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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2776/78

of 23 November 1978

amending for the second time Regulation (EEC) No 1162/76 on measures designed to adjust wine-growing potential to market requirements

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 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 1861/78 (2), and in particular Article 17 (5) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (3),

Whereas Article 5 (1) of Council Regulation (EEC) No 1162/76 of 17 May 1976 on measures designed to adjust wine-growing potential to market requirements (4), as amended by Regulation (EEC) No 3140/76 (5), provided that the Council should adopt, by 1 October 1978, the measures necessary to ensure that wine-growing potential is adapted to market requirements; whereas, since the Council has been unable to adopt the said measures by that date, a later date should be fixed; whereas it is also advisable, in the absence of appropriate measures to ensure the equilibrium of the wine market and control of wine-growing potential, to extend the prohibition on new planting referred to in Article 2 (1) of Regulation (EEC) No 1162/76;

Whereas experience has shown that, in the Member States where the production of quality wines psr constitutes the predominant part of total wine production and the prohibition on new planting covers almost all the areas under vines, the exemption referred to in Article 2 (2) (b) of Regulation (EEC) No 1162/76 endangers the effectiveness of that prohibition; whereas, therefore, this exemption should no longer be provided for the Member States concerned,

HAS ADOPTED THIS REGULATION:

Article 1

1. In Article 2 (1) of Regulation (EEC) No 1162/76, the date '30 November 1978' shall be replaced by '30 November 1979'.

2. Article 2 (2) of Regulation (EEC) No 1162/76 shall be replaced by the following:

'2. However, the following shall be exempt from the prohibition referred to in paragraph 1:

(a) in Member States whose production of quality wines psr was less than 50 % of the total wine production during the 1972/73, 1973/74 and 1974/75 wine-growing years:

— new planting intended for the production of quality wines psr,

— new planting carried out under development plans which meet the conditions laid down in Directive 72/159/EEC;

(b) new planting carried out in Member States which produce less than 5 000 hectolitres of wine annually using grapes harvested on their territory;

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 215, 4. 8. 1978, p. 1.
(3) Opinion delivered on 17 November 1978 (not yet published in the Official Journal).
(4) OJ No L 135, 24. 5. 1976, p. 32.
(5) OJ No L 354, 24. 12. 1976, p. 4.

(c) new planting carried out after re-allocation measures or measures concerning expropriation in the public interest adopted under current national legislation.'

Article 2

1. In Article 5 (1) of Regulation (EEC) No 1162/76, the date '1 October 1978' shall be replaced by '1 October 1979'.

2. In Article 5 (2) of Regulation (EEC) No 1162/76, the date '1 December 1978' shall be replaced by '1 December 1979'.

Article 3

This Regulation shall enter into force on 1 December 1978.

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

Done at Brussels, 23 November 1978.

For the Council

The President

J. ERTL