Both the original and the copy shall accompany the product. V I 1 and V I 2 forms must be completed either in typescript or by hand, or by equivalent technical means recognised by an official body. Handwritten forms shall be completed in ink and in capital letters. No erasures

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or overwriting shall be permitted. Any alterations shall be made by crossing out the incorrect particulars and, where appropriate, adding those required. Any change made in this way must be approved by its author and stamped, as the case may be, by the official agency, the laboratory or the customs authorities.

5 V I 1 documents and V I 2 extracts shall bear a serial number allocated, in the case of V I 1 documents, by the official agency whose officer signs the certificate and, in the case of V I 2 extracts, by the customs office which stamps them in accordance with Article 47(2) and (3).

6 Without prejudice to paragraphs 2, 3, 4 and 5, V I 1 and V I 2 may be issued and used using computerised systems in accordance with detailed rules laid down by the competent authorities of the Member States. The content of an electronic V I 1 and V I 2 must be identical to that one on paper.

#### *Article 45*

### **Simplified procedure**

[<sup>F3</sup> V I 1 documents made out by wine producers in the third countries listed in Annex XII, Part B, which have offered special guarantees accepted by the Community shall be considered as certificates or analysis reports drawn up by agencies and laboratories included in the list provided for in Article 48 provided that the producers have received individual approval from the competent authorities of those third countries and are subject to inspection by the latter.]

2 Approved producers as referred to in paragraph 1 shall use V I 1 forms giving in box 9 the name and address of the official agency of the third country which approved them. Producers shall complete the form, entering in addition:

- [<sup>F3</sup>a in box 1, their names and addresses and their registration numbers in the third countries listed in Annex XII, Part B;]
- b in box 10, at least the particulars provided for in Article 43(2).

The producers shall sign in the space provided in boxes 9 and 10, after striking out the words 'name and title of official'.

Neither stamps nor the name and address of the laboratory shall be required.

#### **Textual Amendments**

- F3** Substituted by [Commission Implementing Regulation \(EU\) No 202/2013 of 8 March 2013 amending Regulation \(EC\) No 555/2008 as regards the submission of support programmes in the wine sector and trade with third countries.](#)

#### *[<sup>F4</sup> Article 45a*

### **Electronic document**

1 V I 1 documents established in accordance with Articles 43 and 45 may be replaced by an electronic document for the import in the Union of wine products from third countries which have in place a system of controls accepted by the Union as equivalent to that set up for the same products by the Union legislation.

A system of controls in a third country may be accepted as equivalent to that set up for the same products by the Union if it fulfils at least the following conditions:

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- a it offers sufficient guarantees as to the nature, the origin and the traceability of the wine products produced or traded on the territory of the third country concerned;
- b it guarantees access to the data held in the electronic system used, in particular with regard to the registration and the identification of operators, control bodies and the analysis laboratories;
- c it guarantees the possibility to check the data referred to in point (b) within the framework of a mutual administrative cooperation.

Third countries having in place a system of controls accepted by the Union as equivalent in accordance with the second subparagraph shall be included in the list set out in Annex XII, Part C.

2 The electronic document provided for in paragraph 1 shall contain at least the information necessary for the establishment of the V I 1 document.

A unique administrative reference code is assigned to the electronic document by, or under the control of the competent authorities of the third country of export. This code is included on the commercial documents required for the import in the territory of the Union.

3 Access to the electronic document or to the data necessary for its establishment shall be given at any request of the competent authorities of the Member State of destination.

The data referred to in the first subparagraph may be requested in the form of a paper document in which the data shall be displayed in the form of data elements, expressed in the same manner as in the electronic document.]

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#### **Textual Amendments**

- F4** Inserted by [Commission Implementing Regulation \(EU\) No 752/2013 of 31 July 2013 amending Regulation \(EC\) No 555/2008 as regards national support programmes and trade with third countries in the wine sector.](#)

#### *Article 46*

#### **Derogations**

Application of Articles 43(2) and 45 of this Regulation may be suspended if it is found that the products to which these measures apply have been the subject of falsification likely to result in a health risk to consumers or uses of oenological practices others than the ones referred to in Article 82(2) of Regulation (EC) No 479/2008.

#### *Article 47*

#### **Use**

1 The original and the copy of V I 1 documents or V I 2 extracts shall be handed over to the competent authorities of the Member State in which the customs formalities required for putting into free circulation the consignment to which they relate are carried out, on completion of those formalities.

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The authorities shall, where necessary, endorse the back of the V I 1 document or the V I 2 extract. They shall return the original to the person concerned and keep the copy for at least five years.

2 Where a consignment is to be reconsigned complete before entry into free circulation, the new consignor shall give the customs authorities supervising the consignment the V I 1 document or the V I 2 extract relating to that consignment as well as, if appropriate, a V I 2 form completed consecutively.

The authorities shall verify that the particulars entered on the V I 1 document agree with those entered on the V I 2 form or that the particulars entered on the V I 2 extract agree with those entered on the V I 2 form completed consecutively, and shall then stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse the document or previous extract accordingly. They shall return the extract and the original of the V I 1 document or the previous V I 2 extract to the new consignor and keep the copy of the document or previous extract for at least five years.

However, a V I 2 form need not be completed where a consignment of a product is re-exported to a third country.

3 Where a consignment is split before it enters into free circulation, the person concerned shall give the original and the copy of the V I 1 document or the V I 2 extract relating to the consignment to be split to the customs authorities supervising that consignment, together with a V I 2 form and two copies completed consecutively for each new consignment.

The authorities shall verify that the particulars entered on the V I 1 document or on the V I 2 extract correspond to those on the V I 2 form completed consecutively for each new consignment, and shall then stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse accordingly the back of the V I 1 document or the V I 2 extract on which it was based. They shall return the V I 2 extract together with the V I 1 document or the V I 2 extract previously completed to the person concerned and keep a copy of each of these documents for at least five years.

#### *Article 48*

### **List of competent bodies**

1 The Commission shall draw up and update lists containing the names and addresses of the agencies and laboratories, and of the wine producers authorised to draw up V I 1 document, on the basis of notifications from the competent authorities of third countries. The Commission shall make the names and addresses of these agencies and laboratories public on the internet.

2 The notifications from the competent authorities of third countries referred to in paragraph 1 shall contain:

- a the names and addresses of the official agencies and laboratories approved or appointed for the purpose of drawing up V I 1 documents;
- b the names, addresses and official registration numbers of the wine producers authorised to draw up V I 1 documents.

The lists referred to in paragraph 1 shall contain only agencies and laboratories as referred to in point (a) of the first subparagraph of this paragraph which have been authorised by the competent authorities of the third country concerned to provide the Commission and the Member States, on request, with any information required to evaluate the data appearing on the document.

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3 The lists shall be updated, in particular to take account of changes of address and/or name of agencies or laboratories.

#### *Article 49*

### **Indirect imports**

In cases where a wine is exported from a third country in whose territory it was produced (hereinafter referred to as ‘the country of origin’) to another third country (hereinafter referred to as ‘the exporting country’), from which it is then exported to the Community, the competent authorities of the exporting country may draw up the V I 1 document for the wine concerned on the basis of a V I 1 document or equivalent drawn up by the competent authorities of the country of origin, without having to perform further analyses on the wine, if that wine:

- (a) has already been bottled and labelled in the country of origin and remains so; or
- (b) is exported in bulk from the country of origin and bottled and labelled in the exporting country without any further processing.

The competent authority of the exporting country shall certify on the V I 1 document that the wine in question is a wine to which the first paragraph refers and that it fulfils the conditions set out therein.

The original or a certified copy of the V I 1 document or equivalent of the country of origin shall be attached to the V I 1 document of the exporting country.

The only countries of origin for the purposes of this Article shall be those appearing on the list, published in accordance with Article 48(1), of agencies and laboratories that are appointed by third countries to complete the documents that must accompany each consignment of imported wine.

#### *Article 50*

### **Special rules for particular wines**

1 In the case of liqueur wines and wines fortified for distillation, the V I 1 documents shall be recognised as valid only where the official agency as referred to in Article 48 has entered the following in box 14:

the alcohol added to this wine is certified as being wine alcohol.

The entry shall be accompanied by the following information:

- a the full name and address of the issuing agency;
- b the signature of an official of the agency;
- c the agency's stamp.

2 The V I 1 document may be used as certifying that an imported wine bears a geographical indication in conformity with either the agreement on Trade-Related Intellectual Property Rights (TRIPS) of the World Trade Organisation (WTO), or the Community legislation on geographical indications or an agreement on recognition and protection of geographical indications between the European Community and the third country from which the wine originates.



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In such a case, box 14 shall indicate the following:

the wine covered by this document is certified as having been produced in the ... wine-growing region and was given the geographical indication shown in box 6 in accordance with the provisions of the country of origin.

The entry shall be accompanied by the information provided for in the second subparagraph of paragraph 1.

#### *Article 51*

### **Conformity of imported wines**

Where the competent authorities of a Member State suspect that a product originating in a third country does not comply with Article 82(1) and (2) of Regulation (EC) No 479/2008, they shall inform the Commission thereof without delay.

## CHAPTER III

### **Specific provisions on exports**

#### *Article 52*

### **Notification of official bodies**

1 Member States shall send the Commission the lists of official or officially recognised bodies that they propose should issue attestations proving that the wine in question meets the conditions for access to the concessions provided for in the agreements with third countries.

2 The Commission shall act on behalf of the Community in drawing up and exchanging, jointly with the third country concerned, the list of official bodies authorised to draw up the attestations referred to in paragraph 1 and the equivalent certificate issued by the third country concerned.

3 The Commission shall make the list provided for in paragraph 2 public and update it periodically.

## CHAPTER IV

### **Transitional provisions**

#### *Article 53*

### **V I 1 and V I 2 conformity**

V I 1 and V I 2 documents which were in conformity with the provisions applicable when they were put into circulation but which no longer conform to those provisions from the date of application of this Regulation may continue to be used until 31 December 2008.

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#### *Article 54*

#### **Release of security**

At the request of the interested parties, the securities lodged for the issuing of import and export licenses, shall be released from 1 August 2008, if the validity of the licenses has not expired before that date.

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**Status:** Point in time view as at 25/02/2014.

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- (1) [OJ L 302, 19.10.1992, p. 1.](#)
- (2) [OJ L 256, 7.9.1987, p. 1.](#) Regulation as last amended by Regulation (EC) No 275/2008 ([OJ L 85, 27.3.2008, p. 3.](#)).
- (3) [OJ L 105, 23.4.1983, p. 1.](#)

**Status:**

Point in time view as at 25/02/2014.

**Changes to legislation:**

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