COMMISSION REGULATION (EEC) No 130/79

of 25 January 1979

on the granting of aid for concentrated grape must used in wine-making during the 1978/79 wine year

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 3065/78 (2), and in particular Article 6 (e) (2) thereof,

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture (3), as last amended by Regulation (EEC) No 2580/78 (4), and in particular Articles 4 (3) and 5 thereof,

Whereas Article 6 (e) of Regulation (EEC) No 816/70 provides for the possibility of granting aid for concentrated grape must produced within the Community and used to increase the alcoholic strength of wines;

Whereas the conditions which have marked the beginning of the 1978/79 wine year call for the application of this enrichment measure provided for in Article 18 of Regulation (EEC) No 816/70;

Whereas enrichment operations by the addition of concentrated grape must and the quantities of that product which are held must be declared to the competent authorities; whereas the quantities of concentrated must which are or which have been used for enrichment are known; whereas the retroactive application of the proposed measure does not therefore give rise to difficulties;

Whereas in the wine-growing regions where the natural alcoholic strength may be increased by the addition of saccharose, use of concentrated grape must is the exception; whereas it is therefore appropriate that producers in the said regions should not receive the aid;

Whereas, in order to give preference to those producers most severely affected by a bad season, this aid should be restricted to those producers who are able to furnish proof of a yield lower than 70 hectolitres per hectare;

Whereas it is necessary to fix the aid at an amount which takes account of the market price for concentrated grape must;

Whereas the cost price of grape must used in the production of concentrated grape must depends on its natural alcoholic strength; whereas the market price of grape must with a high natural alcoholic strength potential is higher than that of other musts; whereas, in order to take this into account, it is essential to graduate the amount of the aid by fixing a higher amount for concentrated musts produced from grape musts with the highest natural alcoholic strength; whereas, since the concentration operations have already been carried out, and since it is consequently no longer possible to check the natural alcoholic strength of the musts used, it is necessary to restrict the higher amount of aid to the regions in the Community which traditionally produce must with a high natural alcoholic strength;

Whereas Article 4 (1) of Regulation (EEC) No 878/77 provides that, as regards the effect on rights and obligations existing at the moment when a representative rate is altered, the provisions in respect of an alteration in the relationship between the parity of the currency of a Member State and the value of the unit of account which are contained in Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the purposes of the common agricultural policy (5) shall apply;

Whereas, under Article 4 (2) of Regulation (EEC) No 1134/68, sums referred to in the said Article are to be paid on the basis of the conversion rate applicable at the time when the transaction or part-transaction was carried out; whereas under Article 6 of the same Regulation the time when a transaction is carried out shall be considered as being the date on which the event, as defined by Community rules or, in the absence of and pending adoption of such rules, by the rules of the Member State concerned, occurs which gives entitlement to the amount involved in the transaction; whereas, however, by virtue of Article 4 (3) of Regulation (EEC) No 878/77, derogations may be made from the abovementioned provisions;

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 366, 28. 12. 1978, p. 9.
(3) OJ No L 106, 29. 4. 1977, p. 27.
(4) OJ No L 309, 1. 11. 1978, p. 13.
(5) OJ No L 188, 1. 8. 1968, p. 1.

Whereas, pursuant to Article 2a (2) (e) of Regulation (EEC) No 878/77, the representative rates fixed by the said Regulation apply from 16 December 1978 in the wine sector;

Whereas it is necessary, in order to avoid any discrimination among the operators concerned, to provide for the application of a single representative rate for all payments relating to the enrichment operations referred to in this Regulation; whereas the enrichment operations referred to in this Regulation may be carried out by 31 December 1978 but whereas they were almost all carried out before 15 December 1978; whereas, therefore, the representative rates used should be those prevailing in the wine sector on the date from which this Regulation is applicable, namely 15 September 1978;

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

Aid shall be granted on the terms laid down in this Regulation to producers of wine grapes intended for the production of table wines who are able to furnish proof of a yield lower than 70 hectolitres per hectare from the 1978 harvest and whose holdings are situated in wine-growing Zone C, with the exception of the French regions where the increase in the natural alcoholic strength may be achieved by the addition of saccharose pursuant to Article 19 (3) of Regulation (EEC) No 816/70.

Article 2

1. The amount of aid provided for in Article 1 is hereby fixed, for concentrated must used in the operations described in Articles 18 and 19 of Regulation (EEC) No 816/70, in units of account per degree of potential alcoholic strength per hectolitre at:

— 1·16 units of account for concentrated musts originating in the Italian part of Zone C III and in Corsica,

— 1·04 units of account for concentrated musts originating in other Community regions.

2. Conversion into national currency of the amounts referred to in paragraph 1 shall be carried out by means of the representative rates applicable in the wine sector on 15 September 1978.

Article 3

1. Producers wishing to take advantage of the aid provided for in Article 1 shall apply to the competent intervention agency by 15 February 1979 at the latest.

2. Before paying aid, the intervention agencies shall satisfy themselves that the conditions laid down in Article 1 are fulfilled.

Article 4

The Member States shall communicate to the Commission by 15 June 1979 the number of producers who have received aid, the quantities of wine subjected to enrichment and the quantities of concentrated must used for this purpose expressed in degrees of potential alcoholic strength per hectolitre.

Article 5

The Member States shall designate an intervention agency to be responsible for applying this Regulation.

Article 6

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

It shall be applicable from 15 September 1978.

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

Done at Brussels, 25 January 1979.

For the Commission

Finn GUNDELACH

Vice-President