REGULATION (EEC) No 362/75 OF THE COMMISSION

of 13 February 1975

laying down detailed rules governing the distillation of table wines to be completed by 6 June 1975

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 3166/74 (2), and in particular Articles 7 (3) and 35 thereof ;

Whereas, pursuant to Article 7 of Regulation (EEC) No 816/70, Council Regulation (EEC) No 267/75 (3) of 31 January 1975 laying down detailed rules governing the distillation of table wines to be completed by 6 June 1975 authorizes producers of table wines to have their wines distilled ;

Whereas provisions should be laid down to ensure that the minimum price referred to in Article 3 of Regulation (EEC) No 267/75 is in fact paid ; whereas, in particular, Member States should be able to require the assignment of the aid from the distiller to the producer as an advance against the contract price for the delivery of the wine ;

Whereas Regulation (EEC) No 267/75 provides that a decision may be taken to reduce proportionately the quantites in respect of which application for distillation are submitted ;

Whereas the competent agencies referred to in Article 7 of Regulation (EEC) No 267/75 and the Commission must be kept informed of the state of progress of distillation operations and in particular of the quantities of table wine distilled and the quantities of alcohol obtained ;

Whereas the measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for Wine,

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 338, 17. 12. 1974, p. 1.
(3) OJ No L 30, 4. 2. 1975, p. 2.

HAS ADOPTED THIS REGULATION :

Article 1

In order to ensure payment of the minimum price referred to in Article 3 of Regulation (EEC) No 267/75, Member States may require that the contracts referred to in Article 2 of that Regulation be concluded through the intermediary of the intervention agency.

Article 2

1. The aid shall be paid to the distiller. 'Distiller' means the person on whose account distillation is carried out.

Member States may however require that the aid be assigned to the producer, provided the latter receives a price which, inclusive of the aid, is not less than the minimum price referred to in Article 3 of Regulation (EEC) No 267/75.

2. The aid shall be paid within 30 days following distillation.

Article 3

1. Applications for the distillation of table wines submitted to the intervention agencies must be accompanied by a copy of a contract concluded with a distiller for the delivery of the table wines concerned as referred to in Article 2 (1) of Regulation (EEC) No 267/75.

2. Member States shall communicate to the Commission on the basis of the information contained in the contracts accompanying applications :

— the total quantity of table wine to be distilled,

— the respective quantities of (i) red and rosé wines and (ii) white wines,

— the average actual alcoholic strength.

3. Where a decision is taken pursuant to Article 4 (2) of Regulation (EEC) No 267/75 to reduce the quantities of wine to be distilled the Member States shall inform applicants of the percentage of the quantities specified in their applications which may be distilled.

Article 4

1. Distillers shall not later than the 10th day of each month send to the intervention agency a declaration of the quantities of table wines distilled during the previous month specifying the quantities, expressed as pure alcohol, and the products obtained, giving separate figures for products coming within the first indent of Article 5 of Regulation (EEC) No 267/75 and those coming within the second indent of that Article.

2. Member States shall not later than the 20th of each month, communicate to the Commission by telex in respect of the previous month the quantities of wine distilled and the quantities, expressed as pure alcohol, of the products obtained therefrom, giving separate figures as provided in paragraph 1.

Article 5

1. This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

2. It shall apply with effect from 6 February 1975.

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

Done at Brussels, 13 February 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission