REGULATION (EEC) No 2069/73 OF THE COMMISSION

of 27 July 1973

on detailed rules for applying the obligation to distil the by-products of wine-making for the 1973/74 wine-growing year and repealing Regulation (EEC) No 1601/72

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 [1] of 28 April 1970 laying down additional provisions for the common organization of the market in wine, as last amended by Regulation (EEC) No 2680/72 [2], and in particular Article 24 (4) and Article 35 thereof;

Whereas the quantity of alcohol to be delivered to the intervention agencies, under the obligation to distil the by-products of wine-making, must be fixed in accordance with certain procedures; whereas, in particular, a standard ratio should be established each wine-growing year between the volume of alcohol contained naturally in the products used in the making of wine and the quantity of alcohol to be delivered; whereas for the 1973/74 wine-growing year it seems appropriate to fix this ratio as a percentage corresponding to the maximum provided for in the second subparagraph of Article 24 of Regulation (EEC) No 816/70.

Whereas, in order to determine the amount by which the percentage to be applied should be reduced in accordance with Article 7 (2) of Council Regulation (EEC) No 1171/71 [3] of 3 June 1971 on the distillation of the by-products of wine-making, as amended by Regulation (EEC) No 2292/71 [4], as regards the delivery of marc for the manufacture of oenocyanine, it should be borne in mind that the alcohol contained in marc accounts for a large proportion of the quantity of alcohol which could be delivered; whereas, in these circumstances, the reduced percentage provided for in that paragraph should be fixed, for the 1973/74 wine-growing year, at 40 % of the normal percentage;

Whereas, in accordance with Article 7 (3) of that Regulation, partial exemption may also be granted to producers of same quality wines psr; whereas, bearing in mind the general desire to see quality improved, that option should be used; whereas the method of wine-making has a significant influence on the alcohol content of the marc; whereas this fact should be taken into account when the reduced percentage is fixed;

Whereas, among the quality wines psr referred to above, some may be downgraded at the production stage in accordance with Article 12 (5) of Council Regulation (EEC) No 817/70 [5] of 28 April 1970 laying down special provisions for quality wines produced in specified regions, as last amended by Regulation (EEC) No 2680/72; whereas it is necessary, in respect of these downgraded wines, to apply the same percentage as applied to table wines;

Whereas provision should be made for a written undertaking from producers who waive the exemption provided for in Article 7 (1) of Regulation (EEC) No 1171/71;

Whereas, in accordance with the second subparagraph of Article 24 (2) of Regulation (EEC) No 816/70, the fixing of the quantities of alcohol to be delivered also makes it necessary to determine a minimum natural alcoholic strength, calculated at a flat rate, for each of the wine-growing zones; whereas, however, pursuant to Article 6 of Regulation (EEC) No 1171/71, producers in some zones are not subject to the obligation in question; whereas, in the absence of any precise information on the alcoholic strength of the wines of the forthcoming wine-growing year, the strength may be determined on the basis of the average values recorded in the various wine-growing zones concerned in preceding years;

Whereas Council Regulation (EEC) No 1930/73 of 16 July 1973 [6] laying down for the 1973/74 wine-growing year the price to be paid for alcohol delivered to intervention agencies under the obligation to distil the by-products of wine-making and the amount of the contribution towards this price by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund fixed the price to be paid by the intervention agencies for rectified alcohol; whereas, in the absence of a common organization of the market in alcohol, it could prove difficult to obtain uniform conditions for taking over; whereas Member States should be empowered to lay down more specific conditions;

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 289, 27. 12. 1972, p. 1.
(3) OJ No L 123, 5. 6. 1971, p. 4.
(4) OJ No L 243, 29. 10. 1971, p. 1.
(5) OJ No L 99, 5. 5. 1970, p. 20.
(6) OJ No L 199, 19. 7. 1973, p. 9.

Whereas for administrative reasons a final date should be fixed, for the 1973/74 wine-growing year, for the actual delivery of these products to the intervention agencies ;

Whereas, in order to enable the Commission to obtain an overall view of the buying-in and selling transactions effected by the intervention agencies for the products which are delivered to them under the obligation to distil the by-products of wine-making, the Member States concerned must keep the Commission regularly informed on this matter ;

Whereas it is necessary, in order to prevent fraud, for Member States to initiate some kind of supervision ;

Whereas Commission Regulation (EEC) No 1601/72 [1] of 26 July 1972 laid down detailed rules for applying the obligation to distil the by-products of wine-making and special conditions for the 1972/73 wine-growing year ; whereas, for the sake of clarity, the abovementioned Regulation should be repealed and the text should be published with the necessary amendments for the 1973/74 wine-growing year ;

Whereas the Wine Management Committee did not express an opinion in the time period granted by its Chariman ;

HAS ADOPTED THIS REGULATION :

Article 1

1. For the 1973/74 wine-growing year :

(a) The percentage referred to in Article 24 (2) of Regulation (EEC) No 816/70 shall be fixed at 10 % ;

(b) The reduced percentage referred to in Article 7 (2) of Regulation (EEC) No 1171/71 shall be fixed at 4 % ;

(c) The reduced percentage referred to in Article 7 (3) of Regulation (EEC) No 1171/71 shall be fixed at :

— 8 % for red quality wines psr

— 4 % for white quality wines psr.

2. Where a quality wine psr is both subject to the provisions of subparagraph (c) of the preceding paragraph and has been downgraded at the production stage, the percentage used to determine the quantity of alcohol to be delivered to the intervention agencies under the obligation to distil the by-products of wine-making shall be that laid down in paragraph 1 (a).

Article 2

1. Independent producers, affected by the provisions of the second subparagraph of Article 7 (1) of Regulation (EEC) No 1171/71, shall notify the intervention agency in writing of their undertaking to forgo the exemption referred to in the said paragraph.

2. Notification must reach the intervention agency before 1 November 1973.

Article 3

In order to determine the volume of alcohol to be delivered to the intervention agencies under the obligation to distil the by-products of wine-making, the alcoholic strength to be used for the 1973/74 wine-growing year shall be :

— 8·5 for zone B,

— 9·0 for zone C I,

— 9·5 for zone C II,

— 10·0 for zone C III.

Article 4

As regards the application of Article 1 (1) of Regulation (EEC) No 1930/73, the Member States concerned shall lay down the conditions for the taking-over by the intervention agencies of the alcohol delivered to them.

Article 5

The alcohol obtained during the 1973/74 wine-growing year under the distillation of the by-products of wine-making shall be delivered to the intervention agencies not later than 15 August 1974.

Article 6

1. Member States shall take any appropriate measures to ensure proper control and in particular that the provisions of Article 24 (1) of Regulation (EEC) No 816/70 are complied with.

2. They shall notify the Commission without delay of the measures taken.

3. They shall communicate to the Commission, without delay, details of the provisions made for the application of Article 4 of this Regulation.

Article 7

1. Member States shall inform the Commission before the 10th of each month of the quantities of alcohol delivered to the intervention agencies during the preceding month under the obligation to distil the by-products of wine-making, stating the quantities which have been delivered pursuant to the provisions of Article 7 (1), (2) or (3) of Regulation (EEC) No 1171/71.

[1] OJ No L 170, 28. 7. 1972, p. 1.

2. They shall also inform the Commission before :

— 1 October 1973, in respect of the previous wine-growing year, of the selling prices as well as the characteristics and quantities of the products sold at these prices.

— 1 July 1974, for the current wine-growing year, of the provisional selling prices as well as the characteristics and quantities of the products sold at these prices.

Article 8

Regulation (EEC) No 1601/72 is repealed.

Article 9

This Regulation shall enter into force on 1 September 1973.

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

Done at Brussels, 27 July 1973.

For the Commission

The President

François-Xavier ORTOLI