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REGULATION (EEC) No 2292/71 OF THE COUNCIL

of 26 October 1971

amending Regulation (EEC) No 1171/71 as regards total or partial exemption from the obligation to distil the by-products of wine-making

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Regulation (EEC) No 816/70[1] of 28 April 1970 laying down additional provisions for the common organisation of the market in wine, as last amended by Regulation (EEC) No 1627/71,[2] and in particular Article 24 (2) thereof;

Having regard to the proposal from the Commission;

Whereas, in pursuance of the first subparagraph of Article 24 (2) of Regulation (EEC) No 816/70, certain producers may be exempted from the obligation to distil the by-products of winemaking;

Whereas Article 7 of Council Regulation (EEC) No 1171/71[3] of 3 June 1971 on the distillation of the by-products of wine-making exempts independent producers who, during a wine-growing year, do not make more than 50 hectolitres of wine; whereas, however, some of these small-scale producers are already in the habit of distilling their grape marcs and wine lees and whereas they should be allowed to continue in this practice; whereas they should therefore be allowed to forego exemption and become thereby comparable in all respects to producers who are not exempt; whereas in order to prevent deliveries of alcohol to the intervention agencies from becoming too irregular, an independent producer should, once he has foregone exemption, undertake to continue to do so until the validity of that Regulation expires;

Whereas producers who deliver their grape marcs for the manufacture of oenocyanine generally supply unfermented grape marcs; whereas the processes to which these are subjected in order to extract the oenocyanine render them thereafter unsuitable for fermentation and distillation; whereas such producers should be exempt pro rata for their production of grape marcs; whereas an exact calculation is not possible; whereas, therefore, provision should be made for a fixed reduction in the general rate;

Whereas, in accordance with Article 10 (1) of Council Regulation (EEC) No 817/70[4] of 28 April 1970 laying down special provisions for quality wines produced in specified regions, as amended by Regulation (EEC) No 1627/71, a yield per hectare is fixed for each of the quality wines p.s.r. which facilitates observance of the prohibition against the pressing of wine lees and over-pressing of grapes; whereas, moreover, the marcs and lees of certain quality wines p.s.r. contain little alcohol and whereas it is useful to be able to apply a reduced rate to those products;

HAS ADOPTED THIS REGULATION:

Article 1

The following text shall be substituted for the text of Article 7 of Regulation (EEC) No 1171/71:

'1. Independent producers who, during a wine-growing year, do not make more than 50 hectolitres of wine, shall not be subject to the obligation laid down in the first subparagraph of Article 24 (2) of Regulation (EEC) No 816/70.

However, such producers may forego this exemption. Such action shall bind them for the period from the date on which such action is taken until the validity of this Regulation expires.

[1] OJ No L 99, 5.5.1970, p. 1.
[2] OJ No L 170, 29.7.1971, p. 3.
[3] OJ No L 123, 5.6.1971, p. 4.
[4] OJ No L 99, 5.5.1970, p. 20.

2. Producers who deliver their grape marcs for the manufacture of oenocyanine may be subject to a reduced rate.

3. Producers of certain quality wines p.s.r. may be subject to reduced rates in respect of that part of their harvest which can qualify for such description.'

Article 2

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 Luxembourg, 26 October 1971.

For the Council

The President

L. NATALI