REGULATION (EEC) No 2179/74 OF THE COMMISSION

of 20 August 1974

laying down in respect of the 1974/75 wine-growing year detailed rules for applying the obligation to distil the by-products of wine-making and repealing Regulation (EEC) No 2069/73

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 24 (4) and 35 thereof;

Whereas the quantity of alcohol to be delivered to the intervention agencies in pursuance of the obligation to distil the by-products of wine-making must be fixed in accordance with certain detailed rules; whereas, in particular, a standard ratio has to 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 1974/75 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 (2) of Regulation (EEC) No 816/70;

Whereas, in determining the amount by which the percentage to be applied should, in accordance with Article 7 (2) of Council Regulation (EEC) No 1877/74 [3] of 15 July 1974 on the distillation of the by-products of wine-making, be reduced in the case of marc delivered 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 1974/75 wine-growing year at 40 % of the normal percentage;

Whereas under Article 7 (3) of that Regulation partial exemption may also be granted to producers of certain quality wines psr; whereas in view of the general desire to see quality improved, that option should be used; whereas the method of wine-making employed 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, pursuant to Article 12 (5) of Council Regulation (EEC) No 817/70 [4] of 28 April 1970 laying down special provisions for quality wines produced in specified regions, as last amended by Regulation (EEC) No 2680/72 [5], quality wines psr as referred to above may be downgraded at the production stage; whereas in respect of these downgraded wines the same percentage should be applied as is applied to table wines;

Whereas a written undertaking should be required from producers who forego the exemption provided for in Article 7 (1) of Regulation (EEC) No 1877/74;

Whereas it follows from the second subparagraph of Article 24 (2) of Regulation (EEC) No 816/70 that when fixing the quantities of alcohol to be delivered it is necessary also to specify a standard minimum natural alcoholic strength for each of the wine-growing zones; whereas, however, pursuant to Article 6 of Regulation (EEC) No 1877/74 producers in certain 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, such 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 1878/74 [6] of 15 July 1974 laying down for the 1974/75 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 maximum 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 would be difficult to harmonize the conditions for the taking over of that alcohol; whereas the Member States should therefore be empowered to lay down precise conditions;

Whereas for administrative reasons a final date should be fixed in respect of the 1974/75 wine-growing year for delivery to the intervention agencies of the products concerned;

Whereas, in order to enable the Commission to obtain an overall view as regards compliance with the obliga-

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 166, 21. 6. 1974, p. 1.
(3) OJ No L 198, 20. 7. 1974, p. 3.
(4) OJ No L 99, 5. 5. 1970, p. 20.
(5) OJ No L 289, 27. 12. 1972, p. 1.
(6) OJ No L 198, 20. 7. 1974, p. 6.

tion to distil the by-products of wine-making, the Member States concerned must keep it regularly informed both of the amounts bought-in and sold by the intervention agencies in pursuance of this obligation and of the quantities of potable spirits of grape marc or of wine produced in pursuance thereof;

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

Whereas Commission Regulation (EEC) No 2069/73 [1] of 27 July 1973 laid down detailed rules for applying the obligation to distil the by-products of wine-making and special conditions for the 1973/74 wine-growing year; whereas for the sake of clarity that Regulation should be repealed and its text re-published with the necessary amendments for the 1974/75 wine-growing year;

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. For the 1974/75 wine-growing year:

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

(b) the reduced rate referred to in Article 7 (2) of Regulation (EEC) No 1877/74 shall be 4 %;

(c) the reduced rates referred to in Article 7 (3) of Regulation (EEC) No 1877/74 shall be:

— 8 % for red quality wines psr,

— 4 % for white quality wines psr.

2. Where a quality wine psr comes within subparagraph (c) of the preceding paragraph but is downgraded at the production stage, the percentage used to determine the quantity of alcohol to be delivered to the intervention agencies in pursuance of the obligation to distil the by-products of wine-making shall be that specified in paragraph 1 (a).

Article 2

1. Isolated producers who intend pursuant to the second subparagraph of Article 7 (1) of Regulation (EEC) No 1877/74 to forego the exemption provided for in the first subparagraph thereof shall send to their local intervention agency a written undertaking to forego such exemption.

2. Such undertakings must reach the intervention agencies before 1 November 1974.

Article 3

The alcoholic strengths to be taken as a basis for the purpose of determining the volume of alcohol to be delivered to the intervention agencies in pursuance of the obligation to distil the by-products of wine-making shall for the 1974/75 wine-growing year be as follows:

— 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

For the purposes of Article 1 (1) of Regulation (EEC) No 1878/74, 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 1974/75 wine-growing year as a result of the distillation of the by-products of wine-making shall be delivered to the intervention agencies not later than 15 August 1975.

Article 6

1. Member States shall take all appropriate measures by way of supervision procedures, and in particular they shall ensure that the provisions of Article 24 (1) of Regulation (EEC) No 816/70 are complied with.

2. They shall notify the Commission as soon as possible of the measures taken.

3. They shall communicate to the Commission as soon as possible details of the provisions taken by them in implementation of Article 4 of this Regulation.

Article 7

1. Member States shall inform the Commission before the 20th of each month, in respect of the preceding month, of:

— the quantities of alcohol delivered to the intervention agencies in pursuance of the obligation to distil the by-products of wine-making, giving separate figures for the quantities delivered pursuant to each of paragraphs 1, 2 and 3 of Article 7 of Regulation (EEC) No 1877/74;

— the quantities of potable spirits of grape marc or of wine produced pursuant to Article 5 (1) of Regulation (EEC) No 1877/74, together with the amounts of alcohol contained in those products.

However, as regards potable spirits the first such information shall be communicated so as to reach the Commission on or before 20 January 1975 and shall relate both to the preceding month and to that part of the wine-growing year so far elapsed.

[1] OJ No L 210, 31. 7. 1973, p. 26.

2. In respect of alcohol, they shall also inform the Commission :

— before 1 October 1974 in respect of the previous wine-growing year, of selling prices and of the characteristics and quantities of the products sold at those prices ;

— before 1 July 1975 in respect of the current wine-growing year, of provisional selling prices and of the characteristics and quantities of the products sold at those prices.

Article 8

Regulation (EEC) No 2069/73 is repealed.

Article 9

This Regulation shall enter into force on 1 September 1974.

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

Done at Brussels, 20 August 1974.

For the Commission

The President

François-Xavier ORTOLI