COMMISSION REGULATION (EEC) No 2206/77

of 5 October 1977

amending Regulation (EEC) No 2015/76 on storage contracts for table wine, grape must and concentrated grape must

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (1), as last amended by Regulation (EEC) No 1679/77 (2), and in particular the second subparagraph of Article 5 (7), Article 5a (3), Article 6 (5) and Article 6c (4) thereof,

Whereas Commission Regulation (EEC) No 2015/76 of 13 August 1976 (3) lays down rules governing storage contracts for table wine, grape must and concentrated grape must;

Whereas, to encourage the qualitative improvement of production, the minimum alcoholic strength of wine and must which may be the subject of storage contracts should be fixed; whereas, to the same end, provision should also be made to enable table wine which is the subject of long-term storage contracts to be made subject to more stringent conditions according to the quality of the harvest; whereas, however, pending the adoption of such conditions provision should be made to enable Member States to apply more stringent provisions in respect of products stored on their territory;

Whereas, so as to avoid abuses, it should be stipulated that a table wine which has been the subject of a storage contract may not be subsequently recognized as a quality wine psr;

Whereas, pursuant to Article 9 of Regulation (EEC) No 2015/76, the intervention agency may decide to terminate the payment of aid and the corresponding obligations of the producer if for two consecutive weeks the weighted average price for the type of table wine in question is equal to or higher than the guide price; whereas, so as to ensure that the system of storage contracts is applied in the same way in all the Member States, provision should be made for the above decision to be taken in accordance with a Community procedure;

Whereas the aid provided for in Article 11 of Regulation (EEC) No 2015/76 no longer covers the technical costs of storage plus interest; whereas it should therefore be adjusted in line with the rise in costs;

Whereas Article 5a of Regulation (EEC) No 816/70 lays down the aid arrangements for the private storage of musts; whereas Article 6c of that Regulation provides for the conclusion of storage contracts; whereas Articles 1 and 16 of Regulation (EEC) No 2015/76 should be adjusted accordingly;

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

Article 1 of Regulation (EEC) No 2015/76 is amended to read as follows:

'Article 1

This Regulation lays down rules for the conclusion of the storage contracts referred to in Articles 5, 5a, 6 and 6c of Regulation (EEC) No 816/70, hereinafter called "contracts".

For the purposes of this Regulation, "products" means table wines, grape musts and concentrated grape musts.'

Article 2

Article 6 of Regulation (EEC) No 2015/76 is amended to read as follows:

'Article 6

1. To be the subject of a contract, products must be in bulk at the time of conclusion of the contract and, in the case of table wine, must satisfy the conditions laid down for products which can be offered or disposed of for direct human consumption pursuant to Article 28a of Regulation (EEC) No 816/70.

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 187, 27. 7. 1977, p. 15.
(3) OJ No L 221, 14. 8. 1976, p. 20.

2. With the exception of types R III, A II and A III, table wines must have an actual alcoholic strength of at least 10°.

Without prejudice to the stricter conditions which Member States may lay down in respect of products stored on their territory, more stringent conditions governing the quality of table wines which are the subject of storage contracts may be laid down each year having regard to the quality of the harvest.

3. Musts must have a natural alcoholic strength at least equal to the minimum natural alcoholic strength laid down for the wine-growing zone in which they originated.

4. An analyst's report, dated less than a month previously, shall accompany the application for a contract. This report shall include the information specified in Article 4 (2) (c).

5. A contract for a table wine may not be concluded before the date of the first racking of the wine in question.

6. Where the second subparagraph of paragraph 2 of this Article is applied, the conditions referred to therein shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.

7. A table wine which has been the subject of a storage contract may not subsequently be recognized as a quality wine psr.'

Article 3

Article 9 of Regulation (EEC) No 2015/76 is amended to read as follows:

'Article 9

Except in the case of contracts concluded pursuant to Article 6c of Regulation (EEC) No 816/70, contracts for table wines shall stipulate that the payment of aid by the intervention agency and the corresponding obligations of producers may be terminated in respect of all or part of the quantities stored if the conditions set out in Article 6 (3) of Regulation (EEC) No 816/70 are fulfilled.

The decision to terminate payment of the aid and the corresponding obligations of producers shall be taken in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 4

Article 11 of Regulation (EEC) No 2015/76 is amended to read as follows:

'Article 11

Storage aid shall be payable throughout the Community at the following standard rates per hectolitre per day:

(a) for table wines of types R I, R II, R III and A I and for table wines which stand in close economic relationship to those types of table wine: 0·0075 unit of account;

(b) for table wines of types A II and A III and for table wines which stand in close economic relationship to those types of table wine: 0·0111 unit of account;

(c) for musts with a density of less than 1·24 at 20 °C

— which were obtained from vine varieties other than Sylvaner, Müller Thurgau or Riesling: 0·0090 unit of account;

— which were obtained from the Sylvaner, Müller Thurgau or Riesling vine varieties: 0·0133 unit of account;

(d) for concentrated grape musts with a density of not less than 1·24 at 20 °C

— obtained by concentration of the musts referred to in the first indent of (c): 0·0300 unit of account;

— obtained by concentration of the musts referred to in the second indent of (c): 0·0332 unit of account.'

Article 5

Article 16 of Regulation (EEC) No 2015/76 is amended to read as follows:

'Article 16

If, on the expiry of the period of validity of a contract for table wines, the conditions for the conclusion of contracts are still fulfilled, both with regard to the price situation, without prejudice to the provisions of Article 5 (5) of Regulation (EEC) No 816/70, and with regard to the requirements of this Regulation:

— a further contract may be concluded for the table wine in question;

— intervention agencies may, on application by the producer, extend the old contract for the further period by amending it as appropriate.'

Article 6

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities.*

However, Article 4 shall apply with effect from 16 September 1977.

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

Done at Brussels, 5 October 1977.

For the Commission

Finn GUNDELACH

Vice-President