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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 453/80

of 18 February 1980

amending Regulation (EEC) No 337/79 on the common organization of the market in wine

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas experience shows that certain amendments should be made to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽⁴⁾, as last amended by Regulation (EEC) No 2961/79 ⁽⁵⁾, in particular so as to strengthen the mechanisms for the management of the market;

Whereas raising the alcoholic strength by the use of concentrated grape must can sometimes cause difficulties, notably if the qualifying characteristics of certain wines are altered; whereas scientific and technical advances have been made which enable rectified concentrated grape must to be produced, the use of which allows such difficulties to be avoided; whereas it therefore appears necessary to amend the provisions of Regulation (EEC) No 337/79 so as to

permit the manufacture of the abovementioned product;

Whereas it has become necessary, in order to achieve a more stable balance between production and utilization in the wine-growing sector, to increase utilization of wine products; whereas intervention appears to be justified further back than the table wine production stage, by encouraging the use of must for purposes other than wine making, and in particular the manufacture of grape juice and the manufacture, traditionally carried out in the United Kingdom and in Ireland, of certain products falling within heading No 22.07 of the Common Customs Tariff, since at present some relatively substantial outlets could be made available through such uses;

Whereas in the abovementioned sectors the use of Community grape musts is restricted by competition from musts originating in third countries; whereas, this being so, and to afford a stable outlet for musts intended for the users concerned, it is necessary to provide for a system of aid for grape must and for concentrated grape must intended for such uses, whereby the amounts of aid are fixed in such a way that the supply cost of the aforementioned products, originating in the Community, achieves a level comparable to that for the corresponding products originating in third countries;

Whereas these grounds also apply in cases where such musts are used as the main element in a set of products marketed in the United Kingdom and in Ireland with clear instructions for the consumer to obtain from it a beverage in imitation of wine (home-made wine); whereas the quantities of musts currently used for this purpose amount to around 75 000 hectolitres and the grant of aid must lead to the replacement of imported musts by Community musts;

⁽¹⁾ OJ No C 209, 2. 9. 1978, p. 3; OJ No C 9, 11. 1. 1979, p. 3.

⁽²⁾ OJ No C 6, 8. 1. 1979, p. 66; OJ No C 67, 12. 3. 1979, p. 46.

⁽³⁾ OJ No C 105, 26. 4. 1979, p. 46; OJ No C 171, 9. 7. 1979, p. 16.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁵⁾ OJ No L 336, 29. 12. 1979, p. 9.

Whereas the industry using some of these products which fall within heading No 22.07 of the Common Customs Tariff requires must with a very high natural sugar content which is traditionally produced in southern wine-growing regions; whereas, in order to enable users to continue employing a raw material suited to their needs, aid should be reserved for must coming from those regions of the Community which are best placed to satisfy the aforementioned qualitative requirements; whereas, however, this action must not give rise to distortion of competition;

Whereas Council Regulation (EEC) No 348/79 of 5 February 1979 on measures designed to adjust wine-growing potential to market requirements⁽¹⁾ provides for the adoption of structural measures to adapt wine-growing potential to the outlets available; whereas such measures will not yield results for several years; whereas, pending these results, it is essential to adopt, for a transitional period covering four years, certain measures relating to the intervention mechanisms which have sometimes proved inadequate to restore price levels in cases of short-term imbalance on the market in table wines; whereas, to remedy this shortcoming and to guarantee producers a fair income in the long term, adequate steps should be taken to bring about a rapid improvement in prices of those table wines whose price, despite the implementation of all the planned intervention measures, remains very low for three consecutive weeks; whereas in serious crisis situations of this nature it may prove necessary that, as an exceptional and temporary remedy, such measures should extend to fixing a minimum price for such wines; whereas, in addition, it is necessary to take steps to ensure that such a minimum price is complied with and at the same time to provide for the possibility for these table wines to be distilled under certain conditions; whereas moreover account should also be taken, in the context of these measures, of table wines which are closely related economically to the types of table wine concerned;

Whereas Article 40 of Regulation (EEC) No 337/79 lays down that the alcohol content of by-products of wine-making delivered for obligatory distillation may be increased by up to 6 %; whereas to ensure better control of the market it would appear necessary, in the light of experience gleaned from the application of Article 40 and in order to ensure that the obligations are better balanced between the regions of the Community, no longer to exempt producers whose vineyards are located in the Italian parts of

wine-growing zones C from the increase, although the maximum rate applicable in their case should be not higher than 2 %,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 337/79 is hereby amended as follows:

1. The second indent of Article 1 (4) (b) shall be replaced by the following:

— the following Community-produced products: grape must with fermentation arrested by the addition of alcohol, concentrated grape must, rectified concentrated grape must, wine suitable for yielding table wine, table wine, liqueur wine, sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine.'

2. Article 14 (1) shall be replaced by the following:

Article 14

1. If it appears necessary on the basis of crop forecasts to enrich a considerable proportion of production, aid may be granted for concentrated grape must and rectified concentrated grape must produced within the Community which is used to increase the alcoholic strength referred to in Article 32 of this Regulation and Article 8 (2) of Regulation (EEC) No 338/79.

With respect to the concentrated grape must referred to in the first subparagraph, the grant of this aid may be reserved for concentrated grape must produced in wine-growing zone C III if the current trade patterns in concentrated grape must and blending wines cannot be guaranteed without this measure.'

3. Article 33 is hereby amended as follows:

— Paragraph 1 shall be replaced by the following:

1. The increase in natural alcoholic strength by volume provided for in Article 32 may only be effected:

- (a) in respect of fresh grapes, grape must in fermentation or new wine still in fermentation, by adding sucrose, concentrated grape must or rectified concentrated grape must;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 81.

(b) in respect of grape must, by adding sucrose or concentrated grape must or rectified concentrated grape must or by partial concentration;

(c) in respect of wine suitable for yielding table wine and table wine, by partial concentration through cooling.'

— Paragraph 4 shall be replaced by the following:

'4. The addition of concentrated grape must or rectified concentrated grape must shall not have the effect of increasing the initial volume of fresh crushed grapes, grape must, grape must in fermentation or new wine still in fermentation by more than 11 % in wine-growing zone A, 8 % in wine-growing zone B and 6.5 % in wine-growing zones C.

If Article 32 (2) is applied, the limits on increases of volume shall be raised to 15 % in wine-growing zone A and to 11 % in wine-growing zone B.'

4. Article 35 (1) (b) shall be replaced by the following:

'(b) with concentrated grape must or rectified concentrated grape must or grape must, provided that the total alcoholic strength by volume of the table wine in question is not raised by more than 2 % vol, if the products mentioned under (a) have not been the subject of one of the processes mentioned in Article 33 (1).'

5. The second subparagraph of Article 36 (1) shall be replaced by the following:

'Each of the processes referred to in the first subparagraph must be notified to the competent authorities. The same shall apply in respect of the quantities of sucrose or concentrated grape must or rectified concentrated grape must held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants to be determined, at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however be replaced by entry in a goods inwards and stock utilization register.'

6. Article 49 (1) shall be replaced by the following:

'1. Unless otherwise decided by the Council acting by a qualified majority on a proposal from the Commission, only grapes from recommended or authorized vine varieties as referred to in Article 30 and products derived from such grapes

may be used within the Community for the production of:

- grape must with fermentation arrested by the addition of alcohol,
- concentrated grape must,
- rectified concentrated grape must,
- wine suitable for yielding table wine,
- table wine,
- quality wine psr,
- liqueur wine.'

7. Article 50 shall be amended as follows:

— The first subparagraph of paragraph 3 shall be replaced by the following:

'3. Unless otherwise decided by the Council acting by a qualified majority on a proposal from the Commission, fresh grapes, grape must, grape must in fermentation, concentrated grape must, rectified concentrated grape must, grape must with fermentation arrested by the addition of alcohol, grape juice and concentrated grape juice originating in non-member countries may not be turned into wine or added to wine in the territory of the Community.'

— Paragraph 4 shall be replaced by the following:

'4. The products mentioned in the first subparagraph of paragraph 3 shall be subject to control with respect to their use. The addition of an indicator to imported grape must, imported grape must in fermentation, imported concentrated grape must, imported rectified concentrated grape must, imported must with fermentation arrested by the addition of alcohol and imported grape juice, whether or not concentrated, may be made compulsory.'

8. The following shall be inserted in Annex II after point 5:

'5a. Rectified concentrated grape must: the liquid uncaramelized product which:

- is obtained by partial dehydration of grape must, carried out by any authorized method other than direct heat of a fire in such a way that its density at 20 °C is not less than 1.350 g/cm³; Member States may, however, allow a different density for products used on their territory, provided that the figure is no lower than 1.240 g/cm³;

- has undergone authorized treatment for de-acidification and elimination of components other than sugar, so that its acidity, expressed as tartaric acid, is not greater than 1 g/kg of total sugars and its ash content is not greater than 1.2 g/kg of total sugars;
- has a:
 - total phenol content between 100 and 400 mg/kg of total sugars,
 - simple phenol content not less than 50 % of total phenols,
 - sucrose content of less than 20 g/kg of total sugars;
- is derived exclusively from the vine varieties referred to in Article 49;
- is produced within the Community;
- is obtained from grape must having at least the minimum natural alcoholic strength by volume laid down for the wine-growing zone in which the grapes were harvested.

9. The following point shall be inserted in Annex III:

‘1a. Oenological practices and processes which may be applied to grape must intended for manufacture or rectified concentrated grape must:

- (a) aeration;
- (b) thermal treatment;
- (c) centrifuging and filtration, with or without an added inert filtering agent, on condition that no undesirable residue is left in the product so treated;
- (d) use of sulphur dioxide, potassium bisulphite or potassium metabisulphite which may also be called potassium disulphite or potassium pyrosulphite;
- (e) elimination of sulphur dioxide by physical processes;
- (f) treatment with charcoal for oenological use;
- (g) use of calcium carbonate, which may contain small quantities of double calcium salt, L (+) tartaric and L (—) malic acids;
- (h) use of ion exchange resins under conditions to be laid down.’

Article 2

The following Article shall be inserted in Regulation (EEC) No 337/79:

Article 14a

1. A system of aid is hereby set up for the use of
 - grape musts and concentrated grape musts produced within the Community for the purpose of manufacturing grape juice,
 - grape musts and concentrated grape musts produced in wine-growing zone C III for the purpose of manufacturing in the United Kingdom and in Ireland products falling within heading No 22.07 of the Common Customs Tariff in respect of which, by virtue of the first subparagraph of Article 54 (1), the use of a composite name including the word “wine” may be allowed by these Member States,
 - concentrated grape musts produced within the Community as the main element in a set of products marketed in the United Kingdom and Ireland with clear instructions for the consumer to obtain from it a beverage in imitation of wine (home-made wine).

However, where the restriction on the grant of aid referred to in the second indent of the first subparagraph gives rise to distortion of competition, the Council, acting by a qualified majority on a proposal from the Commission, shall decide to extend the grant of the aid to grape musts and concentrated grape musts produced in other regions of the Community.

2. The system of aid provided for in paragraph 1 may also be applied to use of grapes of Community origin.

3. The amounts of aid must be fixed so that the supply costs for grape musts and concentrated grape musts, originating in the Community and intended for the manufacture of the products referred to in paragraph 1, achieve a level comparable to the free-at-frontier offer price plus the customs duties actually to be charged for grape musts and concentrated grape musts produced in third countries.

The aid shall not cause obvious distortion of competition on the fruit-juice market or show variations which would not be justified by the markets in the products referred to in paragraph 1.

4. The amount of the aid shall be fixed annually by 31 August for the following wine-growing year in accordance with the procedure laid down in Article 67. Detailed rules for the application of this Article and, in particular, the measures necessary to ensure control of the use of the products referred to in paragraph 1 shall be adopted by the same procedure.

5. The Commission shall forward a report to the Council to enable it to examine, before 1 September 1984, the operation of the system referred to in paragraph 1.'

Article 3

The following Article shall be inserted in Regulation (EEC) No 337/79:

'Article 15a

1. Where, despite implementation of all the intervention measures provided for in this Regulation, particularly in Article 15, the representative price for a given type of table wine remains below 85 % of its guide price for three consecutive weeks, the Council, acting by a qualified majority on a proposal from the Commission, may decide to fix a minimum price for that type of table wine and adopt measures designed to ensure observance of this price; moreover, the marketing of that type of table wine may be restricted in so far as it does not reach the abovementioned minimum price.

The minimum price referred to in the first subparagraph shall be adjusted for some production regions, depending on their proximity to the areas of use, so as to ensure that price formation takes its normal course.

2. When a decision is taken to fix the minimum price referred to in paragraph 1, the Council, acting by a qualified majority on a proposal from the Commission, shall at the same time take a decision to allow distillation of the wines of the type in question which meet the analytical quality requirements to be established, whereby the buying-in price of the wine delivered for distillation shall be fixed at the same level as the minimum price referred to in the first subparagraph of paragraph 1.

3. If the state of the market so requires, the Council, acting by a qualified majority on a

proposal from the Commission, may decide at the same time to extend the measures referred to in paragraphs 1 and 2 to table wines which are closely related economically to the type of table wine concerned.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for implementing this Article and, in particular:

- the conditions under which distillation may be carried out,
- the share of expenditure falling to the intervention agencies in respect of the distillation referred to in paragraph 2 to be financed by the European Agricultural Guidance and Guarantee Fund, Guarantee Section,
- the conditions under which implementation of the measures provided for in this Article may be discontinued.

5. The level of the minimum price referred to in paragraph 1 and the provisions on distillation referred to in paragraph 4 must be such as to enable the market price rapidly to attain a level equal to or higher than the activating price.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

7. The provisions of this Article shall apply until 30 June 1984.'

Article 4

Article 40 of Regulation (EEC) No 337/79 shall be replaced by the following:

'Article 40

1. The quantities of alcohol specified in Article 39 (3) may be increased.

The additional rate to be fixed shall be no higher than 6 %. It shall be fixed before 16 December of each year on the basis of data contained in the forward estimate. The rate actually applied must, however, be such as to ensure that each region of the Community bears a fair share of the obligation and that the obligatory distillation of wines obtained from table grapes provided for in Article 41 is taken into account.

A decision may be taken to adjust the additional rate according to area on the basis of one or more of the following criteria:

- the yield per hectare,
- the vine variety,

- the colour or the type of the wine,
- the alcoholic strength by volume.

2. The increase referred to in paragraph 1 shall apply to all wine producers except those:

- whose vineyards are situated in the Italian sections of wine-growing zones C, and for whom the additional rate to be fixed shall be not higher than 2 %,
- who produce quality wines psr; the exception shall relate to the part of their production to which this designation applies,
- who are exempt under Article 39 (2) and (5) and the second subparagraph of Article 39 (6).

3. The buying-in price for wine delivered for distillation under paragraph 1 shall be 50 % of the guide price for table wine of type A I which enters into force in the year of the harvest concerned.

However, when the first indent of paragraph 2 is applied, for the quantity of alcohol which exceeds the 10 % rate referred to in Article 39 (3) it shall be 70 % of the guide price referred to in the first subparagraph.

The price paid by the distiller may not be lower than the buying-in price.

4. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules concerning the distillation referred to in paragraph 3 and, in particular:

- the conditions under which distillation may be carried out,
- the criteria for fixing the amounts of aid so that the distilled products can be disposed of,
- the criteria for fixing the share of the expenditure falling to the intervention agencies to be financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

5. The decision fixing the additional rate provided for in paragraph 1 and the detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.'

Article 5

The following indent is added to Article 41 (3) of Regulation (EEC) No 337/79:

- the criteria for fixing the share of expenditure falling to the intervention agencies to be financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.'

Article 6

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

It shall apply from 1 September 1980, with the exception of Article 3 which shall apply from 1 July 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 454/80

of 18 February 1980

amending Regulation (EEC) No 337/79 on the common organization of the market in wine and Regulation (EEC) No 338/79 laying down special provisions for quality wines produced in specified regions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 5 (1) of Council Regulation (EEC) No 348/79 of 5 February 1979 on measures designed to adjust wine-growing potential to market requirements ⁽⁴⁾, as amended by Regulation (EEC) No 2962/79 ⁽⁵⁾, provided that the Council would, in the light of the results of the temporary measures provided for by the said Regulation, decide before 1 October 1979 on the measures necessary to ensure that wine-growing potential is adapted to market requirements;

Whereas analysis of the situation of the market for table wine and of the spontaneous development of wine-growing potential suggests the likelihood of an imbalance between the supply of and demand for table wine; whereas this situation calls for further policy measures to control wine-growing potential with a view to achieving a balanced market for table wines;

Whereas the current trend is for the movement of vineyards towards land where conditions of cultivation are easier; whereas this movement from the

hills to the plains is not always consistent with the natural suitability of land for wine-growing; whereas it is usually accompanied by an increase in yields, sometimes at the expense of quality; whereas, in view of these aspects, it is necessary, for the purpose of controlling production in terms of both quantity and quality, to establish a classification, according to natural suitability for wine-growing, of the land under vines intended for the production of wine and of the land which could be used for growing such vines;

Whereas suitability for wine-growing and alternatives to vineyards for the various areas are based on natural criteria, in particular soil, climate and terrain; whereas an analysis of Community vineyards in the light of these criteria leads to a classification of areas into three categories;

Whereas climatic conditions have a fundamental influence on the natural alcoholic strength by volume of wines, which is used as a basis for dividing Community wine-growing land into wine-growing zones; whereas these wine-growing zones can therefore be considered as reflecting climatic conditions and, accordingly, be used as a basis for classifying wine-growing areas;

Whereas the influence of the soil and the terrain on the quality of a product is strictly conditional upon climatic conditions; whereas the use of these factors as classification criteria must be modulated on the basis of the climate; whereas in one particular case, however, reference to a wine-growing zone does not make it possible to take sufficiently precise account of climatic influences; whereas, therefore, it is necessary to modulate the criteria for classifying areas even within that particular wine-growing zone;

Whereas climatic and soil conditions in wine-growing zone A and in the German part of wine-growing zone B do not justify the inclusion of areas belonging to these zones in category 2;

Whereas, in the light of the experience gained in managing the market in wine and of the studies carried out, it seems essential to provide for the structural measures needed to balance the market; whereas this does not seem possible unless the current temporary ban on new planting is extended until 30 November 1986;

⁽¹⁾ OJ No C 232, 30. 9. 1978, p. 4.

⁽²⁾ OJ No C 6, 8. 1. 1979, p. 66.

⁽³⁾ OJ No C 105, 26. 4. 1979, p. 46; OJ No C 171, 9. 7. 1979, p. 16.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 81.

⁽⁵⁾ OJ No L 336, 29. 12. 1979, p. 10.

Whereas an exemption from this prohibition is justified, owing to their small size, in the case of new planting operations carried out in the Member States which produce annually less than 25 000 hectolitres of wine, and, in view of their intended use, in the case of new plantings of varieties of vine classified solely as table grape varieties;

Whereas it is advisable to relax the prohibition in question by enabling the Member States to authorize new planting intended for the production of quality wines psr with a view to allowing, where appropriate, improved adjustment of supply to demand in these wines; whereas this possibility must be extended to new planting carried out in the context of re-allocation measures or compulsory purchase measures in the public interest and also to new planting 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 ⁽¹⁾, as last amended by Directive 78/1017/EEC ⁽²⁾; whereas however experience has shown that it is advisable not to give this possibility to the Member States where the production of quality wines psr constitutes a predominant part of total wine production;

Whereas the Member States should be allowed to authorize new planting in respect of areas intended for the cultivation of parent vines for root-stock after the period during which aid for the abandonment of such areas is granted, and in respect of areas used for experiments, since the production of these areas is not directly intended for the wine market;

Whereas, in the absence of a Community mechanism for recording prices of quality wines psr, any impending danger of an imbalance on the wine market in a Member State must be assessed for each Member State; whereas, in these circumstances, it is necessary to provide for the Commission, in justified cases indicated by the Member State concerned, to be able to propose that the Council take measures to limit or to suspend new plantings intended for the production of quality wines psr in a Member State concerned in order to preserve the market balance;

Whereas the conditions under which the replanting of vines may take place should be laid down;

Whereas, in order to overcome difficulties facing producers in Member States whose national

legislation made no provision for replanting rights as at 27 May 1976, provision should be made for transitional measures to assist such producers;

Whereas detailed information should be provided; whereas the Commission should continue to make a report each year to the Council on how the wine-growing potential is evolving; whereas this report should be based on information provided by the producer Member States collected in the form of individual declarations by producers;

Whereas it should be possible for the Council, acting on the basis of this report and in justified cases, to take appropriate steps to relax the arrangements forbidding new planting in the case of table wines;

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

Whereas, in view of traditional production conditions in certain regions of the Community, it is necessary to allow the Member States to adopt more restrictive national rules on the new planting or replanting of vines;

Whereas, in order to ensure that the Community provisions relating to the wine-growing potential are complied with, it is necessary to prohibit all national aid for the planting of areas under vines cultivated for the production of table wine falling within category 3;

Whereas, in order to ensure that the removal of a vine variety from the categories of recommended or authorized vine varieties does not give rise to a loss in income without a transitional period for producers cultivating such a variety, the grapes obtained from that variety should be allowed to be used for producing a quality wine psr during a given period, provided that such grapes have been used legally for such a purpose before the change in category of the variety in question;

Whereas vineyards intended for the production of wine suitable for producing certain potable spirits obtained from wine with a registered designation of origin should be subject to the same rules as vineyards intended for the production of table wine;

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 349, 13. 12. 1978, p. 32.

Whereas, in view of the arrangements provided for in this Regulation, Regulation (EEC) No 348/79 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 337/79 is hereby amended as follows:

1. The heading of Title III shall be replaced by the following:

'TITLE III

Rules concerning production and control of the development of wine-growing potential'

2. Articles 29, 30 and 31 shall be replaced by the following Articles:

'Article 29

1. Where the annual wine production of a Member State exceeds 25 000 hectolitres that Member State shall, in the cases provided for in Article 29a, classify, according to their natural suitability for wine-growing, areas under vines cultivated for the production of wine and areas in respect of which a statement has been made of an intention to plant vines intended for wine production, in accordance with Article 30b.

2. Classification of the areas referred to in paragraph 1 shall be on the basis of three categories in accordance with paragraph 4.

3. The alcoholic strengths by volume referred to in paragraph 4 are to be understood as being the alcoholic strengths by volume obtained in an average year under traditional conditions of production, especially as regards vineyard layout, yield and vine varieties.

4. In the case of wine-growing zone A and the German section of wine-growing zone B:

- (a) category 1 shall comprise the areas which the Member States have recognized, or will recognize, as being suitable for the production of quality wine psr;

- (b) category 2 shall not comprise any area;
- (c) category 3 shall comprise areas other than those referred to in (a).

In the case of the French section of wine-growing zone B:

- (a) category 1 shall comprise those areas:
 - which the Member States have recognized, or will recognize, as being suitable for the production of quality wines psr, or
 - situated:
 - in hill regions, hillside regions, or
 - on shallow soil which is well-drained and contains a large proportion of coarse matter,
 and suitable for the production of wine having an average natural alcoholic strength by volume of not less than 8.5 %;

- (b) category 2 shall comprise the areas:
 - situated in hill or hillside regions or on shallow soil which correspond to the geological, soil and topographical conditions of category 1 but where the climate is such that the ripening necessary to ensure the required average natural alcoholic strength by volume referred to in (a) cannot be achieved, or
 - not included in (a) or (c);
- (c) category 3 shall comprise the areas situated:
 - on recent alluvial deposits, or
 - on deep soil containing little coarse matter, or
 - on valley floors.

In the case of wine-growing zone C I:

- (a) category 1 shall comprise those areas:
 - which the Member States have recognized, or will recognize, as being suitable for the production of quality wines psr, or
 - situated:
 - in hill regions, hillside regions, or
 - on shallow soil which is well-drained or contains a large proportion of coarse matter,

and suitable for the production of wine having an average natural alcoholic strength by volume of not less than 9 %;

(b) category 2 shall comprise those areas:

— situated in hill or hillside regions or on shallow soil which correspond to the geological, soil and topographical conditions of category 1 but where the climate is such that the ripening necessary to ensure the required average natural alcoholic strength by volume referred to in (a) cannot be achieved, or

— not included in (a) or (c);

(c) category 3 shall comprise those areas:

— situated:

- on recent alluvial deposits, or
- on deep soil containing little coarse matter, or
- on valley floors, or

— clearly unsuitable for wine-growing owing in particular to adverse natural soil conditions, unsuitable slopes, excessive humidity, adverse exposure, excessive altitude or unfavourable micro-climate, or

— capable of yielding adequate harvests of crops other than the vine for which a worthwhile marketing potential exists.

In the case of wine-growing zones C II and C III:

(a) category 1 shall comprise those areas:

— which the Member States have recognized, or will recognize, as being suitable for the production of quality wine, or

— situated:

- in hill regions, hillside regions, or
- on plains and/or plateaux on an autochthonous substratum of calcareous rock, marl or sand or colluvial of morainic, glacial or volcanic origin, or

of alluvial origin but coarse in composition,

and suitable for the production of wine having an average natural alcoholic strength by volume of not less than 10 % in wine-growing zone C III and 9.5 % in wine-growing zone C II;

(b) category 2 shall comprise those areas:

— situated on plains of recent alluvial origin with deep and fertile soil consisting for the most part of clay or alluvium, or

— which correspond to the geological, pedological and topographical conditions of category 1 but where the climate is such that the ripening necessary to ensure the required average natural alcoholic strength by volume referred to in (a) cannot be achieved;

(c) category 3 shall comprise those areas:

— clearly unsuitable for wine-growing owing in particular to adverse natural soil conditions, unsuitable slopes, excessive humidity, adverse exposure, excessive altitude or unfavourable micro-climate, or

— situated on plains or valley floors and capable of yielding an adequate harvest of crops other than the vine for which a worthwhile marketing potential exists.

5. All areas in regions not included in any wine-growing zone shall come under category 3.

6. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the general rules governing application of this Article.

Article 29a

1. Where a farmer cultivating an area under vines lodges an application with the object of benefiting from:

- authorization for new planting in accordance with Community regulations, on areas intended for wine-production, or

- of an abandonment premium provided for in Title I of Regulation (EEC) No 456/80 ⁽¹⁾, or
- restructuring measures under the joint action referred to in Council Regulation (EEC) No 458/80 ⁽²⁾,

the competent authorities of the Member State shall, where necessary, classify the areas concerned before taking a decision on this application.

2. In the case of collective action aimed at benefiting from one or more of the provisions referred to in paragraph 1, the competent authorities of the Member State shall, where necessary, similarly classify all the areas concerned by such action.

3. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the application of this Article.

Article 30

1. Except in the cases referred to in the first subparagraph of paragraph 2, all new planting of vines shall be prohibited until 30 November 1986, except on areas intended for the production of grapes obtained from varieties which, for the administrative unit concerned, are classified solely as table grape varieties.

2. Member States may grant authorizations for new planting in respect of:

- areas intended for the production of quality wines psr,
- as from 1 September 1984, areas intended for the cultivation of parent vines for root-stock,
- areas intended for new planting carried out in the context of reallocation measures or measures concerning compulsory purchase in the public interest adopted under national legislation,
- in Member States whose production of quality wines psr during the 1975/76, 1976/77 and 1977/78 wine-growing years, was less than 60 % of total wine production, areas intended for new planting to be carried out under

development plans meeting the conditions laid down in Directive 72/159/EEC,

- areas intended for wine-growing experiments.

However, if a Member State indicates that the development of wine-growing potential in its territory in the areas intended for the production of quality wines psr points to the likelihood of an imbalance on the market for such wines, the Commission may propose that the Council, acting by a qualified majority, limit or suspend in that Member State the possibility referred to in the first indent of the first subparagraph.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 30a

1. Replanting of wines shall be permitted only where a natural or legal person or group of persons has:

- a replanting right within the meaning of Annex IVa (c), or
- a replanting right acquired on the basis of prior national legislation.

As a transitional measure, the producers in Member States whose national legislation made no provision for replanting rights as at 27 May 1976 and who have carried out since then grubbing operations duly substantiated and certified by the Member State concerned, may be authorized to plant vines, before 27 May 1984, on an area equivalent in terms of pure crop to the area grubbed, under the conditions laid down in this Regulation.

2. The replanting right referred to in paragraph 1:

- may be exercised in the same holding; however, Member States may stipulate that this right may be exercised only on the areas where the grubbing was carried out,
- may be transferred in whole or in part only in cases where part of the holding concerned goes to another holding; in this case, such a right may be exercised in the latter holding, within the limits of the areas transferred.

However, the replanting right may be transferred in whole or in part under conditions determined

⁽¹⁾ OJ No L 57, 29. 2. 1980, p. 16.

⁽²⁾ OJ No L 57, 29. 2. 1980, p. 27.

by the Member State concerned to areas intended for the production of quality wines psr on another holding.

3. Wherever the replanting right is not exercised on the area in which grubbing was carried out, replanting may take place only on an area classified, in respect of areas which are the subject of the classification referred to in Articles 29 and 29a, in the same category as that in which the grubbing was carried out or in a higher category.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 30b

1. Any natural or legal person or group of persons intending to carry out new planting of vines, as referred to in Article 30 (2) or in the third subparagraph of Article 30c (2), shall apply in writing for authorization to the competent bodies appointed by the Member States by a date to be determined by these bodies.

2. Any natural or legal person or group of persons:

- intending to grub or to replant vines or to carry out the authorized new planting of vines, or
- who have grubbed, replanted or newly planted vines,

shall inform the competent bodies in writing by a date to be determined by these bodies.

3. The authorized new planting of vines may be carried out until the end of the second wine-growing year following that in which the authorization was granted.

Article 30c

1. Before 1 September of each year, the Member States, taking into account in particular:

- the information referred to in Article 30b,
- and, as from 1 April 1981, the statistical surveys of areas under vines provided for in Council Regulation (EEC) No 357/79 of 5 February 1979 on statistical surveys of areas under vines ⁽¹⁾,

shall inform the Commission of the way in which the wine-growing potential is evolving, and include in their communication a statement of the areas under vines on their territory.

The abovementioned statement:

(a) shall be drawn up for the following geographical units:

- in the Federal Republic of Germany: the wine-growing regions defined in accordance with Article 3 of Regulation (EEC) No 338/79,
- In France: the departments,
- in Italy: the provinces,
- in the other Member States concerned: their entire national territory;

(b) shall be broken down as specified in Article 2 (2) (B) of Regulation (EEC) No 357/79.

2. Before 1 December of each year, the Commission, taking into account the communications from the Member States referred to in paragraph 1, shall make a report to the Council on the way in which wine-growing potential is evolving.

This report shall assess the relationship between production potential and use and forecast foreseeable trends in this relationship.

On the basis of this report, the Council, acting by a qualified majority on a proposal from the Commission, may, by way of derogation from Article 30, decide in so far as this is justified by the market trend for table wines that the Member State may grant authorizations for new planting in respect of category I areas intended for the production of table wines. At the same time and under the same procedure, the Council shall lay down the conditions under which such authorizations may be granted.

Article 30d

The Council, acting in accordance with the procedure laid down in Article 43 (2) of the Treaty, shall adopt, before 1 October 1986, the measures necessary to ensure that wine-growing potential is in balance with market requirements, taking into account in particular the suitability for wine-growing of and the existence of economically viable alternatives in terms of agricultural crops for the various areas as they appear in the classification drawn up in accordance with Article 29.

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 124.

Article 30e

1. Articles 30 to 30c shall not apply in those Member States where wine production does not exceed 25 000 hectolitres per wine year.

2. This Title shall not prevent the Member States from:

- adopting more restrictive national regulations in respect of the new planting or replanting of vines,
- requiring that the applications and information provided for herein shall be supplemented by other information necessary for monitoring the development of wine-growing potential.

Article 30f

The period of validity of a right to carry out new plantings existing under national laws on 27 May 1976, exercise of which is suspended under this Regulation, shall be extended by a period equivalent to the period from 1 December 1976 to the date specified in Article 30 (1).

Article 31

1. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt general rules for the classification of vine varieties.

These rules shall in particular provide for:

- a classification of such vine varieties, by administrative unit or part thereof, into recommended varieties, authorized varieties and temporarily authorized varieties,
 - the possibility for a Member State to derogate from the provisions of paragraph 2 with a view to investigating the suitability of a vine variety for cultivation, to undertaking scientific research, selective crossing and hybridization, or the production of material for the vegetative propagation of the vine which is intended for export.
2. Without prejudice to any more restrictive Community provisions, only recommended varieties and authorized vine varieties may be used for new planting, replanting or grafting in the Community.

3. The withdrawal from cultivation of areas planted with:

- (a) vine varieties classified, on 31 December 1976, as temporarily authorized varieties, must be completed:
 - before 31 December 1979 for varieties obtained from interspecific crossings (direct producer hybrids),
 - before 31 December 1983 for other varieties;
- (b) vine varieties classified as temporarily authorized after 31 December 1976 must be completed within 15 years from the date on which the variety was thus classified.

Continued cultivation of vine varieties which are not classified is prohibited.

4. The classification of vine varieties and other detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67.

Article 31a

The granting of national aid for the planting of category 3 areas cultivated for the production of table wine shall be prohibited.'

3. The words 'with the exception of quality wine psr' in Article 49 (2) shall be deleted.

4. The following Annex shall be inserted:

'ANNEX IVa

For the purpose of this Regulation:

- (a) *grubbing*
means the complete elimination of all vine stocks on a plot planted with vines;
- (b) *planting*
means the final planting of young vine plants or parts of young vine plants, whether grafted or ungrafted, with a view to producing grapes or to establishing a parent vine for root stock;
- (c) *right of replanting*
means the right, under the conditions laid down in this Regulation, to plant vines, during the eight years following the year in which regularly declared grubbing took place, on a

pure cultivation area equivalent to that in which vines were grubbed;

(d) *replanting*

means the planting of vines carried out by virtue of a replanting right;

(e) *new planting*

means the planting of vines which does not correspond to the definition of replanting given in (d).'

vine varieties and classified in the category of temporarily authorized vine varieties, or

- (b) for a period of three years from the date on which the demarcation of a specified region comes into effect, where the said demarcation has been made after 31 December 1979, provided that such vine variety belongs to the species "Vitis vinifera", and that it does not represent more than 20 % of the vine varieties on the vineyard or vineyard plot involved.'

Article 2

The second subparagraph of Article 4 (3) of Regulation (EEC) No 338/79 is hereby replaced by the following:

'However, by way of derogation from the first subparagraph, the presence of a vine variety which does not appear on the list may be permitted by Member States:

- (a) for a period of 15 years from the date on which such vine variety has been removed from the category or recommended or authorized

Article 3

Regulation (EEC) No 348/79 and Council Regulation (EEC) No 657/79 of 26 March 1979 laying down supplementary measures to adjust wine-growing potential to market requirements in certain Community regions ⁽¹⁾ are hereby repealed.

Article 4

This Regulation shall enter into force on 1 March 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 85, 5. 4. 1979, p. 1.

COUNCIL REGULATION (EEC) No 455/80

of 18 February 1980

suspending the possibility of authorizing new plantings of vines intended for the production of quality wines psr in the Federal Republic of Germany

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 454/80 ⁽²⁾, and in particular the second subparagraph of Article 30 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the report prepared by the Commission and forwarded on 15 October 1979 to the Council shows, for the 1976/77, 1977/78 and 1978/79 wine years, an increase in wine-growing areas in Germany which greatly exceeds forecasts, while in the other major wine-producing Member States there has been a reduction in wine-growing areas; whereas the report reveals, moreover, as from the 1975/76 wine-growing year, a steady decline in direct human consumption in the Community as a whole and stagnation of such consumption in Germany; whereas, in order to prevent German wine-growing potential from developing in such a way that it would entail the risk of a serious and persistent fall in sales for German quality wines psr and of other quality wines psr, it is advisable, following the communication from the Federal Republic of Germany, to suspend for a period ending on 30 November 1980, the possibility

of authorizing new plantings of vines intended for the production of quality wines psr in Germany; whereas it should be specified that this suspension does not apply to new plantings of a specific nature for which the Member States may grant new planting authorizations,

HAS ADOPTED THIS REGULATION:

Article 1

Until 30 November 1980 the possibility of authorizing any new planting of vines intended for the production of quality wines psr on the territory of the Federal Republic of Germany is hereby suspended.

However this suspension shall not apply to new planting of quality wines psr:

- carried out in the context of reallocation measures or measures concerning compulsory purchase in the public interest adopted under current national legislation,
- intended for wine-growing experiments.

Article 2

This Regulation shall enter into force on 1 March 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ See page 7 of this Official Journal.

COUNCIL REGULATION (EEC) No 456/80**of 18 February 1980****on the granting of temporary and permanent abandonment premiums in respect of certain areas under vines and of premiums for the renunciation of replanting**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the disparity between the production and consumption of wine in the Community cannot be attributed merely to cyclical variations; whereas the intervention measures for stabilizing markets, provided for in Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽⁴⁾, as last amended by Regulation (EEC) No 454/80 ⁽⁵⁾, have proved to be inadequate; whereas experience gained from the implementation of Council Regulation (EEC) No 1163/76 of 17 May 1976 on the granting of a conversion premium in the wine sector ⁽⁶⁾, as last amended by Regulation (EEC) No 361/79 ⁽⁷⁾, has shown that greater efforts need to be made to reduce Community wine-growing potential; whereas, to encourage wine-growers to act accordingly, premiums should be granted for the temporary or permanent abandonment of areas classified in category 2 or 3 within the meaning of Articles 29 and 29a of Regulation (EEC) No 337/79 and for the permanent abandonment of certain other specific areas under vines;

Whereas, to avoid unjustified expenditure, cumulation of these premiums with other premiums provided for in Community legislation should be prohibited;

Whereas the incentive for the abandonment of areas under vines should be so devised as to reduce the quantities of poor quality wine on the market; whereas it is therefore necessary to restrict the temporary abandonment premium to certain vine varieties the cultivation of which is undesirable and which are planted in category 2 areas and to all vine varieties planted in category 3 areas;

Whereas, in order to encourage producers to abandon temporarily or, where appropriate, permanently areas under vines in the near future and thereby hasten the restoration of the market balance, a time limit should be laid down for the grant of the abandonment premiums, in particular with regard to certain specific areas under vines;

Whereas, to ensure proper administrative management of the abandonment premiums, time limits should be fixed for the lodging of applications and conditions laid down for recipients; whereas, in order to achieve lasting results, recipients of the temporary abandonment premium and recipients of the permanent abandonment premium should be required not to increase the areas on which they grow vines for eight and 15 wine-growing years respectively;

Whereas the amount of the temporary abandonment premium must be set at a level which takes account of the cost of grubbing and, to some extent, of the prospective loss of income; whereas the amounts fixed for this premium should therefore be differentiated according to the productivity of the areas under vines in question; whereas, since the permanent abandonment premium relates to areas where grubbing already took place in exchange for the temporary abandonment premium or to specific areas under vines, its amount should be fixed at the same level;

Whereas the encouragement to renounce replanting rights the exercise of which was suspended until 29 February 1980 under Article 4 of Council Regulation (EEC) No 348/79 of 5 February 1979 on measures

⁽¹⁾ OJ No C 209, 2. 9. 1978, p. 3; OJ No C 232, 30. 9. 1978, p. 10.

⁽²⁾ OJ No C 6, 8. 1. 1979, p. 66.

⁽³⁾ OJ No C 105, 26. 4. 1979, p. 46.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁵⁾ See page 7 of this Official Journal.

⁽⁶⁾ OJ No L 135, 24. 5. 1976, p. 34.

⁽⁷⁾ OJ No L 46, 23. 2. 1979, p. 2.

designed to adjust wine-growing potential to market requirements ⁽¹⁾ is likely to contribute to a reduction of the wine-growing potential; whereas the producers concerned should be induced to renounce their rights by the grant of a premium;

Whereas, in order to ensure the correct application of the system of premiums, it should be laid down that national aid may be granted if designed to achieve similar objectives to those which are sought by the said system;

Whereas all the measures envisaged serve the interest of the Community and are designed to achieve the objectives laid down in Article 39 (1) (a) of the Treaty; whereas they constitute a common measure within the meaning of Article 6 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽²⁾, as last amended by Regulation (EEC) No 929/79 ⁽³⁾;

Whereas Council Directive 78/627/EEC of 19 June 1978 on the programme to accelerate the restructuring and conversion of vineyards in certain Mediterranean regions in France ⁽⁴⁾ is already being applied in these regions which are in an unfavourable situation as regards agricultural incomes and employment; whereas part of the action in question regarding operations for the conversion of vineyards was, until the 1978/79 wine year, financed under the conversion premium arrangements laid down in Regulation (EEC) No 1163/76; whereas such financing is now to be provided by the grant of the temporary abandonment premium; whereas consequently, in order to avoid interruption in the action, implementation of the abandonment premium arrangements should be brought forward to 1 March 1980,

HAS ADOPTED THIS REGULATION:

TITLE I

Temporary and permanent abandonment of certain areas under vines

Article 1

1. Wine-growers cultivating areas under vines classified in categories 2 and 3 in accordance with Articles 29 and 29a of Regulation (EEC) No 337/79

shall, upon application and subject to the conditions laid down in this Regulation, be eligible in respect of these areas for:

- a premium for the temporary abandonment of wine-growing, hereinafter called 'temporary abandonment premium',
- a premium for the permanent abandonment of wine-growing, hereinafter called 'permanent abandonment premium'.

2. Wine-growers cultivating areas used as root-stock nurseries shall, upon application and subject to the conditions laid down in this Regulation, be eligible in respect of such areas solely for the permanent abandonment premium.

3. The following exclusions shall apply:

- growers shall not be eligible for the temporary or the permanent abandonment premium in respect of areas under vines falling within the scope of Council Directive 79/359/EEC of 26 March 1979 on the programme to speed up the conversion of certain areas under vines in the Charentes departments ⁽⁵⁾,
- growers who have received the special conversion premium for which provision is made in Directive 78/627/EEC shall not be eligible for the permanent abandonment premium; this exclusion shall apply only to the areas that are covered by the aforesaid special conversion premium and to the period of implementation of the action provided for in Directive 78/627/EEC.

4. In the case of areas which have benefited from one or more of the premiums referred to in paragraph 1, wine-growers cannot subsequently receive aid referred to in Article 13 of Council Regulation (EEC) No 458/80 of 18 February 1980 on collective projects for the restructuring of vineyards ⁽⁶⁾.

5. The grant of the temporary abandonment premium shall entail suspension of the exercise of the replanting right referred to in Annex IVa (c) to Regulation (EEC) No 337/79 until the end of the eighth wine-growing year following that of grubbing up; however, at the end of this period, the replanting right may be exercised only for the two following wine-growing years.

The grant of the permanent abandonment premium shall entail loss of the replanting right.

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 81.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽³⁾ OJ No L 117, 12. 5. 1979, p. 4.

⁽⁴⁾ OJ No L 206, 29. 7. 1978, p. 1.

⁽⁵⁾ OJ No L 85, 5. 4. 1979, p. 34.

⁽⁶⁾ See page 27 of this Official Journal.

Article 2

1. Until the end of the 1986/87 wine-growing year, the temporary abandonment premium shall be granted for the temporary abandonment of wine-growing on:

- (a) areas classified in category 2 planted with wine-grape varieties:
 - in the category of provisionally authorized varieties, or
 - on a list to be adopted;
- (b) areas classified in category 3 planted with wine-grape varieties;
- (c) areas planted with varieties which, for the administrative unit involved, are classified both as table-grape and as wine-grape varieties.

2. The permanent abandonment premium shall be granted for the permanent cessation of wine-growing on areas:

- for which the temporary abandonment premium or the premium referred to in Regulation (EEC) No 1163/76 has been paid, or
- under vines which are no longer tended or of very low productivity, or
- used as root-stock nurseries planted with root-stock varieties included in the classification of vine varieties.

The permanent abandonment premium may be granted only during

- the marketing year in which the temporary abandonment premium has been granted, plus the following eight marketing years,
- the eight wine-growing years following that in which the premium referred to in Regulation (EEC) No 1163/76 was granted,
- four wine-growing years as from 1 September 1980 as regards the areas referred to in the second and third indents of the first subparagraph.

3. The temporary abandonment premium may not be granted in respect of:

- (a) areas under vines located on the same farm which total less than 25 ares;

- (b) areas under vines known to have been in infringement of Community or national provisions;

- (c) areas under vines which are no longer tended or of very low productivity;

- (d) areas on which vines have been planted after the entry into force of this Regulation.

4. The permanent abandonment premium may not be granted for the areas referred to in the second and third indents of the first subparagraph of paragraph 2 in respect of areas under vines located on the same farm which total less than 10 ares.

5. When the list of vine varieties referred to in the second indent of paragraph 1 (a) is drawn up and subdivided according to geographical units in accordance with Article 31 of Regulation (EEC) No 337/79, account shall be taken of:

- the quality of the wines obtained from the varieties in question,
- other Community measures to adapt wine-growing potential to market requirements,
- market demand.

6. Detailed rules for granting premiums and the list of varieties referred to in the second indent of paragraph 1 (a) shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 3

1. Applications for premiums shall be lodged with the departments to be designated by the Member States:

- as regards the temporary abandonment premium, before 31 December following the start of the wine-growing year during which the vines were grubbed up,
- as regards the permanent abandonment premium, before 31 December of each wine-growing year referred to in the second subparagraph of Article 2 (2).

2. The grant of the temporary abandonment premium or the permanent abandonment premium for the areas referred to in the second and third indents

of the first subparagraph of Article 2 (2) shall be subject to a written declaration by the applicant to the effect that:

- by 1 April of the year following that in which the application is lodged, he will grub or have grubbed up the vines on the areas for which the premium has been requested,
 - he will not, before 31 March 1982, plant on the areas referred to in the first indent fruit trees of the varieties referred to in Article 1 of Council Regulation (EEC) No 794/76 of 6 April 1976 laying down new measures for the rationalization of fruit production in the Community ⁽¹⁾,
 - he will not plant on his holding new vines within the meaning of Annex IVa (e) of Regulation (EEC) No 337/79:
 - for a period of eight wine-growing years following that during which the vines referred to were grubbed up, as regards the temporary abandonment premium,
 - for a period of 15 wine-growing years following that during which the vines referred to were grubbed up, as regards the permanent abandonment premium for areas referred to in the second and third indents of the first subparagraph of Article 2 (2);
 - annually during this period, when declaring his harvest where this is required, he will also declare the area under vines which is in production, and the area under vines which is not yet in production.
3. The grant of the permanent abandonment premium for areas in respect of which the temporary abandonment premium or the premium provided for in Regulation (EEC) No 1163/76 has been paid shall be subject to a written declaration by the applicant containing the undertaking that:
- he will not plant on his farm any new vines during the 15 wine-growing years following that during which the premium was granted,
 - annually when declaring his harvest where this is required he will also declare the area under vines which is in production, and that area which is not yet in production provided that vines are cultivated on the holding.
4. The grant of the temporary or the permanent abandonment premium shall also be subject to the applicant:
- being entitled, in accordance with national laws, to continue to cultivate the area concerned for the periods referred to in the third indent of paragraph 2, or the first indent of paragraph 3, as the case may be;
 - producing, if he does not fulfil the condition referred to in the first indent, a written undertaking by the owner of the land that he will guarantee that the obligations referred to in paragraph 2 or 3 are complied with or that he will comply with them personally.

If, after the granting of the premium and in the course of the period referred to in the third indent of paragraph 2, or the first indent of paragraph 3, all or part of the holding should pass to another party, the recipient of the premium or his assignees shall remain responsible for the execution by the successor of the undertaking entered into by the recipient, unless:

- the successor enters into such an undertaking on his own account for the remainder of the period, or
- the owner has given the undertaking provided for in the second indent of the first subparagraph.

Article 4

1. The amount of the temporary abandonment premium shall be fixed at:

- 1 813 ECU per hectare for areas under vines of low productivity,
- 2 418 ECU per hectare for areas under vines of average productivity which are tended normally and do not yet show any signs of deterioration due to age,
- 3 022 ECU per hectare for areas under vines of high productivity.

2. The amount of the permanent abandonment premium shall be fixed at 2 418 ECU per hectare.

3. For the grant of the temporary abandonment premium or the permanent abandonment premium in respect of the areas referred to in the second and third indents of the first subparagraph of Article 2 (2), mixed cultivation areas shall be expressed as specialized cultivation areas by using the customary conversion factor for the wine-growing area concerned.

4. Where the area for which the temporary abandonment premium is requested contains a mixture of several vine varieties, some of which do not qualify for the premium, the premium shall be granted:

- for the entire area, provided that the varieties referred to in Article 2 (1) (a) cover more than 70 % of the area in question,
- for the section of the area actually covered with the varieties referred to in Article 2 (1) (a) where those varieties cover 70 % or less of the area in question.

⁽¹⁾ OJ No L 93, 8. 4. 1976, p. 3.

5. For the purposes of granting the permanent abandonment premium, the entire area shall be taken into consideration.

6. The amount of the temporary abandonment premium or of the permanent abandonment premium for the areas referred to in the second and third indents of the first subparagraph of Article 2 (2) shall be paid in a single payment not more than six months after the applicant has furnished evidence that grubbing up has in fact taken place.

The amount of the permanent abandonment premium for the areas referred to in the first indent of the first subparagraph of Article 2 (2) shall be paid in a single payment not more than six months after the declaration referred to in Article 3 (3) has been deposited.

7. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

TITLE II

Renunciation of replanting on certain areas under vines

Article 5

1. Wine-growers cultivating areas under vines who have a replanting right which was suspended under Article 4 of Regulation (EEC) No 348/79 shall, upon application and subject to the conditions laid down in this Title, be eligible for a premium for renouncing their right, hereinafter called 'renunciation premium'.

2. In the case of areas which have benefited from the renunciation premium, growers cannot subsequently receive the aid referred to in Article 13 of Regulation (EEC) No 458/80.

Article 6

1. The renunciation premium shall be granted until 28 February 1982.

2. No renunciation premium may be granted for rights in respect of areas on one and the same holding which total less than 25 ares.

3. Detailed rules for granting the premium shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 7

1. Applications for premiums shall be lodged with the departments to be designated by the Member States before 1 February 1982.

2. The grant of the renunciation premium shall be subject to:

(a) the condition that, since 27 May 1976, the only vine-planting the applicant has engaged in on his holding has been offset by the prior grubbing of an equivalent area under vines;

(b) a written declaration in which the applicant undertakes that:

— he will, until 31 March 1982, forego any planting of fruit trees of the varieties referred to in Article 1 of Regulation (EEC) No 794/76 in the areas in respect of which the premium has been applied for,

— he will not carry out any new planting of vines within the meaning of Annex IVa (e) to Regulation (EEC) No 337/79 on his holding for 15 wine-marketing years following this undertaking,

— annually, when declaring his harvest, he will also declare the area under vines which is, and that which is not yet, in production in so far as vines are still grown on the holding.

Article 8

1. The renunciation premium shall be fixed at 800 ECU per hectare.

2. The renunciation premium shall be paid in a single payment not more than six months after the renunciation has been established and formalized.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure provided for in Article 67 of Regulation (EEC) No 337/79.

TITLE III

General and financial provisions

Article 9

The Council, acting by a qualified majority on a proposal from the Commission, may decide to alter:

— the amounts of the premiums,

— the dates given in Articles 3 (1) and 7 (1).

In accordance with the same procedure, the Council may provide for derogations in respect of the date laid down in the first indent of Article 3 (2).

Article 10

1. The Member States shall verify that the undertakings referred to in Articles 3 (2) and (3) and 7 (2) are being respected.

2. The Member States shall inform the Commission of the results of this verification.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

Article 11

1. The measures laid down in this Regulation shall constitute a common measure within the meaning of Article 6 (1) of Regulation (EEC) No 729/70.

2. The measures referred to in paragraph 1 shall:

- end with the 1986/87 wine-growing year as regards the temporary abandonment premium,
- end with the 1994/95 wine-growing year as regards the permanent abandonment premium for the areas referred to in the first indent of the first subparagraph of Article 2 (2),
- end with the 1983/84 wine-growing year as regards the permanent abandonment premium for the areas referred to in the second and third indents of the first subparagraph of Article 2 (2),
- apply until 28 February 1982 as regards the renunciation premium.

Article 12

1. The estimated cost of the common measure to the European Agricultural Guidance and Guarantee Fund is 128·8 million European units of account.

2. Article 6 (5) of Regulation (EEC) No 729/70 shall apply to this Regulation.

Article 13

1. The expenditure incurred by the Member States in respect of the measure provided for in this Regu-

lation shall be eligible for financing by the Guidance Section of the European Agricultural Guidance and Guarantee Fund.

2. The Guidance Section of the EAGGF shall refund to the Member States 40 % of the eligible expenditure.

3. Detailed rules for the application of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 14

1. Applications for reimbursement shall relate to expenditure incurred in a calendar year by the Member States and shall be submitted to the Commission before 1 July of the following year.

2. The Commission shall take a decision on these applications, on one or more occasions, in accordance with the procedure laid down in Article 7 (1) of Regulation (EEC) No 729/70.

Article 15

1. Without prejudice to Article 8 of Regulation (EEC) No 729/70, the Member States shall take, in accordance with their national laws, regulations and administrative provisions, the necessary measures to recover the amounts paid in cases where the undertakings referred to in Articles 3 and 7 are not being respected.

They shall inform the Commission of measures taken for this purpose and, in particular, shall periodically notify it of the state of administrative and judicial procedures relating thereto.

2. The sums recovered shall be paid to the paying authorities or bodies and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund in proportion to Community financing.

3. The financial consequences of failure to recover amounts paid out shall be borne by the Community in proportion to Community financing.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 16

The Member States shall communicate to the Commission, as part of the communication referred to in Article 30c (1) of Regulation (EEC) No 337/79:

- during the wine-growing years referred to in Article 2 (1) and (2), the areas of vines which have been temporarily or permanently abandoned in return for the corresponding premium,
- before 1 October 1982, the areas of vines in respect of which a renunciation premium has been granted.

The Commission shall take account of this information in the report referred to in Article 30c (2) of the aforementioned Regulation.

Article 17

This Regulation shall not impede the granting of aid provided for by national regulations designed to achieve objectives similar to those sought by this Regulation, subject to an examination on the basis of Articles 92, 93 and 94 of the Treaty.

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

Done at Brussels, 18 February 1980.

Article 18

1. This Regulation shall enter into force on 1 March 1980.

2. This Regulation shall apply from 1 September 1980.

However, it shall apply from 1 March 1980 as regards:

- the renunciation premium referred to in Title II,
- the temporary abandonment premium referred to in Title I in the case of areas benefiting from a special conversion premium under the programme referred to in Directive 78/627/EEC.

3. By way of derogation from Article 3 and with regard to the temporary abandonment premium referred to in the second indent of the second subparagraph of paragraph 2 of this Article, from 1 March to 31 August 1980:

- the date referred to in the first indent of Article 3 (1) shall be replaced by '1 May 1980',
- the date referred to in the first indent of Article 3 (2) shall be replaced by '1 June 1980'.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 457/80

of 18 February 1980

establishing a system of premiums for the cessation of wine-growing in France and Italy

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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the sector covered by Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽⁴⁾, as last amended by Council Regulation (EEC) No 454/80 ⁽⁵⁾ shows substantial surpluses;

Whereas, in order to enable Council Regulation (EEC) No 456/80 of 18 February 1980 on the granting of temporary and permanent abandonment premiums in respect of certain areas under vines and of premiums for the renunciation of replanting ⁽⁶⁾ to be effective as possible in the long term, elderly wine-growers should be given the possibility of retiring without suffering any great financial loss; whereas this objective may be achieved by granting such wine-growers an annual premium or, if they do not practise farming as their main occupation, a single premium calculated on the basis of the area under vines cultivated by them;

Whereas the closing down of farm businesses employing elderly family workers may cause such persons to lose their incomes;

Whereas provision should be made for compensating the financial difficulties caused to the members of the recipient's family by the latter's death;

⁽¹⁾ OJ No C 209, 2. 9. 1978, p. 13.

⁽²⁾ OJ No C 6, 8. 1. 1979, p. 66.

⁽³⁾ OJ No C 171, 9. 7. 1979, p. 16.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁵⁾ See page 7 of this Official Journal.

⁽⁶⁾ See page 16 of this Official Journal.

Whereas all the proposed measures serve the interest of the Community and are aimed at achieving the objectives set out in Article 39 (1) (a) of the Treaty, including the structural changes necessary for the proper working of the common market; whereas they therefore constitute a common measure within the meaning of Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁷⁾, as last amended by Regulation (EEC) No 929/79 ⁽⁸⁾;

Whereas, in view of the objectives to be attained and the probable repercussions on the market situation, 40 % of the expenditure incurred by the granting of the premiums provided for by this Regulation should be financed by the Community,

HAS ADOPTED THIS REGULATION:

TITLE I

Per hectare premiums

Article 1

1. In France and Italy elderly farmers for whom wine-growing is a major source of income, shall benefit from a system of aid for the cessation of farming, upon application and under the conditions laid down in this Regulation.

2. The aid referred to in the previous paragraph shall be granted without prejudice to the systems of aid existing in the Member States concerned pursuant to Council Directive 72/160/EEC of 17 April 1972 concerning measures to encourage the cessation of farming and the reallocation of utilized agricultural area for the purposes of structural improvement ⁽⁹⁾, as last amended by Directive 73/358/EEC ⁽¹⁰⁾.

⁽⁷⁾ OJ No L 99, 5. 5. 1970, p. 1.

⁽⁸⁾ OJ No L 117, 12. 5. 1979, p. 4.

⁽⁹⁾ OJ No L 96, 23. 4. 1972, p. 9.

⁽¹⁰⁾ OJ No L 326, 27. 11. 1973, p. 17.

Article 2

1. The measures provided for in Article 1 shall consist in the granting of an annual premium or a single premium, calculated on the basis of the area used for wine-growing, for which the farmer in question has received:

- a permanent abandonment premium as provided for in Regulation (EEC) No 456/80, or
- the special conversion grant provided for in Council Directive 78/627/EEC of 19 June 1978 on the programme to accelerate the restructuring and conversion of vineyards in certain Mediterranean regions in France ⁽¹⁾.

The annual or the single premium shall be granted to the farmers referred to in the first or second subparagraph of paragraph 2, as the case may be who:

- apply for it,
- have received one of the premiums referred to in the first and second indents of the first subparagraph in respect of an area under vines representing at least 20 % of the total utilized agricultural area, and
- have engaged in wine-growing for at least five years before lodging an application.

2. The annual premium referred to in paragraph 1 shall be confined to farmers aged between 55 and 65 practising farming as their main occupation provided that wine-growing is the main source of farm earnings from their holdings.

The single premium referred to in paragraph 1 shall be confined to farmers aged between 55 and 70, not covered by the first subparagraph, whose wine-growing earnings equal at least two-thirds of their non-farming income.

3. For the purposes of this Regulation, the meanings of the expression 'farmer', the various associated categories of beneficiary and 'the practice of farming as a main occupation' shall be as defined in national legislation adopted by the Member States giving effect to Directive 72/160/EEC.

4. The system of aid referred to in paragraph 1 shall be subject to the following conditions:

- permanent abandonment of wine-growing on all the areas of the holding concerned which are intended for the production of table wines,
- the cessation of farming by the recipient,
- the closing down of the holding as an independent economic unit and release of at least 85 % of the land which has become available to other holdings in operation or for non-agricultural use or to land agencies.

The grant of the annual or the single premium referred to in paragraph 1 shall entail forfeiture of the right to replant within the meaning of Annex IVa (d) to Regulation (EEC) No 337/39 in respect of the areas referred to in the first indent of the preceding subparagraph.

5. The annual or the single premium referred to in paragraph 1 shall also be granted to permanent family workers aged between 55 and 65 or, as the case may be, between 55 and 70 who:

- apply for it,
- have practised farming for at least five years before lodging an application,
- have worked for at least two years before lodging an application on a holding which is being closed down as an independent economic unit,
- undertake not to engage in any further agricultural activity.

For the purposes of this Regulation, 'permanent family farm workers' shall mean farm workers, permanently employed in the cultivation or management of the land, who are members of the family of the owner of the holding such as the spouse, or the relatives in the direct line of ascent or descent of the owner or his spouse.

The annual or the single premium may be granted to one permanent family worker for every holding which is discontinued as an independent economic unit.

6. Where a recipient of an annual premium dies, his spouse or still dependent direct relatives in the ascending or descending line shall be substituted for the recipient for the remaining period of entitlement and shall receive up to 75 % of the sum provided for that period under Article 3.

⁽¹⁾ OJ No L 206, 29. 7. 1978, p. 1.

Lineal descendants of the recipient who are still dependent on him shall be substituted for him only if they still reside on the holding which has been closed down as an independent economic unit and up to the difference between 604 ECU per hectare of vineyard abandoned and the amount of the annual premium already received by the recipient.

The first subparagraph shall not apply to permanent family farm workers who receive the annual premium referred to in paragraph 5.

7. Applications for premiums must be lodged with the departments to be designated by the Member States.

8. Detailed rules for the application of this Article, particularly as regards the conditions on which premiums are to be granted, shall be adopted, where necessary, according to the procedure in Article 67 of Regulation (EEC) No 337/79.

Article 3

1. Neither the annual nor the single premium may be granted for more than five hectares per farm.

2. The amount of the annual premium shall be 363 ECU per hectare of vineyard abandoned.

The annual premium shall be paid until the recipient completes his 65th year.

3. The amount of the single premium shall be 604 ECU per hectare of vineyard abandoned:

TITLE II

Financial and general provisions

Article 4

1. The measures provided for in this Regulation constitute a common measure within the meaning of Article 6 (1) of Regulation (EEC) No 729/70.

2. The period for implementing the measure referred to in paragraph 1 shall be limited to seven wine-growing years from the date of entry into force of this Regulation.

However, it shall be limited to the first two years of the above period as regards the grant of the single premium to wine-growers aged between 65 and 70.

Article 5

1. The total contribution by the European Agricultural Guidance and Guarantee Fund to the cost of the common measure is estimated at 11.1 million European units of account.

2. Article 6 (5) of Regulation (EEC) No 729/70 shall apply to this Regulation.

Article 6

1. Expenditure incurred by Member States within the framework of the measure provided for by this Regulation shall be eligible for financing by the Guidance Section of the European Agricultural Guidance and Guarantee Fund.

2. The Guidance Section of the European Agricultural Guidance and Guarantee Fund shall refund to the Member States concerned 40 % of eligible expenditure.

3. Detailed rules for the application of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 7

1. Applications for reimbursement shall relate to expenditure incurred by the Member States concerned in the course of a calendar year and shall be submitted to the Commission before 1 July of the following year.

2. The Commission shall take a decision on these applications on one or more occasions, in accordance with the procedure laid down in Article 7 (1) of Regulation (EEC) No 729/70.

3. Advances may be granted according to the detailed financing arrangements adopted by the Member State involved.

Article 8

1. Without prejudice to Article 8 of Regulation (EEC) No 729/70, the Member States shall, in accordance with their national laws, regulations and administrative provisions, take the necessary measures to recover the amounts paid in cases where the undertakings referred to in Article 3 have not been respected.

They shall inform the Commission of measures taken for this purpose and, in particular, notify it of the

state of administrative and judicial procedures relating thereto.

2. The sums recovered shall be paid to the paying authorities or bodies and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund in proportion to Community financing.

3. The financial consequences of failure to recover amounts paid out shall be borne by the Community in proportion to Community financing.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 9

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

It shall apply from 1 September 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 458/80**of 18 February 1980****on collective projects for the restructuring of vineyards**

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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the imbalances on the wine market can be progressively eliminated only by a set of coherent measures;

Whereas, in view of the structural situation of vineyards producing table wine and quality wine psr, the basic structures of these vineyards should be improved as part of the progressive establishment of balance on the wine market so as to rationalize work on wine-growing holdings and to increase agricultural incomes;

Whereas the measures to restructure vineyards producing table wine should be confined to wine-growing areas naturally suited to wine-growing which are not covered by certain measures of this kind provided for in Community legislation;

Whereas restructuring of vineyards cannot be effective unless the operations involved cover a fairly large area and are undertaken collectively;

Whereas restructuring operations may, depending on the case, involve not only the replacement of vines but also road improvement and irrigation works, or other technical operations necessary for the improvement of the basic structures of the vineyard in question;

Whereas in certain cases the restructuring of vineyards necessitates prior reparcelling operations the cost of which is often beyond the means of the growers; whereas provision should therefore be made for the Member States to grant national aid for reparcelling operations with respect to either quality wines psr or to table wines;

Whereas, to be eligible for Community financing, projects must contribute in particular to a lasting improvement in working conditions on holdings, guarantee production of good quality wines and be economically justified;

Whereas, to ensure consistency of action by the Community and by the Member States, the projects to be financed by the European Agricultural Guidance and Guarantee Fund, hereinafter referred to as 'the Fund', should be approved and part-financed by the Member State concerned;

Whereas, to ensure that the recipients observe the conditions on which aid is granted from the Fund, an effective control system should be set up and provision made for suspension, reduction or termination of aid from the Fund;

Whereas administration of the abovementioned measure may be facilitated by granting a standard premium per restructured hectare;

Whereas such a measure serves the interest of the Community and is designed to fulfil the objectives laid down in Article 39 (1) (a) of the Treaty; whereas it therefore constitutes a common measure within the meaning of Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 929/79 ⁽⁵⁾;

Whereas aid from the Fund in the form of reimbursement of 30 % of the standard premium

⁽¹⁾ OJ No C 232, 30. 9. 1978, p. 7.

⁽²⁾ OJ No C 6, 8. 1. 1979, p. 66.

⁽³⁾ OJ No C 171, 9. 7. 1979, p. 16.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 117, 12. 5. 1979, p. 4.

granted by the Member States constitutes an appropriate contribution by the Community;

Whereas, for the purpose of approving projects, a procedure should be established which ensures close cooperation between the Member States and the Commission within the Standing Committee on Agricultural Structure set up under Article 1 of the Council Decision of 4 December 1962 on the coordination of policies on the structure of agriculture ⁽¹⁾; whereas provision should also be made for consultation of the Fund Committee referred to in Article 11 of Regulation (EEC) No 729/70;

Whereas the aid that can be granted in respect of vineyards intended for the production of table wines should be specified;

Whereas Council Directive 78/627/EEC of 19 June 1978 on the programme to accelerate the restructuring and conversion of vineyards in certain Mediterranean regions in France ⁽²⁾ is already being applied in these regions which are in an unfavourable situation as regards agricultural incomes and employment; whereas, in order to ensure uniform application of certain fundamental provisions concerning the various restructuring measures, it is essential to align certain provisions of the Directive with those of this Regulation; whereas such alignment necessitates the entry into force of this Regulation in the regions concerned as from 1 March 1980,

HAS ADOPTED THIS REGULATION:

Article 1

1. A common measure within the meaning of Article 6 (1) of Regulation (EEC) No 729/70 shall be introduced with the aim of improving the basic structures of vineyards so as to rationalize work on wine-growing holdings and to create the conditions for improving the quality of wines.

2. The common measure shall be implemented in vineyards producing table wines and in those suitable for the production of quality wines psr, with the exception of:

- areas classified in category 3 as defined in Articles 29 and 29a of Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organi-

zation of the market in wine ⁽³⁾, as last amended by Regulation (EEC) No 454/80 ⁽⁴⁾,

- vineyards in the Languedoc-Roussillon region and in the departments of Ardèche, Bouches-du-Rhône, Var and Vaucluse for the duration of the action provided for in Council Directive 78/627/EEC of 19 June 1978 on the programme to accelerate the restructuring and conversion of vineyards in certain Mediterranean regions in France ⁽⁵⁾,
- vineyards in the Charentes region intended for the production of wine suitable for the production of certain spirits with registered designations of origin.

3. The Commission may, in accordance with Titles II and III, grant aid for the common measure, in the form of a refund by the Guidance Section of the Fund of expenditure incurred by the Member States in connection with collective restructuring projects.

TITLE I

Collective restructuring projects

Article 2

1. For the purposes of this Regulation, 'a collective project for the restructuring of vineyards' means any replanting of vineyards undertaken by growers under a binding agreement concluded between them.

However, the project may also include new planting if it is technically essential for improving the effectiveness of the restructuring measures and if it conforms with Articles 30, 30b, 30c and 30e of Regulation (EEC) No 337/79.

This new planting may not exceed:

- 10 % of the area restructured intended for the production of quality wines psr,
- 10 % of the area restructured intended for the production of table wines.

2. The agreements between growers referred to in paragraph 1 shall lay down the conditions governing

⁽¹⁾ OJ No 136, 17. 12. 1962, p. 2892/62.

⁽²⁾ OJ No L 206, 29. 7. 1978, p. 1.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁴⁾ See page 7 of this Official Journal.

⁽⁵⁾ OJ No L 206, 29. 7. 1979, p. 1.

the planting of vines and associated operations, providing in particular for rationalization of work and of the use of machinery.

3. A collective restructuring project must cover:

- (a) in the case of quality wines *psr*, a minimum restructured area under vines guaranteeing that the objectives of Article 3 are fulfilled;
- (b) in the case of table wines, a total restructured area of not less than 100 hectares under vines, made up of unbroken wine-growing areas which are in principle not less than two hectares each.

However, where natural growing conditions relevant to the project make it impossible to have unbroken areas of the minimum size of two hectares, that part of the area under vines which does not comply with the criteria laid down in the first subparagraph must not exceed 10 % of the area under vines covered by the project.

4. For the purposes of this Regulation, 'new planting or replanting' means any planting of vines undertaken in accordance with the corresponding definition given in Annex IVa to Council Regulation (EEC) No 337/79.

5. The provisions of this Article concerning the planting of vines also apply to restructuring operations carried out within the context of Directive 78/627/EEC.

Article 3

Collective restructuring projects must:

- (a) contribute to a lasting improvement in working conditions on the holdings concerned, thereby improving labour income;
- (b) guarantee an improvement in the quality of the wines produced;
- (c) offer an adequate guarantee as to their economic effectiveness.

Article 4

Collective restructuring projects must comprise *inter alia*:

- (a) the restructuring measures envisaged;
- (b) the estimated cost of the restructuring operations;

- (c) the amount of the restructuring aid provided for;
- (d) the compulsory provisions relating to the alignment and spacing of planting and the method of training the vines, without prejudice to Regulation (EEC) No 338/79;
- (e) details of the vine varieties to be used.

Article 5

1. Aid in respect of the restructuring of vineyards shall be granted in the form of a premium per hectare of vineyard restructured.

2. The Member State concerned shall fix the amount of the premium at between 2 418 and 3 022 ECU per restructured hectare on the basis of the present structural situation and the cost of the work involved in restructuring the vineyard.

However, to take account of special situations, Member States may exceed the upper limit referred to in the first subparagraph.

In the case of new planting, the eligible amount may not exceed 2 418 ECU per hectare of vineyard restructured.

TITLE II

Procedure for the scrutiny of projects

Article 6

1. Projects must be submitted by the Member State concerned.

2. In order to qualify for aid from the Fund, projects must have been approved by the Member State in whose territory they are to be implemented.

3. Projects must be accompanied by evidence that they fulfil the conditions laid down in Title I.

4. The information to be provided on projects and the form in which they are to be presented shall be determined in accordance with the procedure laid down in Article 12, after consultation with the Fund Committee on the financial aspects.

Article 7

1. The Commission shall approve projects in accordance with the procedure laid down in Article 12, after consulting the Fund Committee on the financial aspects.

2. The Member State and the beneficiary shall be notified of the Commission's decision.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

TITLE III

Financial and general provisions

Article 8

1. With the exception of the extra premium granted pursuant to the second subparagraph of Article 5 (2), expenditure incurred by the Member States under the measure provided for in this Regulation in connection with projects which have been approved in accordance with Article 7 shall be eligible for financing by the Guidance Section of the Fund, up to a limit of 223 800 hectares of vineyard restructured.

2. The Guidance Section of the Fund shall refund to the Member States 30 % of the eligible expenditure.

Article 9

1. The period envisaged for implementing the common measure shall be seven wine-growing years from the date of application of this Regulation.

2. The estimated cost of the common measure to the Fund for the period referred to in paragraph 1 amounts to 175·7 million European units of account.

3. Article 6 (5) of Regulation (EEC) No 729/70 shall apply to this Regulation.

Article 10

1. Applications for refunds shall relate to expenditure incurred by the Member States in the course of one calendar year and shall be submitted to the Commission before 1 July of the following year.

2. Decisions on aid from the Guidance Section of the Fund shall be taken in accordance with Article 7 (1) of Regulation (EEC) No 729/70.

3. Advances may be granted by the Fund on the basis of the rules on financing adopted by the Member State concerned and in the light of the progress of the projects.

Article 11

1. Without prejudice to Article 8 of Regulation (EEC) No 729/70, the Member States shall take, in accordance with their national laws, regulations and administrative provisions, the necessary measures to recover the amounts paid in cases where the undertakings referred to in Article 3 have not been respected.

They shall inform the Commission of measures taken for this purpose and, in particular, shall periodically notify it of the state of administrative and judicial procedures relating thereto.

2. The sums recovered shall be paid to the paying authorities or bodies and deducted by them from the expenditure financed by the Fund in proportion to Community financing.

3. The financial consequences of failure to recover amounts paid out shall be borne by the Community in proportion to Community financing.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 12

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Standing Committee on Agricultural Structure by the chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be adopted. The Standing Committee on Agricultural Structure shall deliver an opinion on those measures by a majority of 41 votes within a time limit set up by the chairman according to the urgency of the matter; the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The Commission shall adopt measures which shall be immediately applicable. However, if such measures are not in accordance with the opinion

of the Standing Committee on Agricultural Structure, they shall forthwith be communicated by the Commission to the Council; in that event, the Commission may defer application of the measures which it has adopted for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 13

1. Aid in respect of vines cultivated for the production of table wine shall be prohibited, with the exception of aid granted pursuant to:

- Article 8 of Council Directive 72/159/EEC of 17 April 1972 on the modernization of farms ⁽¹⁾, as last amended by Directive 78/1017/EEC ⁽²⁾;
- Article 12 of Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and

farming in certain less-favoured areas ⁽³⁾, as amended by Directive 76/401/EEC ⁽⁴⁾, concerning replanting operations;

- this Regulation and Directive 78/627/EEC, for the execution of restructuring projects under collective operations within the limits of the eligible aid laid down.

2. However, this Regulation shall be without prejudice to the grant of the aid provided for in national rules and intended for the realization of vineyard reparacling operations.

Article 14

This Regulation shall enter into force on 1 March 1980.

It shall apply from 1 September 1980 with the exception of Article 2 (5) which shall apply from 1 March 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 96, 23. 4. 1972, p. 1.

⁽²⁾ OJ No L 349, 13. 12. 1978, p. 32.

⁽³⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽⁴⁾ OJ No L 108, 26. 4. 1976, p. 22.

COUNCIL REGULATION (EEC) No 459/80

of 18 February 1980

amending Regulation (EEC) No 337/79 on the common organization of the market in wine and Regulation (EEC) No 338/79 laying down special provisions for quality wines produced in specified regions

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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Regulations (EEC) No 337/79 ⁽⁴⁾ and (EEC) No 454/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 454/80 ⁽⁶⁾, authorized the addition of sucrose in aqueous solution to fresh grapes, grape must, grape must in fermentation or new wine still in fermentation in certain regions of wine-growing zone A until 29 February 1980 only; whereas all wine producers in the regions concerned are not yet familiar with certain de-acidification practices;

Whereas, in order to establish fair conditions of competition throughout the Community and to avoid encouraging the vinification of unripe grapes, it appears advisable to extend until 15 March 1984 the possibility of using sucrose in aqueous solution, but solely in the case of products made from grapes of certain varieties and from regions to be determined in wine-growing zone A;

Whereas it has been found in recent years that beverages not covered by the wine sector and certain basic raw materials used to produce these beverages are being marketed under names normally used to designate wines; whereas these trade practices are

liable to mislead the consumer as to the nature and origin of the product thus described and to injure the interests of wine producers;

Whereas, with a view to informing consumers correctly and providing appropriate protection for the legitimate interests of wine producers, it is necessary to make explicit the prohibition on the — even indirect — use of such names to describe an item falling within heading No 22.07 of the Common Customs Tariff or of an item marketed with clear instructions for the consumer to obtain from it a beverage in imitation of wine (home-made wine) and to permit direct or indirect use of such names for other beverages only where any risk of confusion as to the nature, origin, source or composition of the beverage in question is ruled out;

Whereas, moreover, the import arrangements should be aligned on the rules governing oenological practices as regards the volatile acid content,

HAD ADOPTED THIS REGULATION:

Article 1

The second subparagraph of Article 33 (3) of Regulation (EEC) No 337/79 is hereby replaced by the following:

‘However, until 15 March 1984, sucrose may be added in aqueous solution solely in the case of products:

- made from vine varieties which yield relatively acidic grapes, and
- made from grapes harvested in certain wine-growing regions, to be defined, in the northern part of wine-growing zone A in which this practice is traditional and customary,

provided that the increase in volume of the product to which the solution is added does not exceed 15 %.’

⁽¹⁾ OJ No C 52, 27. 2. 1979, p. 7.

⁽²⁾ OJ No C 140, 5. 6. 1979, p. 108.

⁽³⁾ OJ No C 227, 10. 9. 1979, p. 17.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽⁵⁾ OJ No L 54, 5. 3. 1979, p. 48.

⁽⁶⁾ See page 7 of this Official Journal.

Article 2

The third indent of Article 50 (1) (b) of Regulation (EEC) No 337/79 is hereby deleted.

Article 3

1. The fifth subparagraph of Article 8 (2) of Regulation (EEC) No 338/79 is hereby replaced by the following:

‘However, until 15 March 1984, sucrose may be added in aqueous solution solely in the case of products:

- made from vine varieties which yield relatively acidic grapes, and
- made from grapes harvested in certain wine-growing regions, to be defined, in the northern part of wine-growing zone A in which this practice is traditional and customary,

provided that the increase in volume of the product to which the solution is added does not exceed 10 %.’

2. Article 8 (6) of Regulation (EEC) No 338/79 is hereby replaced by the following:

‘6. A list of the vine varieties and a list of the wine-growing regions referred to in the fifth subparagraph of paragraph 2 shall be adopted in accordance with the procedure laid down in Article 67 of Regulation (EEC) No 337/79.

The following shall be adopted by the same procedure:

- the list of the quality wines psr referred to in the second sentence of the first subparagraph of paragraph 4,
- the list of the quality sparkling wines psr referred to in the second subparagraph of paragraph 5 and of the minimum total alcoholic strength by volume of their respective cuvées.’

3. The following paragraphs are inserted in Article 16 of Regulation (EEC) No 338/79:

‘4a. The following may be used for the description and presentation of a beverage other than a wine or grape must only if there is no risk of confusion as to the nature, origin or source and composition of such beverage:

- the name of a specified region referred to in Article 3 and included on the list drawn up pursuant to the third paragraph of Article 1 with respect to quality wines psr of the

Community in its composition on 1 January 1981,

- the name of a vine variety referred to in Article 4,
- a traditional specific term referred to in paragraph 2, or
- provided that they are attributed by a Member State for the description of a wine under the Community provisions adopted pursuant to Article 54 (1) of Regulation (EEC) No 337/79:
 - the name of a geographical unit which is smaller than the specified region, or
 - an additional traditional indication.

The use of a name or a term referred to in the first subparagraph or of the words “Hock”, “Claret”, “Liebfrauenmilch” or “Liebfraumilch”, even when accompanied by any word such as “kind”, “type”, “style”, “imitation” or other similar expression, shall be prohibited with respect to the description and presentation of:

- an item falling within heading No 22.07 of the Common Customs Tariff, except where the item in question actually comes from the place so designated,
- an item marketed with clear instructions for the consumer to obtain from it a beverage in imitation of wine (home-made wine); however the name of a vine variety may be used if the item in question is actually obtained from such a variety unless that name gives rise to confusion with the name of a specified region or geographical unit used to describe a quality wine psr.

4b. In relation to paragraph 4a, transitional provisions may be laid down in respect of:

- the placing on the market of products whose description and presentation do not conform to the provisions of paragraph 4a,
- the use of stocks of labels and labelling accessories printed before the date of entry into force of paragraph 4a.’

Article 4

This Regulation shall enter into force on 1 March 1980.

However, Article 3 (3) shall apply from 1 January 1981.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

COUNCIL REGULATION (EEC) No 460/80**of 18 February 1980****amending Regulation (EEC) No 352/79 authorizing the coupage of German red wines
with imported red wines**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community,

Having regard to Council Regulation (EEC) No
337/79 of 5 February 1979 on the common organi-
zation of the market in wine ⁽¹⁾, as last amended by
Regulation (EEC) No 459/79 ⁽²⁾, and in particular
Article 43 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Article 43 (4) of Regulation (EEC) No
337/79 prohibits the coupage of an imported wine
with a Community wine, except by way of derogation
to be decided by the Council;

Whereas Regulation (EEC) No 352/79 ⁽³⁾, as last
amended by Regulation (EEC) No 2960/79 ⁽⁴⁾, auth-
orizes the coupage of German red wines with
imported red wines only under specified restrictive
conditions and until 29 February 1980; whereas, in
order to establish fair conditions of competition
throughout the Community, this practice should be

abandoned as soon as possible; whereas efforts to
produce red wines solely from grapes harvested in
Germany have yielded results such that it may be
expected that German producers will soon be in a
position to cease the coupage of their red wines with
imported wines; whereas it is, however, necessary to
reduce the proportion of imported wines allowed in
the coupage of German red wines, in order to
encourage German producers to use red coupage
wines originating in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 352/79 is amended as follows:

- the rate '15 %' in Article 1 (2) is replaced by
'10 %',
- the date '29 February 1980' in Article 2 is
replaced by '30 June 1984'.

Article 2

This Regulation shall enter into force on 1 March
1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ See page 32 of this Official Journal.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 93.

⁽⁴⁾ OJ No L 336, 29. 12. 1979, p. 8.

COUNCIL REGULATION (EEC) No 461/80

of 18 February 1980

amending Regulation (EEC) No 355/79 laying down general rules for the description and presentation of wines and grape musts

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 459/80 ⁽²⁾, and in particular Articles 54 (1) and 64 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 355/79 ⁽³⁾ laid down general rules for the description and presentation of wines and grape musts;

Whereas Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids ⁽⁴⁾ has been amended by Directive 79/1005/EEC ⁽⁵⁾, particularly with regard to Article 3; whereas marking with the lower-case letter 'e' no longer refers to the list of volumes permitted in the Community but certifies that the marking and filling of the container satisfy the requirements of the said Directive; whereas certain provisions of Regulation (EEC) No 355/79 should accordingly be adapted;

Whereas the amendment of Regulation (EEC) No 355/79 should be taken as an opportunity to correct an obvious error in the French text of Article 12 (1) (e) of that Regulation;

Whereas, by virtue of Article 14 (2) of Regulation (EEC) No 355/79, the name of a geographical unit may be used to designate a quality wine psr only if all the grapes used to manufacture the wine in question originate in that unit; whereas in some Member States there are localities extending into several local administrative areas whose names may be used, together with the name of one of the local administrative areas, to designate wines; whereas, in view of the very similar natural production conditions in vineyards covered by the same locality name, and in view of tradition and custom in some specific regions, the producing Member States should be free to authorize such wine to be designated by the name of the locality together with the name of one or one of several local administrative areas representative of all the local administrative areas into which the locality extends; whereas, in order to enable the Commission to inform the Member States of the local administrative areas whose names may be added to the name of each of the localities extending into the territory of several local administrative areas, the producing Member States should draw up lists of such names;

Whereas experience has shown that, in the case of imported wines, the translation of the names of vine varieties may give rise to terms that can mislead consumers; whereas, therefore, it must be stipulated that the names of vine varieties and their synonyms are to be rendered as they appear on the list referred to in Article 32 (1) (a) of Regulation (EEC) No 355/79; whereas it is equally advisable to make some technical amendments to the provisions allowing for derogations from the rules governing the designation of vine varieties with regard to imported wines;

Whereas, in order not to obstruct the use of certain modern methods for recording sales in accounts, it should be laid down that identification of wines and grape musts by means of a figure code and/or symbol which can be deciphered by a machine should not be covered by these rules on description and presentation; whereas, to dispel all doubts, it should be stipulated that references to the price of wine or grape must are no longer subject to these rules;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ See page 32 of this Official Journal.

⁽³⁾ OJ No L 54, 5. 3. 1979, p. 99.

⁽⁴⁾ OJ No L 42, 15. 2. 1975, p. 1.

⁽⁵⁾ OJ No L 308, 4. 12. 1979, p. 25.

Whereas, in order to avoid different interpretations, it should be specified that any container with a nominal volume of 60 litres or less must be labelled from the moment of entry into free circulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 355/79 is amended to read as follows:

1. Article 2 (1) (b) is replaced by the following:

‘(b) the nominal volume of the table wine in accordance with the provisions of Directive 75/106/EEC;’

2. Article 12 (1) (c) is replaced by the following:

‘(c) the nominal volume of the quality wine psr in accordance with the provisions of Directive 75/106/EEC;’

3. Article 22 (1) (c) is replaced by the following:

‘(c) the nominal volume of the product in accordance with the provisions of Directive 75/106/EEC;’

4. Articles 27 (1) (b) and 28 (1) (b) are replaced by the following:

‘(b) the nominal volume of the imported wine in accordance with the provisions of Directive 75/106/EEC;’

5. Article 29 (1) (c) is replaced by the following:

‘(c) the nominal volume of the imported product in accordance with the provisions of Directive 75/106/EEC, which may be followed by the lower-case letter “e”, indicating that the prepackages satisfy the conditions laid down in that Directive as regards filling.’

6. Articles 2 (2), 12 (2), 22 (2), 27 (2) and 28 (2) shall be supplemented by the following text preceded by the letters (i), (u), (d), (h) and (r) respectively:

‘by the lower-case letter “e”, indicating that the prepackages satisfy the conditions laid down in Directive 75/106/EEC as regards filling.’

Article 2

In the French version of Regulation (EEC) No 355/79, Article 12 (1) (e) is replaced by the following:

‘(e) dans le cas de l’expédition vers un autre État membre ou en cas d’exportation: de l’État membre dont fait partie la région déterminée.’

Article 3

The second subparagraph of Article 14 (3) of Regulation (EEC) No 355/79 is replaced by the following:

‘However, without prejudice to Article 17, producer Member States may authorize for designation of a quality wine psr the use of:

(a) the name of a geographical unit as referred to in paragraph 1 when the wine has been sweetened with a product made in the same specified region;

(b) the name of a geographical unit as referred to in paragraph 1 where the wine is obtained from a mixture of grapes, grape musts, new wines still in fermentation or, until 31 August 1981, wines, such products originating in the geographical unit the name of which is to be used for the designation, with a product obtained in the same specified region but outside that unit, provided that at least 85 % of the quality wine psr concerned is obtained from grapes picked in the geographical unit the name of which it bears;

(c) the name of a geographical unit as referred to in paragraph 1, together with the name of a commune or, in certain cases, the name of one or more of the communes into which that geographical unit extends, provided that:

— such a provision has been usual and customary and was provided for in the rules of the Member States concerned before 1 September 1976, and

— such name or such one of a number of names appearing in a register is used as being representative of all the local administrative areas over whose area that geographical unit extends.

Producer Member States shall draw up the register of names of local administrative areas, as referred to in (c) and shall forward it to the Commission.’

Article 4

The following subparagraph is added to Article 30 (7) of Regulation (EEC) No 355/79:

‘The name of vine varieties referred to in Article 28 (2) (d) and their synonyms shall be indicated as on the list referred to in Article 32 (1) (a).’

Article 5

Article 32 (2) of Regulation (EEC) No 355/79 is replaced by the following:

‘2. Derogations from paragraph 1 may be allowed, provided that they conform to the provisions of the third country of origin and:

- with reference to the provision in subparagraph (a), are made in respect of a variety which enjoys particular renown on the market of the third country concerned,
- with reference to the provision in subparagraph (b), are in practice equivalent to the derogations allowed under Articles 5 (2) and 15 (2) for table wines and quality wines psr.’

Article 6

Article 41 (1) and (2) of Regulation (EEC) No 355/79 are replaced by the following:

‘1. For the purpose of Titles I and II of this Regulation, “labelling” shall be understood to mean all descriptions and other references, signs, designs or brand names which distinguish the product and which appear on both the same

container, including its sealing device, and the tag attached to the container.

Particulars, signs and other references shall not constitute part of the labelling if they:

- are required under the tax provisions of the Member States,
- refer to the manufacturer or to the volume of the container and are inscribed directly and indelibly thereon,
- are used for the purpose of bottling checks and are indicated in detailed rules to be laid down,
- are used to identify the product by means of a figure code and/or of a mechanical scanning symbol,
- refer to the price of the product concerned.

2. Without prejudice to the exemptions referred to in the second subparagraph of Article 1 (3), as from the moment the product is placed on the market in a container of a nominal volume of not more than 60 litres, the container shall be labelled.

Such labelling shall be in accordance with the provisions of this Regulation; this also applies to labelled containers of a nominal volume of more than 60 litres.’

Article 7

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

It shall apply from 1 September 1980.

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

Done at Brussels, 18 February 1980.

For the Council

The President

G. MARCORA

