

COMMISSION OF THE EUROPEAN COMMUNITIES

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PROPOSAL FOR A COUNCIL REGULATION (EEC)
AMENDING FOR THE SECOND TIME REGULATION (EEC) N° 1162/76
ON MEASURES DESIGNED TO ADJUST WINE-GROWING POTENTIAL TO
MARKET REQUIREMENTS

PROPOSAL FOR A COUNCIL REGULATION (EEC)
LAYING DOWN MEASURES TO ADJUST WINE-GROWING POTENTIAL TO
MARKET REQUIREMENTS IN CERTAIN COMMUNITY REGIONS AND
AMENDING REGULATION (EEC) N° 1163/76

(Submitted by the Commission to the Council)

EXPLANATORY MEMORANDUM

At its 516th meeting held from 8 to 12 May, 1978 the Council invited the Commission to reconsider the problems of the wine market and to submit to it supplementary proposals on the structural measures before 1 August 1978.

The Commission proposed to the Council an action programme covering several years (1979-1985). This programme covers all possible areas of action and the concomitant and energetic implementation of all the measures should allow the progressive establishment of equilibrium in the wine market. With this in mind the programme was supplemented by six draft regulations and one proposal for a directive which if adopted by the Council would effectively contribute to the abovementioned objectives. These proposals are currently being studied by the Council.

Since a certain period of time is required to examine the proposals, an extension:

- of the date provided for by Article 5(1) of Regulation (EEC) No 1162/76 in respect of the decision on measures concerning the wine-growing potential, and
- of the date provided for by Article 2(1) of the same Regulation in respect of the prohibition on new vine plantings.

For this reason the Commission proposes to change the date of the decision on the measures concerning the wine-growing potential and to extend the prohibition of new planting until measures concerning the wine-growing potential are adopted.

Moreover it is possible that the discussions may favour the rapid and separate adoption of the proposal for a Council Directive (EEC) No on the programme to speed up the conversion of some wine-growing areas in the Charentes region, in view of the urgent nature of the problem. It had been planned that this measure should be applied as one of a set, but in the absence of such a framework, the measure will have to be supplemented by additional provisions to ensure that the stated objectives are achieved, in particular :

- the prohibition, in the region in question, of new plantings of varieties intended for the production of "Cognac" wine spirits for the full duration of the measure;
- an amendment of Regulation (EEC) No 1163/76 designed to ensure that producers do not receive two premiums for the same grubbing operation.

The adoption of such measures will have no repercussions on the Budget of the European Communities.

Proposal for a
COUNCIL REGULATION (EEC)

amending for the second time Regulation (EEC) No 1162/76
on measures designed to adjust wine-growing potential to
market requirements

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 816/70 of 28 April 1970
laying down additional provisions for the common organization of the market
in wine⁽¹⁾, as last amended by Regulation (EEC) No 1861/78⁽²⁾, and in
particular Article 17(5) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽³⁾,

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

Whereas Article 5(1) of Council Regulation (EEC) No 1162/76 of 17 May 1976
on measures designed to adjust wine-growing potential to market require-
ments⁽⁵⁾, as last amended by Regulation (EEC) No 3140/76⁽⁶⁾, provided that
the Council should adopt, before 1 October 1978, the measures required to
ensure adjustment of wine-growing potential to market requirements;
whereas, since the Council has been unable to adopt the said measures by that
date, a later date should be fixed;

(1) JO No L 99, 5.5.1970, p. 1

(2) JO No L 215, 4.8.1978, p. 1

(3)

(4)

(5) OJ No L 135, 24.5.1976, p.32

(6) OJ No L 354, 24.12.1976, p. 4

Whereas it is also advisable, in the absence of appropriate measures to ensure the equilibrium of the wine market and control of wine-growing potential, to extend the prohibition on new plantings referred to in Article 2(1) of the said Regulation;

HAS ADOPTED THIS REGULATION :

Article 1

Article 2(1) of Regulation (EEC) No 1162/76 is amended to read as follows :

"1. All new plantings of vine varieties classified as wine grape varieties for the administrative unit concerned shall be prohibited from 1 December 1976 until the entry into application of the measures referred to in Article 5(1). From the date of entry into force of this Regulation, the Member States shall grant no further authorizations for new plantings."

Article 2

- (a) In the first subparagraph of Article 5(1) the date "1 October 1978" is amended to read "1 June 1979".
- (b) Paragraph 2 of Article 5 is deleted.

Article 3

This Regulation shall enter into force on 1 December 1978.

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

Done at Brussels,

For the Council

The President

Proposal for a Council Regulation (EEC)

Laying down supplementary measures to adjust wine-growing potential to market requirements in certain Community regions and amending Regulation (EEC) N° 1163/76.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Council has adopted Directive ¹; whereas this Directive had been proposed at the time and in the context of an overall programme for the progressive establishment of equilibrium on the wine market; whereas it has not been possible to adopt the other measures which were proposed as part of the said programme and which were necessary for the effective application of the said Directive; whereas, consequently, certain measures must be adopted so that the objectives of the Directive can be achieved;

Whereas the Charente measure is designed to reduce the wine-growing area in the region of production specified for wine spirits carrying the registered designation of origin "Cognac"; whereas, consequently, this area must not be increased by new plantings;

Whereas the replanting should be made subject to criteria whereby an improvement in the quality of production can be ensured ; whereas, consequently, it should be provided that replantings must be of recommended varieties only;

Whereas, under French legislation, certain wine-growers have acquired planting and replanting rights; whereas the exercise of these rights during the period of prohibition of new plantings might jeopardize the stated objective of restoring market equilibrium ; whereas , therefore, it is clearly in the public interest that the exercise of these rights be suspended during the said period while at the same time their validity is extended by an equivalent period;

Whereas during the marketing year 1978/79 the conversion measures could give entitlement to a premium either pursuant to Regulation (EEC) No 1163/72² as last amended by Regulation (EEC) No 1155/78³, or pursuant to the "Charente" measure; whereas holdings covered by the Directive must therefore be excluded from qualifying for the premium provided for by Regulation (EEC) No 1163/72;

2

OJ N° L 135, 24.5.1976, page 34.

3

OJ N° L 144, 31.5.1978, page 9.

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation :

- a) " replanting " means the planting of vines after grubbing-up has been carried out within the past four years over an equivalent area on the same holding;
- b) "new planting" means a planting of vines which does not correspond to the definition of replanting set out in a).

Article 2

In the communes located in the region of production specified for wine spirits bearing the registered designation of origin "Cognac" and for the duration of the programme of measures referred to in Article 5 of the Directive :

- all new planting of varieties classified in the category of varieties with special uses shall be prohibited,
- all replanting must be carried out with varieties classified in the category of recommended varieties for the administrative units concerned.

Article 3

Without prejudice to the provisions of Article 4 of Regulation (EEC) N°1162/76⁽⁴⁾, the period of validity of planting or replanting rights acquired under national laws by the date on which this Regulation enters into force shall be extended by a period equivalent to that referred to in Article 2. During this period , exercise of the rights in question shall be suspended.

⁴OJ No L 135, 24.5.1976, p. 32.

Article 4

Article 1 of Regulation (EEC) N° 1163/76 is amended to read as follows :

"Article 1

Subject to the conditions laid down in this Regulation , wine-growers in the Community shall, on request, be granted a premium if they convert to other uses vineyards planted with wine-grape, table-grape or vine-stock varieties , with the exception of those uses specified in the second indent of Article 3 2) b).

However, wine-growers in the communes situated in the region of production specified for wine spirits bearing the registered designation of origin "Cognac" shall not qualify for this premium as from the date on which Directive N° /EEC takes effect in respect of areas planted with vines of varieties classified in the category of varieties with special uses. "

Article 5

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

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

Done at Brussels,

For the Council

The President