

COUNCIL REGULATION (EEC) No 1162/76

of 17 May 1976

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 1160/76 ⁽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⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas there is a considerable imbalance in the table wine market at present; whereas the smooth functioning of the common organization of this market could be jeopardized as a result;

Whereas, furthermore, the report referred to in Article 17 (4) of Regulation (EEC) No 816/70 shows that there will, on average, be a tendency in the next few years for production to exceed foreseeable needs; whereas appropriate measures should therefore be taken as regards new planting and replanting of vineyards in order to prevent the formation of structural surpluses; whereas this situation calls for new guidelines aimed at putting a brake on production and re-establishing the balance of the market in both the short and the long term;

Whereas in order to prevent an increase in the production of table wines new plantings of wine grape vine varieties should be prohibited, at least for a certain period;

Whereas an exemption from this prohibition is justified in the case of new plantings intended for the production of quality wines *psr* in those Member States where the production of such wines does not

constitute the largest proportion of all wine production over a given period, as also, owing to their small number, in the case of new plantings carried out under development plans which meet the conditions laid down in Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms ⁽⁵⁾ and of those carried out in Member States which produce annually less than 5 000 hl of wine;

Whereas replanting should be subject to criteria designed to improve the quality of wine production; whereas it should therefore be stipulated that replanting shall be carried out with recommended varieties and, if market demand or the classification of the variety in question so warrant, with certain authorized varieties;

Whereas some vine growers have acquired the right under various national laws to plant or replant; whereas the re-establishment of the balance of the market could be jeopardized if this right were exercised during the period when new plantings are prohibited; whereas undeniable public interest therefore requires suspension of the exercise of such a right during this period, accompanied by extension of its validity by an equivalent period;

Whereas in order to adjust wine-growing potential to market requirements for as long as possible, appropriate measures should be taken by 1 October 1978, taking into account the suitability for wine production of the various regions of the Community and the existence in these regions of viable alternatives in terms of agricultural crops,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

- (a) 'replanting' means the planting of vines after grubbing-up has been carried out within the past four years over an equivalent area on the same holding;

⁽¹⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No C 53, 8. 3. 1976, p. 24.

⁽⁴⁾ OJ No C 50, 4. 3. 1976, p. 19.

⁽⁵⁾ OJ No L 96, 23. 4. 1972, p. 1.

- (b) 'new planting' means a planting of vines which does not correspond to the definition of replanting given in (a).

Article 2

1. All new planting of vine varieties classified as wine grape varieties for the administrative unit concerned shall be prohibited during the period from 1 December 1976 to 30 November 1978.

As from the date on which this Regulation enters into force, Member States shall no longer grant authorizations for new planting.

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

- (a) new planting intended for the production of quality wines psr 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;
- (b) new planting carried out under development plans which meet the conditions laid down in Council Directive 72/159/EEC;
- (c) new planting carried out in Member States which produce less than 5 000 hl of wine annually using grapes harvested on their territory.

Article 3

As from 1 September 1976, all replanting shall be carried out with varieties classified for the administrative unit concerned:

- (a) in the category of recommended varieties, or
- (b) in the category of authorized varieties entered on a list to be drawn up.

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

Done at Brussels, 17 May 1976.

Article 4

The period of validity of a right to plant or replant existing under national laws on the date this Regulation enters into force, shall be extended by a period equivalent to that referred to in the first subparagraph of Article 2 (1). During this period exercise of the right in question shall be suspended.

Article 5

1. The Council, acting in accordance with the procedure laid down in Article 43 (2) of the Treaty, shall adopt, by 1 October 1978, the measures necessary to ensure that wine-growing potential is adapted to market requirements, taking into account:

- the suitability for wine production of the various regions of the Community, and
- the existence in each of these regions of viable alternatives in terms of agricultural crops.

2. The Council, acting in accordance with the procedure laid down in Article 43 (2) of the Treaty, shall decide, by 1 December 1978, to extend, if necessary, the prohibition referred to in Article 2 (1).

3. Member States shall forward to the Commission all data relating to the exemptions referred to in Article 2 (2).

4. The detailed rules for implementing this Regulation shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24 (1).

Article 6

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

For the Council

The President

J. HAMILIUS

(1) OJ No 30, 20, 4, 1962, p. 989/62.