No L 190/2 Official Journal of the European Communities 26.8.70

REGULATION (EEC) No 1697/70 OF THE COMMISSION

of 25 August 1970

on the downgrading of quality wines produced in specified regions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 817/70[1] of 28 April 1970 laying down special provisions for quality wines produced in specified regions, and in particular Article 12 (6) and Article 16 thereof;

Whereas, in pursuance of Article 12 (5) of Regulation (EEC) No 817/70, the downgrading of a quality wine p.s.r. may be effected at the marketing stage only in certain cases; whereas such cases must be specified; whereas a procedure should be provided which will ensure that the required conditions are met;

Whereas, so that the consumer may not be misled, a downgraded quality wine p.s.r. should not be marketed under a name suggestive of the designation to which it is no longer entitled;

Whereas the downgrading should be indicated in the turnover records so that normal inspection can be carried out;

Whereas a quality wine p.s.r. may be downgraded to a table wine only if the enrichment to which the quality wine p.s.r. to be downgraded was subjected has been carried out in accordance with the provisions of Article 19 (6) of Regulation (EEC) No 816/70 which cover the enrichment of table wines;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Wine;

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation the downgrading of a quality wine p.s.r. consists of withdrawing the right to describe it as a quality wine p.s.r.

Article 2

1. Downgrading shall be decided by the competent authority of the producer Member State.

2. It shall be proposed by either:

(a) the competent authority itself at the time of any appropriate inspection, or

(b) a trader, other than a retailer within the meaning of Article 4 of Commission Regulation No 134[2] of 25 October 1962 on the declaration of wine harvests and stocks, who holds a quality wine p.s.r.

In the case referred to in (b), the trader shall be obliged to inform the competent authority that the quality wine p.s.r. which he holds meets the requirements set out in paragraph 3.

The competent authority shall check, in particular by sampling, that those requirements are met.

3. Downgrading may be effected only if it is found:

(a) that the wine in question no longer satisfies the requirements in respect of at least one of the characteristics referred to in Article 11 of Regulation (EEC) No 817/70 and determined for the quality wine p.s.r. in question; or

(b) that the wine in question no longer satisfies the requirements concerning colour, clarity, smell and taste.

[1] OJ No L 99, 5.5.1970, p. 20.

[2] OJ No 111, 6.11.1962, p. 2604/62.

Article 3

In the marketing of a downgraded quality wine p.s.r. the use—in particular on the containers, wrappings, labels, trade and other documents accompanying the wine—of a name which suggests the quality wine p.s.r. designation to which the wine was entitled before being downgraded shall be prohibited.

Article 4

The quantities of downgraded quality wine p.s.r. shall be entered as withdrawals in the turnover records under the date of downgrading. The inclusion of the words 'downgraded wine' shall be obligatory.

These same quantities shall be entered, under the same date, as receipts under the appropriate heading.

Article 5

A quality wine p.s.r. shall be downgraded to a table wine only where any enrichment thereof has been done in accordance with the provisions of Article 19 (6) of Regulation (EEC) No 816/70.

Article 6

Member States shall compile information, for each marketing year, on the downgrading of quality wines p.s.r. and shall inform the Commission, by 1 November at the latest, for the marketing year just ended, of the quantities of quality wines p.s.r. which have been downgraded either at the production or at the marketing stage—excluding retailers—showing the quantities which have been downgraded to table wines.

Article 7

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, 25 August 1970.

For the Commission

The President

Franco M. MALFATTI