REGULATION (EEC) No 1933/75 OF THE COUNCIL

of 22 July 1975

on general rules governing the special distillation of table wines referred to in Article 33a of Regulation (EEC) No 816/70

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 1932/75 (2), and in particular Article 33a (2) thereof;

Having regard to the proposal from the Commission;

Whereas Article 33a (1) of Regulation (EEC) No 816/70 provides for the special distillation of table wines, for producer associations only, when the total volume of supplies available in the Community including imports of wine from Algeria, Morocco and Tunisia — hereinafter referred to as the Maghreb countries — is such as to disturb the Community market; whereas the conditions in which the special distillation may take place should be defined;

Whereas the criteria for initiating distillation and in particular the concept of disturbance of the market should be defined;

Whereas the criteria for determining the quantities to be distilled must also be laid down;

Whereas the type of wine which is in direct competition with wines from the Maghreb should be determined;

Whereas provision should be made for a method of calculation the quota of each producer association in the total quantity to be distilled;

Whereas the price to be paid for the distilled wine should be specified;

Whereas, if this price does not allow the products obtained from this operation to be marketed under normal conditions, it will be necessary to provide aid;

Whereas an organization should be made responsible for applying these provisions in each Member State concerned,

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) See page 19 of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

1. The decision to distil referred to in Article 33a of Regulation (EEC) No 816/70 shall be adopted when the supply situation including imports of wine from the Maghreb countries is such as to disturb the Community market within the meaning of paragraph 2 below. This situation shall be studied twice a year, the first time before 15 December, on the basis of the forward estimates, the second time before 15 April, on the basis of the corrected forwarded estimates. It may be decided, however, to carry out an additional assessment before 15 September if the quantities imported between 15 april and the aforesaid date are abnormally high. The dates in question are hereinafter referred to as 'assessment' dates.

2. Disturbance of the Community market shall be deemed to have occurred when the average price of table wine with an alcoholic strength of not less than 11°, on representative markets to be determined, remains, for at least two consecutive weeks in a month, below the average activating prices fixed for the table wines of types R I and R II.

Article 2

The quantity of wines qualifying for special distillation shall correspond to the quantity imported from the Maghreb countries between two assessment dates during the calendar months in which a disturbance within the meaning of Article 1 (2) has been ascertained.

Where import statistics are not available, an estimate may be made on the basis of import licences issued.

This quantity shall be multiplied by a standard alcoholic strength of 12°.

Article 3

1. Producer associations producing red wine with an alcoholic strength of not less than 11° wishing to take advantage of special distillation arrangements shall make a declaration to the competent intervention agency. The declaration shall specify:

— the average volume of wine with an alcoholic strength of 11° or over produced during a period to be determined ;
— the average alcoholic strength of the wine in question.

2. The intervention agencies shall notify the Commission of declarations made, specifying the total quantity broken down by tenths of a degree, the weighted total alcoholic strength and the total quantity expressed in degrees of pure alcohol.

3. The authorization to distil shall be granted by the Commission as follows :

— in full for each declaration where the total quantity of table wine resulting from the declarations submitted does not exceed the total quantity determined in accordance with Article 2 ;
— with a pro rata reduction for each declaration where the total quantity of table wine resulting from the declarations submitted exceeds the quantity determined in accordance with Article 2.

4. The authorization shall be expressed in degrees of pure alcohol.

Article 4

1. Producer associations having obtained a certain quota may conclude delivery contracts for table wines produced by the said asssociations themselves for the quantity in question, where appropriate through the intervention agency, with the distillers of their coice.

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 pay for it at a price which shall not be less than the price referred to in Article 5.

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.

Article 5

1. The minimum buying-in price for table wines for special distillation shall be equal to the activating price for table wines of type R I.

2. This price shall apply to unpacked goods, ex-producer's premises.

Article 6

Products resulting from special distillation must have an alcoholic strength of 95° or more with a tolerance of 0·4°.

Article 7

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

2. The amount of the aid shall be fixed taking into account the difference between the activating price for table wine of type R I and the price level of vinous alcohol.

Article 8

1. The Member States concerned shall appoint an intervention agency to apply the provisions of this Regulation.

2. The intervention agency of the Member State in whose territory the distillation takes place shall be responsible for payment of the aid.

Article 9

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 Brussels, 22 July 1975.

For the Council

The President

G. MARCORA