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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2211/77

of 27 September 1977

amending Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine and 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 experience shows that certain amendments should be made to Council Regulation (EEC) No 816/70 of 28 April 1970 laying down additional provisions for the common organization of the market in wine (3), as last amended by Regulation (EEC) No 1679/77 (4);

Whereas it appears that the weighted average prices as fixed pursuant to Article 4 of Council Regulation (EEC) No 816/70 do not always show sufficiently quickly that there is an imbalance on the Community wine market, thereby upsetting the arrangements for putting intervention measures into operation; whereas, therefore, for table wines of types R III, A II and A III, the weighting should no longer be limited to the lowest average prices; whereas, in addition, for the other table wines produced in the greatest quantity in the Community, in order to monitor more closely the development of producer prices in the Community so as to take effective action on the market at the appropriate time, a representative Community price should be established on the basis of a number of quotation centres, rather than a weighted average price on the basis of the single criterion of volume; whereas, in order to avoid confusion, the term 'weighted average price' should be replaced by 'representative price';

Whereas, in the event of exceptional climatic conditions, it would appear necessary to permit acidification, during limited periods of the year, in wine zones C I (a) and C I (b) in the same conditions and within the same limits as those laid down for zones C II and C III and to permit, in certain installations only, additional acidification of wines from zones C II and C III and partial deacidification of wines from zones A, B, C I (a), C I (b) and C II;

Whereas Annex IIa to Council Regulation (EEC) No 816/70 and Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions (5), as last amended by Regulation (EEC) No 529/77 (6), should consequently be adapted,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 (1) of Regulation (EEC) No 816/70 shall be replaced by the following:

'1. For each type of wine for which a guide price is fixed, the Commission shall, on the basis of all the facts available to it, establish each week and publish in the 'C' series of the *Official Journal of the European Communities*:

(a) an average producer price (hereinafter called the "average price") for each representative market for the relevant type of table wine;

(1) OJ No C 163, 11. 7. 1977, p. 78.
(2) OJ No C 180, 28. 7. 1977, p. 27.
(3) OJ No L 99, 5. 5. 1970, p. 1.
(4) OJ No L 187, 27. 7. 1977, p. 15.
(5) OJ No L 99, 5. 5. 1970, p. 20.
(6) OJ No L 69, 16. 3. 1977, p. 2.

(b) for table wines of types R III, A II and A III, a representative Community price (hereinafter called the "representative price"), corresponding to the weighted average of all the average prices established;

(c) for table wine of types R I, R II and A I, a representative Community price (hereinafter called the "representative price") corresponding to the weighted average of half the average prices established. This half shall be constituted by the lowest average prices. Where the number of average prices to be used is not a whole number, it shall be rounded up to the whole number immediately above.

Where the application of the aforementioned rules results in the number of average prices to be used being less than five in the case of table wine of type R I and less than three in the case of table wines of types R II and A I, the five lowest prices and the three lowest prices respectively shall be used. However, if the total number of average prices established is lower than the said figures, all the average prices established shall be used.

The weighted averages referred to in (b) and (c) shall be calculated on the basis of the volumes to which the average prices used refer.'

Article 2

The term 'weighted average price' in Articles 5 (2), 6 (3) and 6c (1) of Regulation (EEC) No 816/70 shall be replaced by the term 'representative price'.

Article 3

Article 20 of Regulation (EEC) No 816/70 shall be replaced by the following:

'Article 20

1. Fresh grapes, grape must, grape must in fermentation and new wine still in fermentation may be the subject of:

— partial deacidification in wine-growing zones A, B, C I (a) and C I (b),

— acidification and deacidification in wine-growing zone C II, without prejudice to paragraph 3,

— acidification in wine-growing zone C III.

Acidification may only be carried out within an upper limit of 1·50 g/l expressed in tartaric acid, or 20 milliequivalents.

Moreover, grape must intended for concentration may be the subject of partial deacidification.

2. In years when climatic conditions have been exceptional:

— additional acidification may be authorized up to a limit of 1·50 g/l expressed in tartaric acid, or 20 milliequivalents:

— for the products referred to in paragraph 1 originating from zones C II and C III,

— or for wine from the same wine-growing zones provided that acidification is carried out in the installations of the person who used the grapes and grape must from which the wine originated;

— acidification of the products referred to in paragraph 1 may be authorized in wine-growing zones C I (a) and C I (b) in the conditions referred to in paragraph 1 in the case of zones C II and C III;

— partial deacidification of wine from wine-growing zones A, B, C I (a), C I (b) and C II may be authorized provided that the deacidification is carried out in the installations of the person who used the grapes and grape must from which the wine originated.

3. Acidification and enrichment, except by way of derogation to be decided case by case, and acidification and deacidification of one and the same product are mutually exclusive processes.

4. The authorizations pursuant to paragraph 2, the derogations referred to in paragraph 3 and the other detailed rules for the application of this Article and in particular the conditions under which the operations referred to in paragraph 2 may be carried out shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 4

Article 22 of Regulation (EEC) No 816/70 shall be replaced by the following:

'Article 22

1. None of the processes mentioned in Articles 19 and 20 shall be authorized unless carried out as a single operation at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine suitable for yielding table wine or into table wine, and in the wine-growing zone where the fresh grapes used have been harvested. The same shall apply to the concentration, acidification and deacidification of wines suitable for yielding table wines and of table wines.

Each of the processes referred to in the first subparagraph must be notified to the competent authorities. The same shall apply in respect of the quantities of sucrose or concentrated grape must held in the exercise of their profession by natural or legal persons, in particular producers, bottlers, processors and merchants to be determined, at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however,

be replaced by entry in a goods inwards and stock utilization register.

2. Except by way of derogation justified by exceptional climatic conditions and except where the process is one of those referred to in Article 20 (2), first and third indents, those processes may only be carried out :

— before 1 January, in wine-growing zones C I (a) and C I (b) ;

— before 16 March, in wine-growing zones A and B,

and only for products of the wine harvest immediately preceding those dates.

However :

— concentration by cooling may be practised throughout the year ;

— the processes referred to in the first indent of Article 20 (2) may be carried out only before 16 May and only on products of the wine harvest immediately preceding that date ;

— the processes referred to in the third indent of Article 20 (2) may be carried out only before 16 June, and only on products of the wine harvest immediately preceding that date.

3. Detailed rules for the application of this Article, and in particular the exemptions from the obligation contained in paragraph 1, second subparagraph, and the derogations from the closing dates laid down in paragraph 2, first subparagraph, shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24.'

Article 5

Annex IIa to Regulation (EEC) No 816/70 shall be replaced by the following :

1. In paragraph 1 :

— the words 'paragraph 1 and paragraph 2' in (l) are deleted ;

— the words 'paragraph 1' in (m) are deleted.

2. The following points shall be added to paragraph 2 :

'(k) use of tartaric acid for acidification purposes under the conditions referred to in Articles 20 and 22 ;

(l) use of one of the following substances for deacidification purposes under the conditions referred to in Articles 20 and 22 :

— neutral potassium tartrate,

— potassium bicarbonate,

— calcium carbonate which may contain small quantities of double salt of calcium of L (+) tartaric and L (—) malic acids.'

Article 6

The first subparagraph of Article 8 (1) of Regulation (EEC) No 817/70 shall be replaced by the following :

'1. Conditions and limits for the acidification and deacidification of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine, and the procedure for granting authorizations and derogations shall be those laid down in Article 20 of Regulation (EEC) No 816/70.'

Article 7

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

Articles 1 and 2 shall apply as from 16 December 1977.

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

Done at Brussels, 27 September 1977.

For the Council

The President

A. HUMBLET