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(Acts whose publication is obligatory)

REGULATION (EEC) No 3219/75 OF THE COUNCIL

of 9 December 1975

amending Regulation (EEC) No 1877/74 on the distillation of the by-products of wine making

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 24 (3) thereof;

Having regard to the proposal from the Commission;

Whereas Article 5 (1) of Council Regulation (EEC) No 1877/74 [3] of 15 July 1974 on the distillation of the by-products of wine making, lays down that producers may, in partial or total discharge of the obligation to distil, produce or have produced potable spirits of grape marcs or potable spirits of wine from their own products; whereas in the light of experience gained the conditions on which potable spirits can be produced should be defined;

Whereas Member States should be empowered to take the specific measures necessary for those administrative units whose wine production is traditionally intended for processing into potable spirits,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 of Regulation (EEC) No 1877/74 shall be replaced by the following:

'Article 5

1. Producers can, in partial or total discharge of the obligation to distil, produce or have produced from their own products:

— potable spirits of grape marcs, directly from grape marcs and/or wine lees,

— and, failing this, potable spirits of wine, directly from wine.

2. Member States shall establish, for all administrative units whose wine production is traditionally intended for processing into potable spirits, a minimum percentage of potable spirits of marcs which must be produced when recourse is had to the option referred to in paragraph 1.

This percentage must correspond to the average quantity of alcohol contained in the marcs and lees from the administrative unit in question.

3. A producer may avail himself of the option referred to in paragraph 1 only if he informs the intervention agency of the amounts produced, broken down into potable spirits of marcs and potable spirits of wine.

4. The quantity of alcohol, expressed as pure alcohol, contained in the potable spirits shall be deducted from the quantity of alcohol which must be delivered pursuant to the first subparagraph of Article 24 (2) of Regulation (EEC) No 816/70.

5. The production of potable spirits may have the effect mentioned in paragraph 1 only if:

(a) the quality of the potable spirit obtained conforms to national provisions on the

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 198, 29. 7. 1975, p. 19.
(3) OJ No L 198, 20. 7. 1974, p. 3.

subject; the producer or distiller shall supply proof thereof to the competent agency;

(b) it is carried out under the supervision of the competent agency; the producer and the distiller are required to permit such supervision at any moment during distillation.'

Article 2

This Regulation shall enter into force on the day following 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, 9 December 1975.

For the Council

The President

M. RUMOR