COMMISSION REGULATION (EEC) No 2078/76

of 23 August 1976

laying down for the wine-growing year 1976/77 rules for the distillation pursuant to Article 24b of Regulation (EEC) No 816/70 of wine made from table grapes

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 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 Article 24b (4) thereof,

Having regard to Council Regulation (EEC) No 557/76 of 15 March 1976 on the exchange rates to be applied in agriculture and repealing Regulation (EEC) No 475/75 (3), as amended by Regulation (EEC) No 1020/76 (4), and in particular Article 3 (1) thereof,

Whereas it is necessary, in order to facilitate the control measures, to lay down time limits for the lodging of applications for approval in accordance with the second subparagraph of Article 1 (1) of Council Regulation (EEC) No 1931/76 of 20 July 1976 laying down general rules relating to the wine distillation operations provided for in Articles 6b, 6c, 24a and 24b of Regulation (EEC) No 816/70 (5), for the approval itself and for the distillation in question ;

Whereas parties who have applied to enter into a distillation contract must be informed in good time of the outcome of their applications ;

Whereas the information to be given in distillation contracts should be specified ;

Whereas, under the procedure for payment of aid laid down in Article 3 of the above Regulation, the producer receives the aid in two instalments ; whereas, in order to ensure that the producer ultimately receives the entire amount of the aid, a time limit should be laid down for the payment of the second instalment ; whereas it should therefore be provided that this should be paid not later than 30 days after distillation ;

Whereas the prices of wines intended for distillation are such that it is not possible, under normal conditions, to market the products obtained following such distillation ; whereas it is therefore necessary to pay aid and to fix the amount thereof on the basis of normal costs at a level which will permit the marketing of the products obtained ;

Whereas technical criteria for the approval of distillers should be laid down ; whereas it is also necessary to provide for cases in which approval should in principle be withdrawn from the distiller in the event of default by the latter, with the exception of cases of *force majeure* or accident ;

Whereas the intervention agencies referred to in Article 6 of Regulation (EEC) No 1931/76 and the Commission must be informed of the progress of the distillation operations and must know in particular the quantities of table wine distilled and the quantities of alcohol obtained ;

Whereas a method should be laid down for determining the proportion of wine obtained from table grapes to be distilled pursuant to the second subparagraph of Article 24b (4) of Regulation (EEC) No 816/70 ;

Whereas Article 3 of Commission Regulation (EEC) No 571/76 of 15 March 1976 laying down detailed rules for the application of Council Regulation (EEC) No 557/76 on the exchange rates to be applied in agriculture and repealing Regulation (EEC) No 475/75 (6), as last amended by Regulation (EEC) No 1026/76 (7), provides that, with regard to the distillation of the by-products of wine-making, a coefficient is to be applied in Italy from 1 September until 15 December 1976 to ensure that the amounts paid in connection with that operation remain the same for one harvest ; whereas the amendments to Regulation (EEC) No 816/70 which enter into force on 1 September 1976 require that provision to be adjusted ; whereas the provision in question should also be extended to apply to the other distillation operations provided for in Articles 24a and 24b of the said Regulation which are carried out under similar economic conditions ;

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 135, 24. 5. 1976, p. 42.
(3) OJ No L 67, 15. 3. 1976, p. 1.
(4) OJ No L 115, 1. 5. 1976, p. 66.
(5) OJ No L 211, 5. 8. 1976, p. 5.
(6) OJ No L 68, 15. 3. 1976, p. 1.
(7) OJ No L 116, 3. 5. 1976, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation lays down for the wine-growing year 1976/77 detailed rules for the distillation pursuant to Article 24b of Regulation (EEC) No 816/70 of wine made from table grapes.

Article 2

1. The intervention agency referred to in Article 6 of Regulation (EEC) No 1931/76 shall inform the contracting parties, not later than two weeks after receipt of the application for approval of a distillation contract, of the result of the application.

2. Every contract shall state :

(a) the quantity, colour and actual alcoholic strength of the wines to be distilled ;

(b) the name and address of the producer ;

(c) the place where the wine is stored ;

(d) the name of the distiller or the business name of the distillery ;

(e) the address of the distillery.

3. 'Distiller' means the person on whose account distillation is carried out.

Article 3

1. The buying-in price, as determined in accordance with the second subparagraph of Article 24b (2) of Regulation (EEC) No 816/70, shall be 1·16 units of account per degree per hectolitre.

2. The amount of the aid provided for in Article 2 of Regulation (EEC) No 1931/76 shall be :

— 0·62 unit of account per degree per hectolitre if the wine has been processed into a product specified in the first indent of Article 2 (3) of the said Regulation,

— 0·54 unit of account per degree per hectolitre if the wine has been processed into a product specified in the second indent of Article 2 (3) of the said Regulation.

3. The payments required under Article 3 (2) and (3) of Regulation (EEC) No 1931/76 shall be effected not later than 30 days after fulfilment of the conditions.

4. In the case referred to in Article 3 (5) of Regulation (EEC) No 1931/76, payment of the minimum buying-in price shall be effected not later than 30 days after the total quantity of wine indicated in the contract has entered the distillery.

5. In the case referred to in Article 3 (6) of Regulation (EEC) No 1931/76, payment of the minimum buying-in price shall be effected not later than 30 days after the total quantity of wine indicated in the contract has been distilled. Where the relevant intervention agency of a Member State has not decided to give general application to the provision contained in the said Article 3 (6), the distiller may apply that provision only after ascertaining that the producer is in agreement.

Article 4

1. In order to be approved within the meaning of Article 5 of Regulation (EEC) No 1931/76, distillers must be capable of processing the wine into a product of an alcoholic strength of 86° or over, or into a product of an alcoholic strength of 85° or less.

2. Approval shall be withdrawn, except in cases of *force majeure* or unavoidable accident, if the distiller does not pay the producer the buying-in price or if he does not fulfil his obligations under Community provisions.

Article 5

For the purposes of the second subparagraph of Article 24b (4) of Regulation (EEC) No 816/70, Member States shall determine, on the basis of the results of the last six wine-growing years prior to the year 1976/77, the proportion to be distilled in respect of wines produced from varieties listed in the classification for a particular administrative unit both as wine grapes and table grapes.

Article 6

Member States shall take such measures as are necessary to ensure that the provisions of this Regulation are applied and in particular shall institute controls to prevent wine made from table grapes from being used for purposes other than distillation. Member States may to this end provide that such wine-making be carried out separately and that an indicator be used.

Article 7

Article 3 of Regulation (EEC) No 571/76 is amended to read as follows :

'The amounts to be paid under Articles 24, 24a and 24b of Regulation (EEC) No 816/70 shall, from 1 September until 15 December 1976, in respect of Italy, be multiplied by the coefficient 1·12369.'

Article 8

1. Member States shall inform the Commission, by 30 November 1976 at the latest, of the quantities of wine indicated in approved distillation contracts.

2. Distillers shall send to the intervention agency, not later than the 10th of each month, a return of the quantities of table wine distilled during the previous month, indicating the quantities, expressed as pure alcohol, and products obtained by them, distinguishing those referred to in the first indent of Article 2 (3) of Regulation (EEC) No 1931/76 from those referred to in the second indent of that paragraph.

3. Member States shall inform the Commission by telex, not later than the 20th of each month in respect of the previous month, of the quantities of wine distilled and of the quantities, expressed as pure alcohol, of products so obtained, distinguishing between them as provided in paragraph 2 hereof.

4. Member States shall before 1 July 1977 inform the Commission of any cases in which distillers have not fulfilled their obligations and of the measures taken as a result.

Article 9

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, 23 August 1976.

For the Commission

Henri SIMONET

Vice-President