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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1281/76

of 1 June 1976

amending for the second time Regulation (EEC) No 567/76 laying down general rules governing the distillation of table wines for which the distillation contract must be approved before 15 April 1976

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 of 28 April 1970 laying down additional provisions for the common organization of the market in wine [1], as last amended by Regulation (EEC) No 1160/76 [2], and in particular Article 7 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Articles 1 (1) and 3 of Council Regulation (EEC) No 567/76 of 15 March 1976 laying down general rules governing the distillation of table wines for which the distillation contract must be approved before 15 April 1976 [3], as amended by Regulation (EEC) No 798/76 [4], laid down time limits for the conclusion of distillation contracts, their approval by intervention agencies and the progress of distillation; whereas some producers who hesitated to avail themselves of the option created by the Regulation did not submit an application in time; whereas, therefore, a quantity smaller than that needed to clear the market will be distilled; whereas provision should therefore be made for a second distillation operation;

Whereas it is necessary to provide that, for the second distillation operation, the minimum buying-in price can be paid by the intervention agency in one payment in order to minimize administrative procedures;

Whereas the provision laying down a date by which distillation operations must be terminated may create difficulties when unforeseen events compel distilleries to suspend distillation for a certain period; whereas, to ensure maximum distillation efficiency, it is advisable that in chance circumstances or in cases of *force majeure*, the intervention agency of the Member State concerned should be in a position to authorize the distilleries concerned to resume distillation operations for a number of days equal to the number of days during which distillation was suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (1) of Regulation (EEC) No 567/76 shall be replaced by the following paragraph:

'1. For the first operation, producers who wish to have all or part of their harvest of table wine ditilled shall conclude revocable delivery contracts with the distillers of their choice before 31 March 1976. These contracts shall be valid only if they are approved by the intervention agency before 15 April 1976.

For the second operation, producers who wish to have all or part of their harvest of table wine distilled shall conclude revocable delivery contracts with the distillers of their choice before 15 June 1976. These contracts shall be valid only if they are approved by the intervention agency before 30 June 1976.'

Article 2

Article 2 of Regulation (EEC) No 567/76 shall be supplemented by the following paragraph:

'7. Within the framework of the second operation referred to in Article 1 (1), the minimum buying-in price may be paid by the intervention agency in one payment after distillation of the total quantity of wine figuring in the contract.'

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 135, 24. 5. 1976, p. 1.
(3) OJ No L 67, 15. 3. 1976, p. 25.
(4) OJ No L 93, 8. 4. 1976, p. 10.

Article 3

Article 3 of Regulation (EEC) No 567/76 shall be replaced by the following:

'1. During the first operation, distillation may not take place before 1 April or after 31 July 1976.

During the second operation, distillation may not take place before 15 June or after 30 September 1976.

2. Should a distillery be compelled to suspend distillation operations as a result of chance circumstances or *force majeure* the intervention agency of the Member State concerned may authorize it to resume distillation for a number of days equal to the number of days during which distillation was suspended. Distillation must, however, be completed by no later than 30 September 1976.'

Article 4

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

It shall be applicable from 1 June 1976.

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

Done at Brussels, 1 June 1976

For the Council

The President

G. THORN