

Council Regulation (EC) No 1493/1999 of 17 May 1999 on
the common organisation of the market in wine (repealed)

TITLE III

MARKET MECHANISMS

CHAPTER I

PRIVATE STORAGE AID

Article 24

- 1 Aid shall be granted to producers for the private storage of:
 - a table wine;
 - b grape must, concentrated grape must and rectified concentrated grape must.
- 2 The aid shall be granted subject to the conclusion with intervention agencies, between 16 December and 15 February of the following year and on conditions to be determined, of a long-term storage contract.
- 3 Long-term storage contracts shall be concluded for a period which ends:
 - a at the earliest, for table wines, on 1 September following the date of conclusion, and for grape musts, concentrated grape musts and rectified concentrated grape musts, on 1 August following the date of conclusion;
 - b at the latest, on 30 November following the date of conclusion.

Article 25

- 1 The conclusion of storage contracts shall be subject to conditions relating in particular to the quality of the products in question.
- 2 For table wines, storage contracts shall contain provisions for the termination of aid payments and of the producer's corresponding obligations in respect of all or part of the quantities stored if market prices for the type of table wine concerned rise above a level to be fixed.
- 3 The amount of private storage aid may cover only technical storage costs and interest charges, both of which shall be fixed at a standard rate.
- 4 For concentrated grape musts, this amounts may be adjusted by a coefficient corresponding to the degree of concentration.

Article 26

- 1 Detailed rules for the application of this Chapter shall be adopted in accordance with the procedure laid down in Article 75.

These rules may in particular provide:

- for the fixing of the level, rate and coefficient referred to in Article 25,
- that long-term storage contracts for table wine may only be concluded for specific table wines,

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- that grape musts which are the subject of a long-term storage contract may be converted, wholly or partially, into concentrated grape must or rectified concentrated grape must during the period of the contract,
 - for rules concerning the application of the provision for the termination of aid payments as referred to in Article 25(2),
 - that grape musts and concentrated grape musts intended for the manufacture of grape juice may not be the subject of a long-term storage contract,
 - for the effective duration of contracts.
- 2 Under the procedure laid down in Article 75, it may be provided:
- that the private storage aid scheme shall not be applied if it is apparent from the market situation that the scheme is not justified,
 - that the possibility of concluding further long-term storage contracts may be suspended at any time if this is justified by the market situation and in particular the rate at which contracts have already been concluded.

CHAPTER II

DISTILLATION

Article 27

1 The overpressing of grapes, whether or not crushed, and the pressing of wine lees shall be prohibited. The refermentation of grape marc for purposes other than distillation shall be prohibited.

2 Filtering and centrifuging of wine lees shall not be considered as pressing where:

- a the products obtained are of sound, genuine and merchantable quality,
- b the lees are not reduced to the dry state.

3 Any natural or legal person or group of persons, with the exception of the persons and groups referred to in paragraph 7, having made wine, shall be required to deliver for distillation all the by-products of that winemaking.

4 The quantity of alcohol contained in the by-products must be at least equal to 10 % in relation to the volume of alcohol contained in the wine produced if the wine has been made directly from grapes. Save in the case of derogations for technically justified cases, it may not be less than 5 % where the wine has been made by vinification of grape musts, partially fermented grape musts or new wines in fermentation. Should the relevant percentage not be reached, those subject to the obligation shall deliver a quantity of wine from their own production, thus ensuring attainment of that percentage.

Derogations may be made from paragraph 3 and the first subparagraph of this paragraph for categories of producers to be determined, for certain production regions and for wines subject to the distillation referred to in Article 28.

5 The delivery obligation set out in paragraph 3 may instead be satisfied by delivery of wine to a vinegar manufacturer.

6 Any natural or legal persons or groups of persons, with the exception of the persons and groups referred to in paragraph 7, who hold by-products of any processing of grapes other than vinification shall be required to deliver them for distillation.

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[^{F17} Any natural or legal persons or groups of persons who process grapes harvested in wine-growing zone A or in the German part of wine-growing zone B, or on areas planted with vines in the Czech Republic, Malta, Austria, Slovenia or Slovakia shall be required to withdraw the by-products of such processing under supervision and subject to conditions to be determined.]

8 Those subject to the obligations referred to in paragraph 3 or to that referred to in paragraph 6 may discharge that obligation by the withdrawal of the by-products of vinification under supervision and subject to conditions to be determined.

9 The buying-in price of grape marc, wine lees and of wine delivered for distillation under this Article shall be EUR 0,995 per % vol/h.

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

11 The distiller may either:

- a receive aid in respect of the product to be distilled, provided that the product obtained by distillation has an alcoholic strength of at least 52 % vol; or
- b deliver the product obtained by distillation to the intervention agency; provided that it has an alcoholic strength of at least 92 % vol.

If wine has been processed into wine fortified for distillation before delivery to the distiller, the aid referred to in (a) shall be paid to the manufacturer of the fortified wine and the product of the distillation may not be delivered to the intervention agency.

12 It may be decided that delivery of the alcohol to the intervention agency may be replaced by delivery to an operator who has submitted a tender in the framework of sales organised for the disposal of the products of distillation which has been accepted under the procedure referred to in Article 31(1).

13 Paragraphs 1 to 12 shall not apply to grape juice or concentrated grape juice or grape must or concentrated grape must intended for the preparation of grape juice.

Textual Amendments

- F1** Substituted by [Council Regulation \(EC\) No 2165/2005 of 20 December 2005 amending Regulation \(EC\) No 1493/1999 on the common organisation of the market in wine.](#)

Article 28

1 Where wine is produced from a grape variety listed in the classification for the same administrative unit as both a wine grape variety and a variety for use for another purpose, any wine which is produced in excess of the normal quantity and which is not exported during the wine year concerned shall be distilled by a date to be determined. Except by derogation, it may not be moved except to a distillery.

2 The quantity of wine normally produced shall be determined from:

- a the quantities produced during a reference period to be determined;
- b the quantities of wine put to traditional uses.

3 The buying-in price of wine delivered for distillation under this Article shall be EUR 1,34 per % vol; it may vary during a given wine year provided that the average for that wine year remains EUR 1,34 per % vol.

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

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- 5 The distiller may either:
- a receive aid in respect of the product to be distilled, provided that the product obtained by distillation has an alcoholic strength of at least 52 % vol; or
 - b deliver the product obtained by distillation to the intervention agency, provided that it has an alcoholic strength of at least 92 % vol.

If wine has been processed into wine fortified for distillation before delivery to the distiller, the aid referred to in (a) shall be paid to the manufacturer of the fortified wine and the product of the distillation may not be delivered to the intervention agency.

6 It may be decided that delivery of the alcohol to the intervention agency may be replaced by delivery to an operator who has submitted a tender in the framework of sales organised for the disposal of the products of distillation which has been accepted under the procedure referred to in Article 31(1).

7 This Article shall apply notwithstanding Article 1(2).

Article 29

1 The Community may provide support for the distillation of table wines and wines suitable for yielding table wines in order to support the wine market and, as a consequence, facilitate the continuation of supplies of wine distillate to those parts of the potable alcohol sector, where the use of such alcohol is traditional.

2 The support shall take the form of a primary aid and a secondary aid paid to distillers.

3 The primary aid shall be paid on the basis of the volume of table wine and wine suitable for yielding table wine which is distilled.

4 The primary aid shall be implemented on the basis of a system of contracts concluded between distillers and wine producers. A minimum price to be paid by distillers to wine producers shall be determined; it may vary during a given wine year provided that the average for that wine year remains at least EUR 2,488 per % vol.

5 The level of primary aid shall reflect:

- a the need for the average minimum price to be paid by distillers to wine producers in a given wine year to respect the level referred to in paragraph 4;
- b the need to maintain supplies to traditional outlets in the potable alcohol sector at competitive prices.

6 The secondary aid shall take the form of a payment to cover reasonable storage costs of the resultant product. It shall serve to facilitate the operation of the primary aid system.

Article 30

1 There may be a crisis distillation measure if there is an exceptional case of market disturbance caused by serious surpluses and/or problems of quality.

2 The measure shall have as its objectives: the elimination of specific pockets of surplus;

- a the elimination of specific pockets of surplus;
- b the assurance of supply continuity from one harvest to another.

3 The measure shall be voluntary on the part of producers.

4 The measure may be limited to certain categories of wine or certain areas of production. The measure may be applied to quality wine psr only at the request of the Member State concerned.

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5 A criterion for introducing the measure may be a demonstrable deterioration, over time, in the market price for a category of wine or for wines from certain areas of production.

6 Should the Community use this measure for three years in succession, for a particular type of wine (in a particular area), the Commission shall draw up a report to the European Parliament and the Council on the persistent crisis including, if appropriate, proposals.

Article 31

1 Alcohol taken over by the intervention agency shall be disposed of either by public auction or by a tendering process. When disposing of such alcohol, as far as possible, the authorities shall avoid affecting the market outlets for alcohol traditionally dependent on the existence of such outlets. It may not be disposed of into the sector of alcohol destined for comestible use.

2 However, it may be decided that if the supply of the part of that sector where the use of wine alcohol is compulsory is not assured by means of the operation of Articles 27, 28 and 29, such alcohol may be disposed of into that sector.

Article 32

1 For the wines made by producers who have increased the alcoholic strength by adding sucrose or must having benefited from the aid referred to in Article 34, the buying-in price fixed for each distillation, with the exception of that referred to in Article 27, shall be reduced within each wine-growing area by a similar flat-rate amount calculated on the basis of the level of the aid referred to in Article 34 and the increase in the alcoholic strength prescribed for the wine-growing area concerned.

2 At the request of the producer concerned, the reduction shall apply only within the limits of the quantities subject to the increased alcoholic strength referred to in paragraph 1.

Article 33

1 Detailed rules for the application of this Chapter shall be adopted in accordance with the procedure laid down in Article 75.

These rules may in particular include:

- a the derogations referred to in this Chapter;
- b in respect of Articles 27 and 28, the conditions under which distillation is to be carried out, the assessment of the volume of alcohol contained in the wine produced, the conditions under which products may be delivered to the intervention agency, and the buying-in prices of the products of distillation which can be taken over by the intervention agencies or the criteria for fixing these prices;
- c the minimum standards to be met by marc and lees;
- d the conditions under which withdrawal under supervision as referred to in Article 27(7) may be carried out;
- e the quantities of wine normally produced as mentioned in Article 28(2);
- f the detailed mechanism for applying the measure referred to in Article 30, including the products covered by it, and the flow of the products of the products of distillation in particular to avoid any disturbance of the market in alcohol and spirituous beverages;
- g the provision for the modulation of the buying-in price referred to in Article 28(3);
- h the determination of the minimum price referred to in Article 29(4).

2 The amount of the aids referred to in Articles 27 and 28 which will enable the products obtained to be disposed of, the amount of the aids referred to in Article 29 and rules defining the

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circumstances which may lead to a triggering of the measure referred to in Article 30 and the level and form of the Community financial support for that measure shall be set by the procedure laid down in Article 75.

CHAPTER III

AIDS FOR SPECIFIC USES

Article 34

1 Aid is hereby established for the use of:

- a concentrated grape musts;
- b rectified concentrated grape musts,

produced in the Community, when they are used in order to increase alcoholic strengths of the wine products for which such increases are authorised within the meaning of this Regulation.

2 The grant of aid may be reserved for products coming from wine-growing zone C III if the trade patterns in must and coupage wines cannot be guaranteed without this measure.

3 The amount of aid shall be fixed in euro per % vol potential alcoholic strength and per hectolitre of concentrated grape must or rectified concentrated grape must, taking into account the difference between the cost of enrichment by means of these products and by means of sucrose.

Article 35

1 Aid is hereby established for the use of:

- a grape musts and concentrated grape musts produced within the Community for the purpose of manufacturing grape juice or manufacturing other comestible products from such grape juice;
- b grape musts and concentrated grape musts produced in zone C III for the purpose of manufacturing, in the United Kingdom and in Ireland, products falling within CN code 2206 00 in respect of which, pursuant to Annex VII, paragraph 2 of point C, the use of a composite name including the word 'wine' may be allowed by these Member States;
- c 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).

2 By way of derogation from paragraph 1(b), where the geographical restriction related to the production of grape musts and concentrated grape musts referred to in that point gives rise to distortion of competition, it may be decided to extend the granting of the aid to grape musts and concentrated grape musts produced in regions of the Community other than zone C III:

3 The aids referred to in paragraph 1 shall be reserved for the use of products coming from vine varieties which are classified exclusively as wine grapes or as both a wine grape variety and variety for use for another purpose and may equally be granted to grapes of Community origin coming from the same varieties.

4 The amounts of aid must be fixed so that the supply costs for grape musts and concentrated grape musts originating in the Community are such that they may maintain their traditional market outlets.

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Textual Amendments

- F2** Deleted by [Council Regulation \(EC\) No 2826/2000 of 19 December 2000 on information and promotion actions for agricultural products on the internal market](#).

Article 36

Detailed rules for the application of this Chapter shall be adopted in accordance with the procedure laid down in Article 75.

These rules shall in particular include:

- (a) the conditions for granting the aid referred to in Article 34(1);
- (b) the measures necessary to ensure control of the use of the products referred to in Article 35(1);
- (c) the amount of the aid referred to in Articles 34 and 35, which shall be fixed before the start of each wine year;
- (d) the decision referred to in Article 35(2).

CHAPTER IV

GENERAL PROVISIONS

Article 37

Producers subject to the obligations referred to in Articles 27 and 28 shall be entitled to benefit from intervention measures under this Title provided that they have complied with the above obligations for a reference period to be determined. That period, and the detailed rules for the implementation of this Article, shall be adopted in accordance with the procedure laid down in Article 75.

Article 38

1 Where excessively high prices for a type of wine are recorded on the Community market and the situation is likely to continue, thereby disturbing that market, the necessary measures may be taken by the Commission.

2 To the extent necessary to support the market in table wines, interventions measures may be adopted in respect of the products listed in Article 1(2)(b) other than table wine in accordance with the procedure laid down in Article 75.

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