COUNCIL REGULATION (EEC) No 2878/76

of 23 November 1976

amending Regulation (EEC) No 817/70 laying down special provisions relating to quality wines produced in specified regions

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 [1],

Having regard to the opinion of the Economic and Social Committee [2],

Whereas the experience gained in applying Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions [3], as last amended by Regulation (EEC) No 1161/76 [4], shows that Article 10 thereof should be made more specific in particular as regards the measures which Member States may take,

HAS ADOPTED THIS REGULATION :

Article 1

Article 10 of Regulation (EEC) No 817/70 shall be amended to read as follows :

'*Article 10*

1. A yield per hectare expressed in quantities of grapes, of grape must or of wine shall be fixed for each quality wine p.s.r. by the Member State concerned.

When this yield is being fixed, particular account shall be taken of the yields obtained over the preceding 10 years. Only harvests of satisfactory quality from representative soils of the specified region shall be considered.

The yield per hectare may be fixed at different levels for the same quality wine p.s.r. depending on :

— the sub-region, commune or part of a commune, and

— the vine variety or varieties,

from which the grapes used are derived.

A yield so fixed may be adjusted by the Member State concerned.

2. Use of the designation claimed shall be prohibited for the entire harvest if the yield referred to in paragraph 1 is exceeded, save where derogations are provided for on a general or individual basis by the Member States under conditions which they shall lay down, on the basis of wine-growing areas if appropriate ; these conditions shall relate in particular to the use to which the wines or products in question are to be put.'

Article 2

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, 23 November 1976.

For the Council

The President

A. P. L. M. M. van der STEE

---

(1) OJ No C 238, 11. 10. 1976, p. 48.
(2) Opinion delivered 30 September 1976 (not yet published in the Official Journal).
(3) OJ No L 99, 5. 5. 1970, p. 20.
(4) OJ No L 135, 24. 5. 1976, p. 27.