25.3.71 Official Journal of the European Communities No L 71/1

REGULATION (EEC) No 608/71 OF THE COUNCIL

of 22 March 1971

amending Regulation (EEC) No 1388/70 on general rules for the classification of vine varieties

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation No 816/70[1] of 28 April 1970 laying down additional provisions for the common organisation of the market in wine, as last amended by Regulation (EEC) No 2612/70,[2] and in particular Article 16 (1) thereof;

Having regard to the proposal from the Commission;

Whereas at has become apparent that the provisions of Council Regulation (EEC) No 1388/70[3] of 13 July 1970 on general rules for the classification of vine varieties are sometimes too narrow in concept to take account of economic needs; whereas it is necessary in particular to admit to the category of grape varieties for special uses those used in the canning industry, and not to classify them with table grape varieties;

Whereas, since different names are used to describe a single vine variety, it is appropriate to establish within the classification a list of synonyms know to be used in the trade; whereas, moreover, a list of homonyms may be useful where a single term is used to cover several vine varieties;

Whereas it is appropriate, moreover, that varieties intended for the production of vegetative propagation material for vines, used exclusively for export, and not listed in the classification, should be acceptable for cultivation;

Whereas Article 10 (1) of Regulation (EEC) No 1388/70 gives an exhaustive list of cases in which the classification of vine varieties may be altered; whereas it is essential, in order to produce a satisfactory classification, to permit alterations other than those provided for in that paragraph;

HAS ADOPTED THIS REGULATION:

Article 1

1. The following shall be substituted for Article 2 (2) (b) of Regulation (EEC) No 1388/70:

'(b) "table grape variety" means a vine variety which comes within the common quality standards for table grapes adopted under Regulation No 23, normally cultivated for the production of grapes for consumption when fresh;'

2. The following third indent shall be added to Article 2 (2) (c) of Regulation (EEC) No 1388/70:

'— the production of grapes normally used in the canning industry;'

Article 2

The following Article shall be added to Regulation (EEC) No 1388/70:

'Article 9a

1. Subject to the provisions of Article 5 (d) (3) of the Council Directive of 9 April 1968[4] on the marketing of material for the vegetative propagation of the vine, as amended by the Directive of 22 March 1971,[5] a list of synonyms of the vine varieties appearing in the classification shall be included in the classification if such synonyms are:

(a) used in the trade to designate the wines produced from the vine varieties in question and

(b) sufficiently well known.

2. A list of homonyms of the vine varieties referred to in paragraph 1 may also be included.'

[1] OJ No L 99, 5.5.1970, p. 1.
[2] OJ No L 281, 16.12.1970, p. 6.
[3] OJ No L 155, 16.7.1970, p. 5.
[4] OJ No L 93, 17.4.1968, p. 15.
[5] OJ No L 71, 25.3.1971, p. 16.

Article 3

1. The following shall be substituted for Article 10 (1) of Regulation (EEC) No 1388/70:

'1. From 1 January 1971, only recommended vine varieties may be added to the classification of vine varieties.'

2. The following shall be substituted for the first subparagraph of Article 10 (2):

'The addition provided for in paragraph 1 may be made only if the cultivation suitability of the varieties in question is considered satisfactory for an administrative unit or part thereof or, where appropriate, for the Community as a whole.'

Article 4

The following Article shall be added to Regulation (EEC) No 1388/70:

'*Article 10a*

1. Vine varieties whose cultivation suitability, after the establishment of the classification, is considered unsatisfactory for an administrative unit or part thereof or, where appropriate, for the Community as a whole shall be eliminated from the classification for the administrative unit or part thereof concerned or, where appropriate, for the Community as a whole.

2. Subject to the provisions of Article 10, the classification of a vine variety in one of the categories specified in Article 5 shall be altered if it is considered that its cultivation suitability justifies the alteration.'

Article 5

The following shall be substituted for Article 11 (2) of Regulation (EEC) No 1388/70:

'2. Member States may, however, permit derogations from the provisions of the first indent of paragraph 1 for the following purposes:

— testing of the cultivation suitability of a vine variety not listed in the classification for the administrative unit or part thereof concerned or for the Community as a whole;

— scientific research;

— selection or crossing studies;

— production of vegetative vine propogation material for vines reserved exclusively for export to third countries on condition that there is suitable control over production.

Member States concerned shall notify the Commission before 1 October 1971 of:

(a) the list of vine varieties which are subject to the fourth indent of the first subparagraph; and

(b) the provisions they are applying to ensure control over that production.

They shall inform the Commission before 1 October of each year of the alterations to be made to that list.'

Article 6

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, 22 March 1971.

For the Council

The President

M. COINTAT