COMMISSION REGULATION (EEC) No 2804/76

of 19 November 1976

on the distillation of wines suitable for producing certain potable spirits obtained from wine with a registered designation of origin for the 1976/77 marketing year

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 6b (4) thereof,

Whereas the harvest of wines suitable for producing certain potable spirits obtained from wine with a registered designation of origin is expected to be abundant and, since it cannot be completely absorbed by the production of these spirits, it is likely to disturb the market in table wines; whereas the distillation of this wine should therefore be permitted from the beginning of the wine marketing year;

Whereas Article 6b (1) provides for two different formulae for distillation operations, which are defined in the first and second subparagraphs thereof; whereas the criteria laid down for using the second formula are satisfied; whereas under that formula distillation is to be carried out under the conditions laid down by the said Article 6b, including the obligation to observe the period laid down in the first subparagraph of paragraph 1 and also the provisions laid down pursuant to paragraph 3 thereof;

Whereas time limits must be laid down for the lodging of applications for approval in accordance with the second subparagraph of Article 1 (1) of Regulation (EEC) No 1931/76 laying down general rules governing the distillation of wines provided for in Articles 6b, 6c, 24a and 24b of Regulation (EEC) No 816/70 (3), as amended by Regulation (EEC) No 2688/76 (4), both for the approval itself and for the distillation in question, in order to facilitate control measures;

Whereas those parties which have applied to enter into a distillation contract must be informed in good time of the outcome of the approval procedure;

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

Whereas Article 2a of Regulation (EEC) No 1931/76 provides for the possibility of limiting distillation to products with an alcoholic strength of 86° or more; whereas this provision should be used, since the market in wine spirits is at present oversupplied and may be disturbed if products with an alcoholic strength of 85° or less are produced as part of these distillation operations;

Whereas, under the procedure for paying the aid as laid down in Article 3 of the said Regulation, the producer receives the aid in two instalments; whereas the second instalment must be paid within a limited period to enable the producer to collect the entire amount of the aid; whereas it should therefore be laid down that payment should be made not later than 30 days after the distillation;

Whereas the prices of the wines intended for distillation do not permit the sale, under normal conditions, of the products obtained from such distillation; whereas it is therefore necessary to pay an aid and to fix its amount having regard to normal costs at a level which will permit the products obtained to be sold;

Whereas technical conditions for the approval of distillers should be laid down; whereas provision should also be made to enable approval in principle to be withdrawn from the distiller in the event of his default, except in 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

The distillation provided for in the second subparagraph of Article 6b (1) of Regulation (EEC) No 816/70 is permitted for the 1976/77 marketing year in accordance with Regulation (EEC) No 1931/76 for wines suitable for producing certain potable spirits obtained from wine with a registered designation of origin.

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 135, 24. 5. 1976, p. 42.
(3) OJ No L 211, 5. 8. 1976, p. 5.
(4) OJ No L 304, 6. 11. 1976, p. 2.

Applications for the approval of contracts shall be lodged by 31 December 1976.

The approval of contracts shall take place by 31 January 1977.

Distillation operations shall be carried out between 15 December 1976 and 15 May 1977.

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 15 days after the receipt of the application for approval of distillation contract, of the outcome of the approval procedure.

2. The 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 and 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 fixed in the second subparagraph of Article 6b (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 with an alcoholic strength of 92° or over.

3. The payments required to be made under Article 3 (2) and (3) of Regulation (EEC) No 1931/76 shall be made not later than 30 days after the conditions laid down are met.

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

5. In the case referred to in Article 3 (6) of Regulation (EEC) No 1931/76, the minimum buying-in price shall be paid not later than 30 days after the total quantity of wine covered by the contract has been distilled. Where the competent intervention agency of a Member State has not decided to apply the said Article 3 (6) generally, the distiller may apply it only after ascertaining that the producer is in agreement.

Article 4

1. No distiller shall be approved within the meaning of Article 5 of Regulation (EEC) No 1931/76, unless he is able to process the wine into a product with an alcoholic strength of 92° or over.

2. Approval shall be withdrawn, except in cases of *force majeure* or 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

1. Member States shall inform the Commission, by 15 February 1977 at the latest, of the quantities of wine covered by the approved distillation contracts.

2. Distillers shall send to the intervention agency, not later than the 10th day of each month a list of the quantities of table wine distilled during the previous month, indicating the quantities, expressed as pure alcohol, and the products which they have obtained.

3. Member States shall inform the Commission by telex, not later than the 20th day of each month for the previous month, of the quantities of wine distilled and the quantities, expressed as pure alcohol, of products which they have obtained.

4. Member States shall communicate by 1 July 1977 any cases in which distillers have not fulfilled their obligations and any measures taken as a result thereof.

Article 6

This Regulation shall not prejudice the possible application of Article 24b of Regulation (EEC) No 816/70.

Article 7

This Regulation shall enter into force on the third 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, 19 November 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission