REGULATION (EEC) No 2115/75 OF THE COMMISSION

of 12 August 1975

laying down in respect of the 1975/76 wine-growing year detailed rules for applying the obligation to distil the by-products of wine-making and repealing Regulation (EEC) No 2179/74

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 678/75 [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 fixed ratio has to be established each wine-growing year between the volume of alcohol contained naturally in the products used for the production of the wine and the quantity of alcohol to be delivered ; whereas the ratio for the wine-growing year 1975/76 should be fixed at the maximum percentage provided for in the second subparagraph of Article 24 (2) of Regulation (EEC) No 816/70 ;

Whereas, when determining the reduced rate applicable 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 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 proposition of the quantity of alcohol which could be delivered ; whereas in these circumstances the reduced rate provided for in that paragraph should be fixed for the wine-growing year 1975/76 at 40 % of the normal rate ;

Whereas under Article 7 (3) of that Regulation partial exemption may also be granted to producers of certain quality wines psr ; 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 rate is fixed ;

Whereas, pursuant to Article 12 (5) of Council Regulation (EEC) No 817/70 [4] of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions, as last amended by Regulation (EEC) No 2894/74 [5], the quality wines psr referred to above may be downgraded at the production stage ; whereas in respect of these downgraded wines the same rate 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 a standard natural minimum alcoholic strength should also be laid down for each wine-growing zone ; 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 and of any improvement in quality ;

Whereas Council Regulation (EEC) No 1891/75 [6] of 22 July 1975 laying down for the wine-growing year 1975/76 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 ;

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(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 72, 20. 3. 1975, p. 43.
(3) OJ No L 198, 20. 7. 1974, p. 3.
(4) OJ No L 99, 5. 5. 1970, p. 20.
(5) OJ No L 310, 21. 11. 1974, p. 7.
(6) OJ No L 193, 25. 7. 1975, p. 2.

Whereas for administrative reasons a final date should be fixed in respect of the wine-growing year 1975/76 for delivery to the intervention agencies of the products concerned ;

Whereas, in the interests of improving the quality of wine, all marcs and lees should be distilled ; whereas to achieve this result provision should be made to prevent the distillation of wine during the first part of the wine-growing year ;

Whereas provision should be made for rules to prevent any misuse of products intended for distillation in furtherance of the obligation to distil the by-products of wine-making, if the process is to take place in another Member State ; whereas a suitable system should therefore be set up ;

Whereas, in order to enable the Commission to obtain an overall view as regards compliance with the obligation 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 2179/74 (1) of 20 August 1974 laid down detailed rules for applying the obligation to distil the by-products of wine-making and special conditions for the wine-growing year 1974/75 ; whereas for the sake of clarity that Regulation should be repealed and its text republished with the necessary amendments for the wine-growing year 1975/76 ;

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 wine-growing year 1975/76 :

(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 rate referred to in Article 7 (3) of Regulation (EEC) No 1877/74 shall be 6 % 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 undertaking must reach the intervention agencies before 1 December 1975.

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 1975/76 wine-growing year be as follows :

— 9·0 for Zone B,
— 9·5 for Zone C I,
— 10·0 for Zone C II,
— 10·5 for Zone C III.

Article 4

For the purposes of Article 1 (1) of Regulation (EEC) No 1891/75 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

Alcohol obtained during the wine-growing year 1975/76 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 1976.

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.

(1) OJ No L 230, 21. 8. 1974, p. 13.

Article 7

If in furtherance of the obligation to distil the by-products of wine-making, a quantity of wine has to be distilled in order to fulfil the obligation to deliver a quantity of alcohol corresponding to a certain proportion of the volume of alcohol contained naturally in the products used for the production of the wine, this operation may only be carried out between 1 April 1976 and 16 August 1976.

Article 8

1. If a producer in one Member State, who is subject to the obligation to distil the said by-products, intends to distil the products in question in another Member State, the discharge of his obligation shall be certified by the intervention agency of the Member State where the distillation takes place.

2. The certification referred to in paragraph 1 shall be entered in section 23 of the accompanying document sent with the products to be distilled. The certification shall state the quantity and strength of the alcohol obtained from the products referred to in sections 10 to 16 of the accompanying document. The certification shall be sent to the producer not later than 15 August of the year in question.

3. Supervision of the distillation operation referred to in paragraph 1 shall be the responsibility of the Member State in which it takes place.

Article 9

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 paragraph 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.

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

— before 1 October 1975 in respect of the previous wine-growing year, of the selling prices obtained and of the characteristics and quantities of the products sold at those prices ;

— before 1 July 1976 in respect of the current wine-growing year, of the provisional selling prices and of the characteristics and quantities of the products sold at those prices.

Article 10

Regulation (EEC) No 2179/74 is hereby repealed.

Article 11

This Regulation shall enter into force on 1 September 1975.

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

Done at Brussels, 12 August 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission