# COMMISSION REGULATION (EEC) No 2015/76

## of 13 August 1976

## on storage contracts for table wine, grape must and concentrated grape must

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1167/76 (2), and in particular the second subparagraph of Article 5 (7), Articles 6 (5) and 35 thereof,

Whereas Commission Regulation (EEC) No 1437/70 of 20 July 1970 (3), as last amended by Regulation (EEC) No 546/75 (4), laid down rules governing storage contracts for table wines; whereas Council Regulation (EEC) No 1160/76 of 17 May 1976 (5) amended Articles 5 and 6 of Regulation (EEC) No 816/70 by extending the system of private storage aid to grape must and concentrated grape must; whereas Regulation (EEC) No 1437/70 should be revised accordingly; whereas the opportunity should be taken of redrafting that Regulation, which has been amended several times, incorporating such improvements as appear desirable;

Whereas Regulation (EEC) No 816/70 provides for the granting of private storage aid for table wine, grape must and concentrated grape must; whereas, in accordance with Article 5 (1) of that Regulation, the granting of aid is conditional upon the conclusion of storage contracts; whereas rules are required covering the conclusion, the content, the period of validity and the effects of such contracts;

Whereas Article 6 (1) of Regulation (EEC) No 816/70 provides for contracts to be concluded between the intervention agencies and producers applying for them; whereas the term 'producer' should be defined and, taking into account the obligations which he must fulfil, it should be laid down that he must be the owner of the product to be stored;

Whereas it is necessary to keep an effective check on the products which are the subject of storage contracts; whereas, to that end, it should be laid down that the intervention agency of a Member State may conclude contracts only in respect of quantities stored on the territory of that Member State, and that it must be informed of any change concerning the product in store;

Whereas it is necessary in order to standardize the conclusion of contracts that they should be concluded on terms which are the same throughout the Community and sufficiently precise to allow identification of the product in question;

Whereas, in order to ensure that the conclusion of contracts has an effect on market prices, it should be provided that a contract may be concluded only in respect of a significant quantity;

Whereas storage aid should be limited to products which have an effect on market prices; whereas only wines in bulk should therefore qualify for aid; whereas, for the same reason, contracts should cover only wines of reasonably high quality; whereas it is also advisable as regards table wines to stipulate that contracts must relate to wines the preparation of which is already advanced and that there should be no interference with any oenological treatments or processes necessary to ensure the keeping quality of a product;

Whereas, in order to prevent products covered by a contract from affecting the market situation, marketing and certain action preparatory thereto should be prohibited during the period in respect of which the contract is concluded;

Whereas, so that account may be taken of changes in the market situation, provision should be made to permit the amendment of certain conditions of contracts during the period in which they may be concluded, and in particular their duration; whereas, in particular, contracts should be terminated prematurely, if an appreciable change in the quality of the product under contract makes it necessary for it to be put on the market immediately or renders it unfit for consumption in its present state;

Whereas the amount of private storage aid should take into account technical storage costs and interest; whereas, while the former do not differ according to

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 135, 24. 5. 1976, p. 42.
(3) OJ No L 160, 22. 7. 1970, p. 16.
(4) OJ No L 58, 4. 3. 1975, p. 5.
(5) OJ No L 135, 24. 5. 1976, p. 1.

the type of product, the amount of the latter varies in accordance with the value of the product; whereas, in consequence and for ease of administration, the amount of aid per hectolitre per day should be fixed separating table wines and musts into groups; whereas, pursuant to the third subparagraph of Article 6 (4) of Regulation (EEC) No 816/70, the amount of aid for concentrated grape musts with a density of 1·24 or more at 20 °C should be 1·5 times that for concentrated grape musts with a density of less than 1·24 at 20 °C

Whereas, in order to ensure that the system operates in the same way in all Member States, time limits for the payment of the aid due to the producer should be laid down;

Whereas, if at the time of expiry of a contract the conditions for the conclusion of a new contract are satisfied and the producer requests a new contract, the formalities on its conclusion may be simplified;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down rules for the conclusion of the storage contracts referred to in Articles 5 and 6 of Regulation (EEC) No 816/70, hereinafter called 'contracts'.

For the purposes of this Regulation 'products' means table wines, grape musts and concentrated grape musts.

*Article 2*

1. Intervention agencies shall conclude contracts only with producers, whether as individuals or in groups.

For the purposes of this Regulation, 'producer' means any natural or legal person who carries out or has carried out on his behalf any of the following operations:

— the processing of fresh grapes into grape must,
— the processing of grape must into concentrated grape must,
— the processing of fresh grapes, grape must or grape must in fermentation into wine.

2. A producer may conclude contracts only in respect of products produced by him or on his responsibility and of which he remains the owner.

*Article 3*

The intervention agency of a Member State may conclude contracts only in respect of products stored on the territory of that Member State.

*Article 4*

1. Every contract shall be drawn up in at least two copies. One copy shall be for the producer, the other shall be kept by the intervention agency.

2. The contract shall include at least the following information:

(a) the name and address of the producer or producers concerned;

(b) the name and address of the intervention agency,

(c) the following technical details:

— the nature of the product (wine, grape must or concentrated grape must),
— the place of storage,
— particulars enabling the containers in which the product is stored to be identified,
— quantity,
— colour,
— for wine, the total alcoholic strength,
— for wine, the actual alcoholic strength,
— for wine, the total acidity content, expressed in g/litre or in milli equivalent/litre,
— for wine, the volatile acidity content, expressed in g/litre or in milli equivalent/litre,
— the total sulphur dioxide content, expressed in mg/litre,
— the density, in the case of must or concentrated must;

(d) the amount of aid;

(e) the dates between which the contract is in operation, taking into account the provisions of Articles 9 and 10.

3. Member States may:

(a) require additional information identifying the product in question, in particular:

— the vine variety,
— the production region of the grapes;

(b) as regards white wine, dispense with particulars of the volatile acidity content.

*Article 5*

Contracts shall relate to a minimum quantity of 100 hectolitres in the case of wine and 50 hectolitres in the case of must and concentrated must.

*Article 6*

1. Only products in bulk at the time of conclusion of the contract and which are of sound and fair marketable quality may be the subject of a contract.

An analyst's report, dated not more than a month previously, shall accompany the application for a contract. This report shall include the information specified in Article 4 (2) (c).

2. A contract for a table wine may not be concluded before the date of the first racking of the wine in question.

*Article 7*

1. Member States shall take all measures to ensure that the necessary checks are made, and in particular that the identity of the product under contract may be verified and that the volume of the product stored agrees with that specified in the contract.

2. Producers shall be under an obligation to permit at any time checks for the purposes of paragraph 1.

*Article 8*

A contract may not be concluded for a period beginning on a date prior to its conclusion.

*Article 9*

1. Contracts for table wines shall stipulate that the intervention agency may terminate the payment of aid and the corresponding obligations of the producer if the conditions defined in Article 6 (3) of Regulation (EEC) No 816/70 are fulfilled.

The contract shall terminate on the date on which these conditions are fulfilled.

2. In cases as referred to in paragraph 1, the intervention agency shall, by any appropriate means, inform the producers concerned thereof without delay.

*Article 10*

1. If, during the period of validity of a contract, there is an appreciable change in the quality of the product to which it relates, the producer shall inform the intervention agency without delay. The information must be supported by an analyst's report.

2. If, at the time of an inspection carried out by the intervention agency or any other inspecting agency, it appears that a product under contract has, during the period of validity of that contract, undergone an appreciable change in quality, the intervention agency shall inform the producer of such change without delay. This information must be supported by an analyst's report.

3. The intervention agency may, on the basis of the information referred to in paragraphs 1 and 2, decide to terminate the contract prematurely. It may, for this purpose, call for such information to be checked.

*Article 11*

1. Storage aid shall be payable throughout the Community at the following standard rates per hectolitre per day :

(a) for table wines of types R I, R II, R III and A I and for table wines which stand in close economic relationship to those types of table wines : 0·0072 unit of account ;

(b) for table wines of types A II and A III and for table wines which stand in close economic relationship to those types of table wines : 0·0107 unit of account ;

(c) for musts of a density of less than 1·24 at 20 °C :

— vinification of which would yield table wines of types R I, R II, R III and A I or table wines which stand in close economic relationship to those types of table wine : 0·0086 unit of account,

— vinification of which would yield table wines of types A II and A III or table wines which stand in close economic relationship to those types of table wine : 0·0128 unit of account ;

(d) for concentrated grape musts of a density of 1·24 or more at 20 °C :

— vinification of which would yield table wines of types R I, R II, R III and A I or table wines which stand in close economic relationship to those types of table wine : 0·0216 unit of account ;

— vinification of which would yield table wines of types A II and A III or table wines which stand in close economic relationship to those types of table wine : 0·0321 unit of account.

*Article 12*

1. The intervention agency shall pay the aid :

(a) in the case of a short-term contract, not more than four weeks after its expiry date ;

(b) in the case of a long-term contract, in three instalments paid not more than four weeks after the last day of each quarter. A 'quarter' means the period of three months following the date on which the contract took effect. The amount to be paid shall be that due for the quarter just expired.

2. If the contract is terminated prematurely, the amount due in respect of the period during which the contract was actually in effect shall be paid not more than four weeks from the day on which it came to an end.

*Article 13*

Throughout the period during which the contract is in effect :

(a) the producer may not put up for sale, sell or market in any other way the products under contract ;

(b) the products under contract may undergo only such oenological treatments or processes as are necessary for their preservation ;

(c) the products under contract may not be drawn off into containers of less than 50 litres capacity.

*Article 14*

The producer shall inform the intervention agency in advance of any change made during the period for which the contract is concluded as regards :

(a) the place of storage, or

(b) the manner in which the product is put up, if such change means an increase in the number of containers in which it is stored.

*Article 15*

1. Except in case of *force majeure,* if the producer fails to fulfil his obligations under the contract no aid shall be payable.

2. In case of *force majeure* the intervention agency shall take such action as it considers necessary having regard to the circumstances invoked.

3. The intervention agencies shall inform the Commission of the results of all claims under these provisions as to *force majeure.*

*Article 16*

1. If, on the expiry of the period of validity of a contract, the conditions for conclusion of contracts are still fulfilled, both with regard to the price situation, without prejudice to the provisions of Article 5 (5) of Regulation (EEC) No 816/70, and with regard to the requirements of this Regulation, a further contract may be concluded for the product in question.

2. In such a case, intervention agencies may, on application by the producer, extend the old contract for the further period by amending it as appropriate.

3. By way of derogation from paragraph 1, if, on the expiry of the period of validity of a contract relating to must, the producer wishes to process all or some of the must into concentrated must, he may apply for an extension of the contract in respect of the latter product. To this end, the intervention agency shall satisfy itself that the quantity of concentrated must for which the contract is being extended results from the processing of the must which had been under storage contract.

*Article 17*

1. Each Member State shall appoint an intervention agency empowered to implement the measures provided for in Articles 5 and 6 of Regulation (EEC) No 816/70 and in this Regulation.

2. It shall inform the Commission without delay of the name and address of that agency.

3. Member States in which contracts are concluded shall by the tenth of each month communicate to the Commission in respect of the preceding month :

(a) the quantities of products under contract at the beginning of the month in question ;

(b) the quantities of products for which contracts have been concluded or have expired during the month in question ;

(c) the quantities of products under contract at the end of the month in question.

*Article 18*

Regulation (EEC) No 1437/70 is hereby repealed.

*Article 19*

This Regulation shall enter into force on 1 September 1976.

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

Done at Brussels, 13 August 1976.

*For the Commission*

P. J. LARDINOIS

*Member of the Commission*