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REGULATION (EEC) No 947/70 OF THE COUNCIL

of 26 May 1970

laying down general rules for fixing the reference price and levying the countervailing charge for wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 816/70¹ of 28 April 1970 laying down additional provisions for the common organisation of the market in wine, and in particular Article 9 (5) thereof;

Having regard to the proposal from the Commission;

Whereas Article 9 (1) of Regulation (EEC) No 816/70 provides that a reference price for red wines and a reference price for white wines shall be fixed annually; whereas reference prices are, moreover, fixed in respect of wines which have special characteristics or which are intended for special uses; whereas it is necessary to establish general rules for fixing those prices;

Whereas there are international agreements in the wine sector;

Whereas reference prices should contribute towards ensuring that prices for Community wines are effectively protected and that preference is given to Community production on the internal market; whereas it is therefore necessary for them to be fixed at a level which makes it possible for these objectives to be realised; whereas this is essential for ensuring a fair income for Community producers;

Whereas the reference price for red wines and the reference price for white wines must be fixed on the basis of the guide prices for the types of red and white table wine which are most representative of Community production, plus the costs incurred by bringing Community wines to the same marketing

stage as imported wines; whereas it is necessary to specify the elements for calculating those costs;

Whereas certain criteria should be established for determining wines which have special characteristics or are intended for special uses and for which a special reference price must be fixed;

HAS ADOPTED THIS REGULATION:

Article 1

The reference price for red wine and the reference price for white wine shall be fixed respectively on the basis of the guide prices for the types of red table wine and on the basis of those for the types of white table wine which are considered as having a determining influence on the amount of Community wine-growers' incomes.

Article 2

The level of the reference prices referred to in Article 1 shall be determined with reference to:

- (a) the information in the forward estimate provided for in Article 3 of Regulation No 24² on the progressive establishment of a common organisation of the market in wine;
- (b) the quality of the harvest of the wine-growing year in which the reference price is fixed;
- (c) the extent and the nature of foreseeable intervention measures.

Article 3

1. The level of reference prices for wines having special characteristics shall be established with reference to the level of the prices ruling within the Community for the wines in question.

¹ OJ No L 99, 5.5.1970, p. 1.

² OJ No 30, 20.4.1962, p. 989/62.

2. The level of reference prices for wines intended for special purposes shall be established with reference to the level of the prices ruling within the Community for the wines in question.

Where a wine distillate has been added, account must also be taken of the prices of the wine distillates within the Community as well as the cost of preparation.

Article 4

The costs incurred by bringing Community wines to the same marketing stage as imported wines shall be established with reference in particular to:

- (a) brokerage costs;
- (b) loading costs;
- (c) insurance costs;
- (d) transport costs;
- (e) losses.

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

Done at Brussels, 26 May 1970.

Article 5

1. Without prejudice to the provisions of the second and third subparagraphs of Article 9 (3) of Regulation (EEC) No 816/70, any wines coming from third countries, if not included among the wines for which a special reference price is fixed, shall be subject to the countervailing charge applying to red wines or, where appropriate, to white wines.

2. For the purpose of the countervailing charge rosé wines shall be considered as red wines.

Article 6

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

2. The provisions of this Regulation shall take effect on 1 June 1970.

For the Council

The President

Ch. HÉGER