COMMISSION REGULATION (EEC) No 2640/88

of 25 August 1988

laying down detailed rules for the implementation of the system of aid for the use in winemaking of concentrated grape must and rectified concentrated grape must

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 and the common organization of the market in wine [1], as last amended by Regulation (EEC) No 2253/88 [2], and in particular Articles 45 (4), 47 (3) and 81 thereof,

Whereas Article 45 of Regulation (EEC) No 822/87 introduces an aid scheme for concentrated must and rectified concentrated must produced within the Community and used to increase the alcoholic strength of wines;

Whereas Article 47 of Regulation (EEC) No 822/87 provides that only producers who have complied with the obligations in Article 35 and, where appropriate, Articles 36 and 39 of that Regulation for a reference period to be determined are eligible for intervention measures; whereas that period should accordingly be fixed;

Whereas enrichment operations by addition of concentrated grape must and rectified concentrated grape must and the quantities of those products which are held must be declared to the competent authorities; whereas the quantities of those products which are or which have been used for enrichment must be entered in the registers specified in Article 71 (2) of Regulation (EEC) No 822/87; whereas, therefore, it is not necessary to require additional documents to be produced in order for the aid to be received;

Whereas, to ensure uniform application of the aid scheme in question, the establishment of the potential alcoholic strength of musts should be harmonized at Community level;

Whereas the cost price of grape must used in the production of concentrated grape must and rectified concentrated grape must depends on its natural alcoholic strength; whereas the market price of grape must with a high potential natural alcoholic strength is above that of other musts; whereas, in order to take this situation and the need to avoid disrupting the existing pattern of trade into account, it is essential to provide for different amounts of the aid by keeping a higher amount for concentrated grape must and rectified concentrated grape must from the southern-most regions of the Community, which traditionally produce must with the highest natural alcoholic strength;

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

1. This Regulation lays down the detailed rules for implementing the aid system provided for in Article 45 (1) of Regulation (EEC) No 822/87. Such aid shall be granted to producers of table wines or quality wines psr who use concentrated grape must and rectified concentrated grape must produced within the Community excluding Portugal during the first stage of accession to increase the natural alcoholic strength by volume of the products referred to in Article 18 (1) of Regulation (EEC) No 822/87 and Article 8 (2) of Council Regulation (EEC) No 823/87 [3].

2. In accordance with the provisions of Article 47 (1) of Regulation (EEC) No 822/87, producers who in the wine year preceding that in question were subject to the obligations laid down in Articles 35, 36 or 39 of that Regulation shall not be entitled to receive the aid provided for in this Regulation unless they show that they have fulfilled their obligations in the reference periods laid down in Commission Regulation (EEC) No 2352/87 [4], (EEC) No 2353/87 [5] and (EEC) No 441/88 [6], as amended by Regulation (EEC) No 1596/88 [7].

Article 2

1. The aid provided for in Article 1 (1) is hereby fixed per degree of potential alcoholic strength by volume per hectolitre for the categories of the following products:

— concentrated grape must produced from grapes originating in wine-growing zones C III (a) and C III (b),

[1] OJ No L 84, 27. 3. 1987, p. 1.
[2] OJ No L 198, 26. 7. 1988, p. 35.
[3] OJ No L 84, 27. 3. 1987, p. 59.
[4] OJ No L 213, 4. 8. 1987, p. 17.
[5] OJ No L 213, 4. 8. 1987, p. 22.
[6] OJ No L 45, 18. 2. 1988, p. 15.
[7] OJ No L 142, 9. 6. 1988, p. 17.

— concentrated grape must other than that referred to in the first indent,

— rectified concentrated grape must produced from grapes originating in wine-growing zones C III (a) and C III (b) or produced outside those zones in facilities which began production prior to 30 June 1982 in the Community of Ten and prior to 1 January 1986 in Spain, irrespective of the zone of provenance,

— rectified concentrated grape must other than that referred to in the third indent.

2. The potential alcoholic strength of the products referred to in paragraph 1 shall be determined by applying the figures in the table of equivalence in the Annex hereto, to the readings at 20 °C from the refractometer employed in accordance with the method laid down in the Annex to Commission Regulation (EEC) No 543/86 (1).

Article 3

Producers wishing to take advantage of the aid provided for in Article 1 shall submit to the competent intervention agency an application covering all operations to increase alcoholic strength to which that Article applies. Applications must reach the intervention agency within two months of the date on which the last operation was carried out.

Applications shall be accompanied by the documents relating to the operations in respect of which aid is requested.

Article 4

The intervention agency shall pay the aid to the producer before the end of the wine year in question, except:

— in cases of *force majeure*,

— where administrative inquiries have been initiated concerning entitlement to the aid. In that event, payment shall be made only when the applicant has been recognized as entitled to the aid.

Article 5

1. Except in cases of *force majeure*, the aid shall not be payable if the producer does not carry out the operation referred to in Article 1, in accordance with Articles 18, 19 and 23 of Regulation (EEC) No 822/87.

2. Except in cases of *force majeure*, if the producer does not comply with any requirement of this Regulation other than that referred to in paragraph 1, the aid payable shall be reduced by an amount to be fixed by the competent authority in relation to the seriousness of the infringement.

3. In cases of *force majeure*, the competent authority shall determine the measures which it deems necessary having regard to the circumstances invoked.

4. Member States shall inform the Commission of cases in which paragraph 2 is applied and of how requests claiming circumstances of *force majeure* are dealt with.

Article 6

The Member States in question shall notify the Commission by 30 November following the end of the wine year in question at the latest of the number of producers who have received aid, the quantities of wine enriched and the quantities of concentrated grape must and rectified concentrated grape must used for that purpose expressed in degrees of potential alcoholic strength by volume per hectolitre.

Article 7

Each Member State concerned shall designate an intervention agency to be responsible for implementing this Regulation.

Article 8

This Regulation shall enter into force on 1 September 1988.

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

Done at Brussels, 25 August 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

(1) OJ No L 55, 1. 3. 1986, p. 41.

ANNEX

Table of equivalence between potential alcoholic strength and readings at 20 °C using a refractometer according to the method laid down in the Annex to Regulation (EEC) No 543/86

Refractometer reading % (p/p)	Potential alcoholic strength (% vol)	
	Concentrated must	Rectified concentrated must
50,9	34,62	
51,0	34,69	
51,1	34,76	
51,2	34,82	
51,3	34,89	
51,4	34,96	
51,5	35,06	
51,6	35,16	
51,7	35,25	
51,8	35,35	
51,9	35,45	39,07
52,0	35,55	39,17
52,1	35,63	39,26
52,2	35,70	39,35
52,3	35,77	39,45
52,4	35,85	39,54
52,5	35,95	39,63
52,6	36,05	39,73
52,7	36,14	39,83
52,8	36,23	39,93
52,9	36,32	40,02
53,0	36,41	40,12
53,1	36,49	40,22
53,2	36,56	40,30
53,3	36,63	40,40
53,4	36,71	40,50
53,5	36,81	40,59
53,6	36,91	40,69
53,7	37,01	40,79
53,8	37,11	40,89
53,9	37,20	40,99
54,0	37,30	41,09
54,1	37,38	41,18
54,2	37,45	41,28
54,3	37,53	41,37
54,4	37,60	41,47
54,5	37,69	41,56
54,6	37,78	41,66
54,7	37,87	41,76
54,8	37,94	41,86
54,9	38,02	41,95
55,0	38,09	42,04
55,1	38,16	42,14
55,2	38,26	42,23
55,3	38,36	42,33
55,4	38,46	42,44
55,5	38,56	42,54
55,6	38,66	42,64
55,7	38,76	42,74
55,8	38,86	42,83

Refractometer reading % (p/p)	Potential alcoholic strength (% vol)	
	Concentrated must	Rectified concentrated must
55,9	38,95	42,93
56,0	39,06	43,04
56,1	39,12	43,13
56,2	39,19	43,23
56,3	39,26	43,32
56,4	39,32	43,42
56,5	39,42	43,52
56,6	39,52	43,62
56,7	39,62	43,72
56,8	39,72	43,81
56,9	39,82	43,92
57,0	39,92	44,02
57,1	39,99	44,12
57,2	40,07	44,22
57,3	40,14	44,31
57,4	40,21	44,41
57,5	40,31	44,51
57,6	40,41	44,61
57,7	40,51	44,71
57,8	40,60	44,81
57,9	40,69	44,91
58,0	40,78	45,01
58,1	40,85	45,11
58,2	40,93	45,21
58,3	40,99	45,30
58,4	41,08	45,40
58,5	41,17	45,50
58,6	41,27	45,61
58,7	41,37	45,71
58,8	41,47	45,80
58,9	41,57	45,91
59,0	41,67	46,01
59,1	41,77	46,11
59,2	41,87	46,22
59,3	41,97	46,32
59,4	42,06	46,43
59,5	42,14	46,53
59,6	42,23	46,64
59,7	42,31	46,74
59,8	42,38	46,83
59,9	42,46	46,93
60,0	42,53	47,03
60,1	42,63	47,12
60,2	42,73	47,23
60,3	42,83	47,34
60,4	42,93	47,44
60,5	43,03	47,55
60,6	43,12	47,65
60,7	43,20	47,75
60,8	43,27	47,85

Refractometer reading % (p/p)	Potential alcoholic strength (% vol)	
	Concentrated must	Rectified concentrated must
60,9	43,35	47,94
61,0	43,42	48,04
61,1	43,51	48,14
61,2	43,60	48,25
61,3	43,69	48,36
61,4	43,79	48,46
61,5	43,89	48,57
61,6	43,99	48,67
61,7	44,08	48,79
61,8	44,18	48,89
61,9	44,28	48,99
62,0	44,38	49,10
62,1	44,48	49,20
62,2	44,58	49,30
62,3	44,65	49,40
62,4	44,73	49,50
62,5	44,80	49,60
62,6	44,88	49,71
62,7	44,97	49,81
62,8	45,05	49,91
62,9	45,14	50,02
63,0	45,24	50,12
63,1	45,34	50,23
63,2	45,44	50,34
63,3	45,54	50,45
63,4	45,64	50,56
63,5	45,74	50,67
63,6	45,84	50,77
63,7	45,94	50,88
63,8	46,03	50,99
63,9	46,11	51,08
64,0	46,18	51,18
64,1	46,26	51,29
64,2	46,33	51,39
64,3	46,42	51,49
64,4	46,51	51,60
64,5	46,60	51,71
64,6	46,70	51,81
64,7	46,80	51,92
64,8	46,90	52,03
64,9	46,99	52,14
65,0	47,09	52,25
65,1	47,21	52,36
65,2	47,31	52,46
65,3	47,41	52,57
65,4	47,51	52,68
65,5	47,61	52,79
65,6	47,71	52,90
65,7	47,82	53,01
65,8	47,92	53,12
65,9	48,02	53,22
66,0	48,12	53,34
66,1	48,21	53,44
66,2	48,30	53,54
66,3	48,40	53,64
66,4	48,49	53,75
66,5	48,58	53,86
66,6	48,67	53,96

Refractometer reading % (p/p)	Potential alcoholic strength (% vol)	
	Concentrated must	Rectified concentrated must
66,7	48,76	54,08
66,8	48,86	54,18
66,9	48,95	54,29
67,0	49,04	54,40
67,1	49,14	54,51
67,2	49,23	54,62
67,3	49,33	54,73
67,4	49,42	54,83
67,5	49,52	54,95
67,6	49,61	55,06
67,7	49,71	55,17
67,8	49,81	55,28
67,9	49,90	55,40
68,0	50,00	55,50
68,1	50,10	55,61
68,2	50,20	55,72
68,3	50,30	55,83
68,4	50,40	55,94
68,5	50,50	56,06
68,6	50,60	56,16
68,7	50,70	56,28
68,8	50,80	56,38
68,9	50,90	56,50
69,0	50,99	56,61
69,1	51,09	56,72
69,2	51,19	56,83
69,3	51,28	56,94
69,4	51,38	57,06
69,5	51,47	57,17
69,6	51,57	57,28
69,7	51,66	57,39
69,8	51,76	57,51
69,9	51,86	57,62
70,0	51,95	57,72
70,1	52,05	57,84
70,2	52,14	57,95
70,3	52,24	58,07
70,4	52,33	58,18
70,5	52,43	58,29
70,6	52,53	58,41
70,7	52,62	58,52
70,8	52,72	58,63
70,9	52,81	58,74
71,0	52,91	58,86
71,1	53,01	58,97
71,2	53,11	59,09
71,3	53,21	59,20
71,4	53,31	59,31
71,5	53,41	59,42
71,6	53,51	59,53
71,7	53,61	59,65
71,8	53,71	59,76
71,9	53,81	59,88
72,0	53,91	59,99
72,1	54,00	60,11
72,2	54,10	60,22
72,3	54,20	60,33
72,4	54,30	60,45

Refractometer reading % (p/p)	Potential alcoholic strength (% vol)	
	Concentrated must	Rectified concentrated must
72,5	54,40	60,56
72,6	54,50	60,68
72,7	54,60	60,79
72,8	54,70	60,91
72,9	54,80	61,02
73,0	54,90	61,14
73,1	55,00	61,25
73,2	55,10	61,37
73,3	55,20	61,48
73,4	55,30	61,60
73,5	55,40	61,72
73,6	55,50	61,83
73,7	55,60	61,94
73,8	55,70	62,06
73,9	55,80	62,18
74,0	55,90	62,28
74,1	56,00	62,41
74,2	56,09	62,52
74,3	56,19	62,64
74,4	56,29	62,76
74,5	56,39	62,87
74,6	56,49	62,99
74,7	56,59	63,10
74,8	56,69	63,23
74,9	56,79	63,33
75,0	56,89	63,46
75,1		63,58
75,2		63,69
75,3		63,81
75,4		63,93
75,5		64,05
75,6		64,16
75,7		64,28
75,8		64,41
75,9		64,54
76,0		64,66
76,1		64,78
76,2		64,89

Refractometer reading % (p/p)	Potential alcoholic strength (% vol)	
	Concentrated must	Rectified concentrated must
76,3		65,02
76,4		65,13
76,5		65,25
76,6		65,37
76,7		65,49
76,8		65,61
76,9		65,74
77,0		65,87
77,1		65,99
77,2		66,09
77,3		66,21
77,4		66,31
77,5		66,45
77,6		66,58
77,7		66,71
77,8		66,82
77,9		66,94
78,0		67,06
78,1		67,19
78,2		67,29
78,3		67,41
78,4		67,52
78,5		67,65
78,6		67,77
78,7		67,89
78,8		68,02
78,9		68,14
79,0		68,26
79,1		68,38
79,2		68,51
79,3		68,62
79,4		68,75
79,5		68,87
79,6		69,00
79,7		69,12
79,8		69,24
79,9		69,35