

# HILLMAN

## COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 313 final

Brussels, 24 June 1976

1976 25 1976

Proposal for a  
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 817/70 laying  
down special provisions relating to quality  
wines produced in specified regions

(submitted to the Council by the Commission)

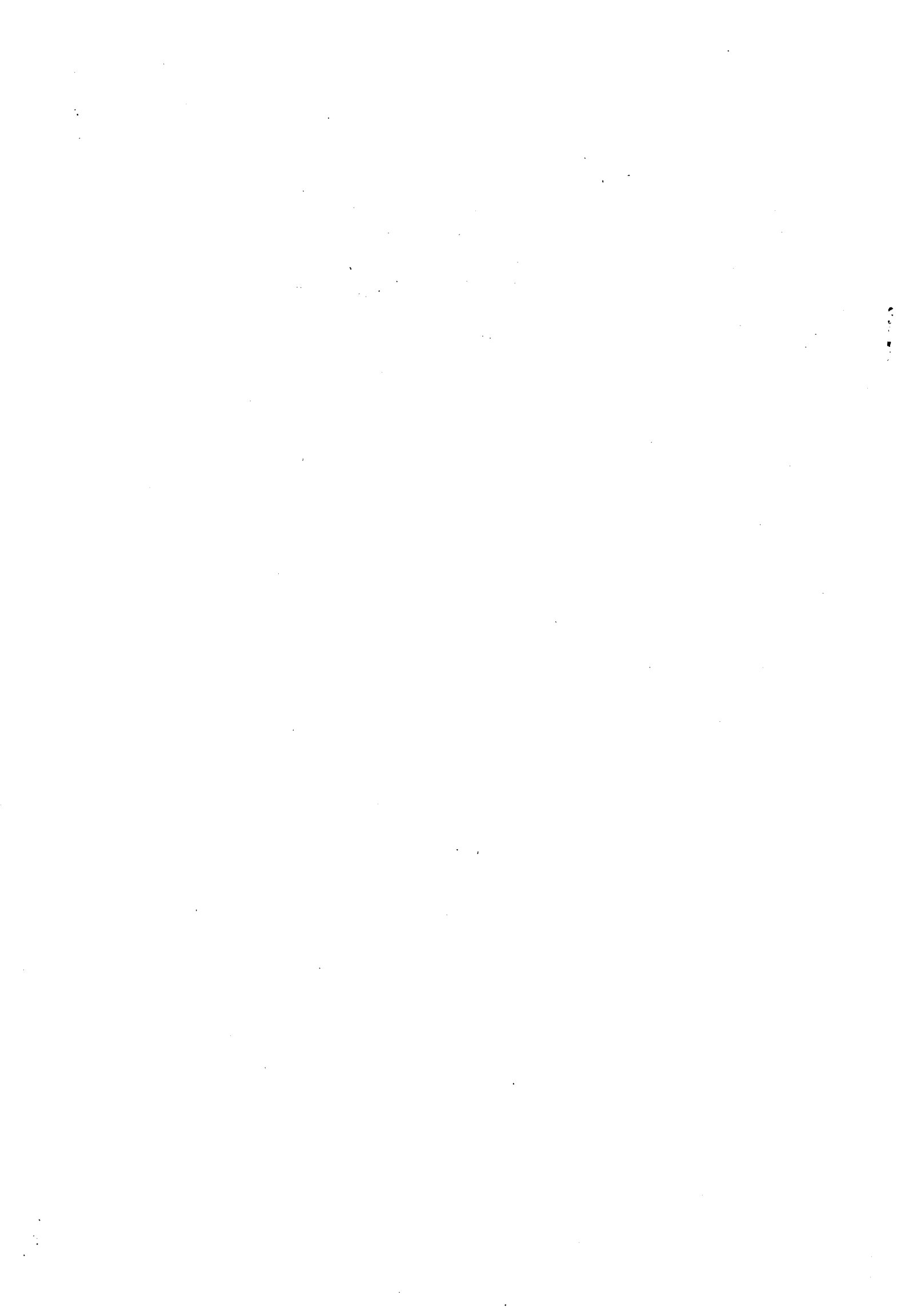


## EXPLANATORY MEMORANDUM

By document N° R/1041/1/76 of 12 May 1976 the Commission informed the Council of its intention to present before 30 June 1976 a draft Regulation amending Regulation (EEC) N° 817/70 laying down special provisions relating to quality wines produced in specified regions, in particular with respect to Article 10 thereof. In view of the differences in the application of this Article in the Member States it seems essential to lay down certain alternative rules for the use of grapes or wines obtained in excess of the yield fixed per hectare. In this way minimum harmonisation will be achieved in the application of Article 10 by the Member States without diverging too far from their requirements, which obviously differ widely as a result of natural production conditions and custom. The present proposal for a Regulation provides Member States with three alternative uses for grapes or wine obtained in excess of the fixed yield per hectare.

The terms of the Regulation are such that in the event of excess yield the production of table wine would seem less profitable than the production of quality wines p.s.r. Consequently producers will take care not to exceed the yield. Application of the abovementioned Article 10 as contained in the present Regulation is therefore unlikely to increase the quantity of table wine that would be eligible for market intervention.

Application of this Regulation will not entail any financial burden for the Community budget.



Commission proposal for a  
COUNCIL REGULATION (EEC) No /76

of

amending Regulation (EEC) No 817/70 laying  
down special provisions relating to quality  
wines produced in specified regions

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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,

Having regard to the Opinion of the Economic and Social Committee,

Whereas experience gained in applying Council Regulation (EEC) No 817/70  
of 28 April 1970 laying down special provisions relating to quality wines  
produced in specified regions (1), as last amended by Regulation (EEC)  
No 1161/76 (2), shows that its Article 10 should be amended;

Whereas in order to harmonize the rules applied in producer Member States  
for fixing the yields per hectare and for the use of grapes harvested in  
excess of such yield, the said Article 10 should be made more specific as  
regards the measures which Member States may take to avoid differing  
interpretations of the Article which both render it of no practical use  
and cause unjustified losses to producers who, despite the fact that the  
prescribed yield is exceeded, offer good quality wines;

HAS ADOPTED THIS REGULATION:

.../...

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(1) OJ No L 99, 5.5.1970, p. 20

(2) OJ No L 135, 24.5.1976, p. 27

Article 1

Article 10 of Regulation (EEC) No 817/70 is hereby amended to read as follows:

"Article 10

1. A yield per hectare expressed in quantities of grapes, grape must or wine shall be fixed for each of the quality wines psr by the Member State concerned.

When this yield is being fixed, particular account shall be taken of the yields obtained over the ten preceding years. Only harvests of satisfactory quality from the most representative soils of the specified region shall be considered.

The yield per hectare may be fixed at different levels for the same quality wine psr depending on:

- the sub-region or commune,
  - the vine variety or varieties
- from which the grapes used are derived.

In the years where climatic conditions are exceptionally favourable the yield may be adjusted upwards by the Member State concerned in respect of the harvest of the year concerned.

2. Member States may tolerate an excess yield per hectare, if necessary, adjusted by up to 20%, provided that:
  - producers sort the grapes harvested in such a way that only a quantity corresponding to the yield per hectare is used to produce the quality wine psr concerned, or
  - the quantity of grapes harvested in excess of the yield is used to produce products other than table wine or quality wine psr, or
  - the natural alcoholic strength is 1° above the minimum natural alcoholic strength fixed by the provisions of the Member State concerned for the quality wine psr concerned.
3. If, after adjustment and allowing for the 20% tolerance, the yield per hectare is over the limit fixed the use of the entire harvest for the preparation of a quality wine psr shall be prohibited."

Article 2

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

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

Done at Brussels,

For the Council  
The President