REGULATION (EEC) No 2139/74 OF THE COMMISSION

of 13 August 1974

laying down detailed rules governing the distillation of table wines of type A II during the period 15 August to 31 October 1974

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 1532/74 [2], and in particular Articles 7 (3) and 35 thereof;

Whereas, pursuant to Article 7 of Regulation (EEC) No 816/70, Council Regulation (EEC) No 1913/74 [3] of 22 July 1974 laying down general rules governing the distillation of table wines of type A II during the period 15 August to 31 October 1974 permits producers of table wines to have their wines distilled;

Whereas, in order to support the market, it should also be permitted to distil wines in respect of which storage contracts have been concluded under Articles 5 and 6 of Regulation (EEC) No 816/70;

Whereas producers who terminate storage contracts for this purpose must so inform the intervention agency;

Whereas provision should be made to ensure that the price paid is at least equal to the minimum as fixed in Article 3 of Regulation (EEC) No 1913/74; whereas Member States should in particular have the power to require the distiller to assign the aid received by him to the producer as an advance against the contract price for the delivery of the wine;

Whereas the competent agencies as referred to in Article 7 of Regulation (EEC) No 1913/74 and the Commission must be kept informed of the progress of distillation operations and in particular of the quantities of table wine distilled and the quantities of alcohol obtained;

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

1. The conclusion of a contract for the delivery of wine for distillation under Regulation (EEC) No 1913/74 shall terminate any storage contract concluded in respect of that wine under Article 6 of Regulation (EEC) No 816/70. The producer concerned shall forthwith inform the intervention agency of such termination.

2. However, no distillation aid may be paid in respect of any wine covered by a storage contract in respect of which a re-storage aid has been paid.

Article 2

Member States may, for the purpose of ensuring that the price paid is at least equal to the minimum as fixed in Article 3 of Regulation (EEC) No 1913/74, require that contracts as referred to in Article 2 of that Regulation be concluded through the intervention agency.

Article 3

1. The aid shall be paid to the distiller.

Member States may, however, require that the aid be assigned by the distiller to the producer, on condition that the latter receives a price which, with the aid included, is not less than the minimum price as fixed in Article 3 of Regulation (EEC) No 1913/74.

2. The aid shall be paid not more than 30 days after distillation.

Article 4

1. Distillers shall not later than 1 September, 1 October and 1 November 1974 send to the competent agency as referred to in Article 7 of Regulation (EEC) No 1913/74 copies of all contracts concluded pursuant to that Regulation during the periods preceding such dates, together with details of the quantities of table wine distilled and of the quantities, expressed as pure alcohol, of the products obtained therefrom, giving separate figures for products coming within the first indent of Article 5 of Regulation (EEC) No 1913/74 and those coming within the second indent of that Article.

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 166, 21. 6. 1974, p. 1.
(3) OJ No L 202, 24. 7. 1974, p. 8.

2. Member States shall not later than 10 September, 10 October and 10 November 1974 communicate to the Commission by telex, as regards the respective periods preceding those dates, details of the quantities of wines distilled and of the quantities, expressed as pure alcohol, of the products obtained therefrom, giving separate figures as provided in paragraph 1.

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, 13 August 1974.

For the Commission

The President

François-Xavier ORTOLI