REGULATION (EEC) No 2981/74 OF THE COUNCIL

of 26 November 1974

laying down general rules governing the distillation of wine of quality lower than table wine and originating in certain areas affected by adverse weather conditions

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 organization of the market in wine, as last amended by Regulation (EEC) No 1532/74 [2], and in particular Article 38 thereof;

Having regard to the proposal from the Commission;

Whereas Article 38 of Regulation (EEC) No 816/70 provides that measures of derogation may be decided upon to remedy an exceptional situation resulting from natural disasters;

Whereas in certain areas of the Community, in particular during August and September, the weather was characterized by an almost total absence of sun and abnormally high rainfall; whereas, according to information received, it rained almost every day;

Whereas good weather during those months is essential for a good harvest; whereas, the abnormal climatic conditions referred to accordingly constitute a natural disaster; whereas the result was that, exceptionally, the wine obtained in these areas did not achieve the minimum natural alcoholic strength prescribed for the wine growing zone in which the grapes were harvested;

Whereas it is desirable to withdraw these products from the market by the most appropriate method, which is distillation;

Whereas the details should be based on the general rules relating to distillation already adopted in application of Article 7 of Regulation (EEC) No 816/70,

HAS ADOPTED THIS REGULATION:

Article 1

Distillation shall be authorized under the conditions laid down in this Regulation in respect of wine not reaching the minimum natural alcoholic strength for the wine-growing zone concerned as laid down in Article 18 (1) of Regulation (EEC) No 816/70 and originating in certain yet to be defined parts of the following French departments:

— Gers,
— Haute-Garonne,
— Tarn-et-Garonne,
— Tarn,
— Landes,
— Aude,

affected by natural disasters during the 1974/75 wine-growing year.

Article 2

Wine offered for distillation may not have an alcoholic strength exceeding the minimum natural alcoholic strength laid down for the wine-growing zone in question and may not be fortified.

Article 3

1. Producers who wish to have all or part of their wine distilled shall conclude delivery contracts, where appropriate through the intervention agency, with the distillers of their choice.

2. Under such contracts:

(a) the distiller shall purchase the quantity of wine stated in the contract;

(b) the distiller shall distil such wine and shall pay for it a price not less than that referred to in Article 4.

3. The contracts shall specify:

(a) the quantity, colour and actual alcoholic strength of the wine to be distilled;

(b) the name and address of the producer;

(c) the place at which the wine is stored;

(d) the name of the distiller or the registered business or company name of the distillery;

(e) the address of the distillery.

Article 4

1. The minimum purchase price for wine offered for distillation is hereby fixed at 1·32 units of account per degree and hectolitre.

[1] OJ No L 99, 5. 5. 1970, p. 1.
[2] OJ No L 166, 21. 6. 1974, p. 1.

2. The price referred to shall apply in respect of the unaltered product, ex-producer's premises.

Article 5

1. The delivery contracts referred to in Article 3 may not be concluded before 1 December 1974 or after 15 December 1974.

2. Distillation may not take place before 1 December 1974 or after 31 January 1975.

Article 6

Products of the distillation of wine may have an alcoholic strength :

— of 86° or more,

— of 85° or less,

with a tolerance of 0·4° above or below.

Article 7

1. Aid shall be paid by the intervention agency for each hectolitre of wine distilled.

2. The amount of the aid is hereby fixed at :

— 0·53 unit of account per degree and hectolitre if the wine was processed into a product referred to in Article 6, first indent,

— 0·45 unit of account per degree and hectolitre if the wine was processed into a product referred to in Article 6, second indent.

3. The aid may be paid only upon production of a contract as referred to in Article 3 and upon proof being given that :

— such contract was concluded during the period referred to in Article 5 (1),

— distillation took place during the period referred to in Article 5 (2).

Article 8

1. Member States shall designate an intervention agency to apply the provisions of this Regulation.

2. The competent intervention agency shall be the agency of the State on whose territory distillation takes place.

Article 9

Detailed rules for the application of this Regulation and in particular the definition of the parts of departments referred to in Article 1 shall be adopted in accordance with the procedure laid down in Article 7 of Regulation No 24 (1).

Article 10

This Regulation shall enter into force on the day of 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, 26 November 1974.

For the Council

The President

J. LECANUET

(1) OJ No 30, 20. 4. 1962, p. 989/62.