REGULATION (EEC) No 1036/75 OF THE COUNCIL

of 21 April 1975

laying down general rules governing the distillation of table wines during the period 7 June to 31 July 1975

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 678/75 [2], and in particular Article 7 (1) thereof;

Having regard to the proposal from the Commission;

Whereas Article 7 of Regulation (EEC) No 816/70 provides that measures may be adopted for the distillation of table wines if solely the granting of aid to private storage is unlikely to be effective in restoring price levels;

Whereas aids to private storage of table wines are at present granted for all types of table wines; whereas the prices for most of these wines are below the activating price;

Whereas the possibility of concluding nine-month storage contracts for table wines of types R I, R II and A I during the period 16 December 1974 to 15 February 1975 has not brought about any substantial restoration of price levels;

Whereas the abundant harvest of 1974/75 has yielded supplies considerably in excess of the normal requirements of this wine marketing year;

Whereas the conditions for the commencement of a distillation operation are fulfilled;

Whereas it is necessary to lay down the conditions under which this operation should take place; whereas the price for wines to be distilled should not act as an encouragement to the production of wines primarily for the purpose of distillation, but should nevertheless be sufficiently attractive for the operation to be effective;

Whereas, in order to limit the scope of the measure, its duration should be restricted; whereas means must also be found of bringing distillation operations to an end if prices for table wines should rise above the activating price;

Whereas account should also be taken of the technical possibilities of the distilleries in order not to jeopardize the restoration of market equilibrium;

Whereas the prices for wines to be distilled will not permit the products thereby obtained to be marketed on normal terms; whereas aid should therefore be paid and its amount determined, taking account of normal costs, at a level which will make it possible to market the products of distillation;

Whereas in each Member State concerned there must be a body responsible for applying the provisions in question,

HAS ADOPTED THIS REGULATION:

Article 1

The distillation of table wines shall be permitted subject to the conditions laid down by this Regulation.

Article 2

1. Producers who wish to have all or part of their harvest of table 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 table wine stated in the contract;

(b) the distiller shall distil such wine and shall pay for it at a price which shall not be less than the price referred to in Article 3.

3. The contracts shall specify:

(a) the quantity, colour and actual alcoholic strength of the table wines 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.

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[1] OJ No L 99, 5. 5. 1970, p. 1.
[2] OJ No L 72, 20. 3. 1975, p. 43.

Article 3

1. The minimum purchase price for table wines to be distilled is fixed at 1·56 units of account per degree and per hectolitre.

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

Article 4

1. Distillation may not take place before 7 June 1975 or after 31 July 1975, but the date 7 June 1975 may be brought forward, provided that the date 31 July 1975 is also brought forward by the same number of days.

2. However, it may be decided to bring forward the closing date for distillation, particularly if the average prices for all the types of table wine on all markets should for two consecutive weeks remain at a level above the activating price.

3. Notwithstanding paragraphs 1 and 2, if, during the distillation period resulting from those paragraphs, a distillery is obliged to suspend all distillation operations by order of the public authorities, it may be decided that the distillation operations may be resumed in that distillery for a number of days such that the total duration of the operations concerned does not exceed the maximum authorized duration.

Distillation must, however, be completed not later than 20 October 1975.

If use is made of this derogation, the distillation contracts must be concluded not later than 1 July 1975 and the distillery must take delivery of the wine before that date.

Article 5

Products of the distillation of table wines may have an alcoholic strength :

— of 86° or more,

— of 85° or less,

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

Article 6

1. For each hectolitre of wine distilled aid shall be paid by the intervention agency.

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

— 0·90 unit of account per degree and per hectolitre if the wine was processed into a product referred to in Article 5, first indent,

— 0·76 unit of account per degree and per hectolitre if the wine was processed into a product referred to in Article 5, second indent.

3. The aid may be paid only upon production of a contract as referred to in Article 2 and upon proof being given that distillation took place within the period during which such an operation was authorized purusant to Article 4.

Article 7

1. Member States shall designate an intervention agency to be responsible for applying the provisions of this Regulation.

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

Article 8

This Regulation shall enter into force on the third day following 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 Luxembourg, 21 April 1975.

For the Council

The President

R. RYAN