REGULATION (EEC) No 2236/73 OF THE COMMISSION

of 16 August 1973

prescribing certain rules for the tests to be carried out on wines which prima facie satisfy the requirements for designation as '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 relating to quality wines produced in specified regions, as last amended by Regulation (EEC) No 2680/72 [2], and in particular Articles 11 (4) and 16 thereof ;

Whereas, pursuant to Article 11 (1) of Regulation (EEC) No 817/70, producer Member States must carry out an organoleptic test and must determine for each quality wine psr produced on their territory the upper and lower limits for the characteristic elements assessed under anylytical test ;

Whereas the task of comparing the results of tests with the specifications prescribed, and of carrying out organoleptic tests, should be entrusted to inspection boards ;

Whereas, since winemakers might contest the decisions of the boards, provision should be made for re-testing ;

Whereas provision should be made as to the designation of wines suitable for yielding quality wines psr that are not accepted as quality wines psr by the board concerned ;

Whereas the Commission should be informed of the measures taken by the Member States and of the manner in which they are applied ;

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

1. Each producer Member State shall set up one or more inspection boards, to be responsible for carrying out organoleptic tests for the quality wine psr produced in its territory. These tests shall be carried out on those wines in respect of which the results of analytical tests are within the upper and lower limits referred to in the second subparagraph of Article 11 (1) (a) of Regulation (EEC) No 817/70.

2. When setting up inspection boards, Member States shall ensure that all interested parties are represented thereon.

3. Member States shall take the necessary measures to provide for re-testing whenever any decision of an inspection board is contested by the maker of the quality wine psr concerned, or by the authorities responsible for carrying out controls.

Article 2

In accordance with the provisions of Article 11 (2) of Regulation (EEC) No 817/70, until the Council has adopted the appropriate provisions Member States who carry out analytical and organoleptic tests by sampling shall ensure that the wines tested are representative of all the quality wines psr held by the producer concerned. Sampling must be so organized that the production of each producer concerned is tested at least once every three years.

Article 3

Without prejudice to the other conditions laid down in respect of the quality wine psr in question, a tested wine may be designated a quality wine psr only if the results of the analytical tests in respect of the elements are found to be within the upper and lower limits prescribed.

Article 4

No wine can be a quality wine psr if the results of the organoleptic test show that it is not suitable for yielding a quality wine psr. In such a case, if the wine is of sound, fair and marketable quality and provided that any enrichment that it has undergone has been carried out in accordance with Article 19 (6) of Regulation (EEC) No 816/70, it shall be considered to be a table wine.

(1) OJ No L 99, 5. 5. 1970, p. 20.
(2) OJ No L 289, 27. 12. 1972, p. 1.

Article 5

The Member States shall within six months draw up and communicate to the Commission lists setting out the elements to be assessed and the upper and lower limits in respect of those elements. Any amendments to such lists shall be communicated within a period of three months.

Article 6

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.* It shall be applicable from 1 September 1973.

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

Done at Brussels, 16 August 1973.

For the Commission

The President

François-Xavier ORTOLI