COUNCIL REGULATION (EEC) No 1931/76

of 20 July 1976

laying down general rules governing the distillation of wines provided for in Articles 6b, 6c, 24a and 24b 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 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 1167/76 [2], and in particular Articles 6b (3), 6c (3), 24a (5) and 24b (3) thereof,

Having regard to the proposal from the Commission,

Whereas the conditions should be laid down under which the distillation operations provided for in Articles 6b, 6c, 24a and 24b of Regulation (EEC) No 816/70 are to be carried out;

Whereas the different prices for wines for distillation laid down in the aforementioned Articles normally render it impossible to market the products of distillation at market prices; whereas it is therefore necessary to determine the criteria for fixing the amount of aid so as to enable the products obtained to be disposed of;

Whereas provision should be made for the minimum price guaranteed to the producer to be paid to him, as a general rule, within time limits which will enable him to obtain a profit comparable to that which he would have obtained from a commercial sale;

Whereas provision should be made for producers to conclude contracts with distillers subject to approval by the intervention agency, in order to facilitate the control of the sequence of operations and of the observance of the obligations on both parties; whereas this system would have the added advantage of making it easier to monitor the quantitative effects of distillation on the market;

Whereas in order to ensure appropriate control of the distillation provided for in Articles 6b, 6c, 24a and 24b of Regulation (EEC) No 816/70, distillers should be subject to a system of approval,

HAS ADOPTED THIS REGULATION:

Article 1

1. Producers undertaking the distillation of wine pursuant to Articles 6b, 6c, 24a and 24b of Regulation (EEC) No 816/70 shall conclude contracts for the delivery of wine with an approved distiller before a date to be fixed.

These contracts shall not be valid unless approved by the intervention agency before a date to be fixed.

2. These contracts shall cover:

(a) the purchase by the distiller of the quantity of wine entered in the contract;

(b) the obligation on the distiller to process the wine into a product with an alcoholic strength of 86° or more, or into a product with an alcoholic strength of 85° or less and to pay for it at least the price referred to in Articles 6b (2), 6c (2), 24a (3) or 24b (2) of Regulation (EEC) No 816/70, as appropriate, such price being applicable to unpacked goods ex producer's premises.

Article 2

1. For each hectolitre of wine distilled the intervention agency shall pay an aid.

2. The amount of the aid shall be fixed on the basis of the minimum buying-in price referred to in Article 1 (2) (b), the standard processing costs and the price of products obtained by distillation so as to enable these products to be disposed of.

3. The amount of aid granted shall vary depending on whether the products of distillation have an alcoholic strength of:

— 86° or more, or

— 85° or less.

However, the amount of aid granted for products with an alcoholic strength of 85° or less may not exceed the amount of aid granted for products with an alcoholic strength of 86° or more.

[1] OJ No L 99, 5. 5. 1970, p. 1.
[2] OJ No L 135, 24. 5. 1976, p. 42.

Article 3

1. Within two weeks of approval of the contract the intervention agency shall pay the producer an amount equal to 30 % of the minimum buying-in price referred to in Article 1 (2) (b) to be deducted from the aid provided for in Article 2.

2. When the total quantity of wine in the contract is delivered to the distillery, the distiller shall pay the producer at least the difference between the minimum buying-in price referred to in Article 1 (2) (b) and the aid provided for in Article 2.

3. When proof is supplied that the total quantity of wine in the contract has been distilled the intervention agency shall pay the producer the difference between the aid provided for in Article 2 and the amount referred to in paragraph 1.

4. Member States may provide that the amount referred to in paragraph 1 shall be paid by the distiller. In such cases the intervention agency shall reimburse this amount to the distiller when the proof referred to in paragraph 3 is supplied.

5. Where distillation takes place in a Member State other than the Member State where the producer is located, the minimum buying-in price referred to in Article 1 (2) (b) shall be paid by the distiller.

6. Notwithstanding paragraphs 1 and 4, the minimum buying-in price may be paid by the intervention agency or the distiller in one payment after distillation of the total quantity of wine appearing in the contract.

Article 4

Distillation shall take place during periods to be fixed.

Article 5

For the purposes of this Regulation an approved distiller means a distiller included on a list to be compiled by the competent authorities of the Member States. Under the conditions to be laid down as part of the implementing arrangements, approval may be withdrawn by these authorities from distillers who do not fulfil their obligations under this Regulation.

Article 6

1. Member States shall appoint an intervention agency to be responsible for implementing this Regulation.

2. The intervention agency responsible shall in every case be that located on the territory where distillation takes place.

Article 7

This Regulation shall enter into force on 1 September 1976.

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

Done at Brussels, 20 July 1976.

For the Council

The President

A. P. L. M. M. van der STEE