# COMMISSION REGULATION (EEC) No 142/77

## of 25 January 1977

## fixing an additional rate for determining the quantities of alcohol to be delivered as part of the wine deliveries for the 1976/77 wine-growing 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 2842/76 [2], and in particular Articles 24a (6) and 35 thereof,

Whereas Article 24a (1) of Regulation (EEC) No 816/70 permits an increase in the quantities of alcohol contained in the products subject to the compulsory distillation provided for in Article 24 thereof; whereas any such increase depends on the forward estimate;

Whereas the forward estimate shows that the quantities available exceed normal requirements for the current wine-growing year; whereas the said Article 24a (1) should therefore be applied;

Whereas the level of the additional rate must depend on the amount of the quantities available surplus to requirements; whereas, with respect to table wines, the present situation of the wine market requires that the additional rate should be so fixed pursuant to the third subparagraph of Article 24a (1), that distillation operations apply mainly to wines of lower quality;

Whereas Article 3 of Commission Regulation (EEC) No 2051/76 of 19 August 1976 laying down detailed rules for the distillation of the by-products of wine-making in respect of the 1976/77 wine-growing year [3], has already fixed the alcoholic strengths to be taken into consideration for the 1976/77 wine-growing year for the purpose of determining the volume of alcohol contained in products to be delivered for distillation pursuant to Article 24 (2) of Regulation (EEC) No 816/70;

Whereas the distillation of wines which enables the additional rate to be applied should take place in accordance with 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 [4], as amended by Regulation (EEC) No 2688/76 [5]; whereas Articles 1 (1) and 4 thereof require time limits to be fixed for the submission of applications for approval of distillation contracts, for the approval by the intervention agencies and for the distillation operations; whereas under Article 2 thereof aid should be granted of such an amount as to enable the products obtained to be disposed of;

Whereas certain additional particulars need to be specified in distillation contracts;

Whereas the method of payment of aid referred to in Article 3 of Regulation (EEC) No 1931/76 provides that the aid is to be paid to the producer in two instalments; whereas payment of the second instalment should be made within a limited period to enable the producer to collect the total amount of the aid; whereas, therefore, it should be provided that payment must be made at the latest 30 days after distillation;

Whereas technical conditions must be laid down for the approval of distillers; whereas provision should be made for withdrawing approval from distillers if they do not fulfil their obligations, except in cases of *force majeure* or accident;

Whereas both the intervention agencies referred to in Article 6 of Regulation (EEC) No 1931/76 and the Commission should be informed of the progress of distillation operations and should in particular be informed 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 327, 26. 11. 1976, p. 2.
(3) OJ No L 228, 20. 8. 1976, p. 11.
(4) OJ No L 211, 5. 8. 1976, p. 5.
(5) OJ No L 304, 6. 11. 1976, p. 2.

HAS ADOPTED THIS REGULATION :

*Article 1*

For the 1976/77 wine-growing year the additional rate referred to in the second subparagraph of Article 24a (1) of Regulation (EEC) No 816/70 shall be 1 %. The additional rate fixed, referred to in the third subparagraph of Article 24a (1), applicable to each producer for his own production, is set out in the Annex hereto.

The distillation of wine which enables the additional rate referred to in the first subparagraph to be applied shall take place in accordance with Regulation (EEC) No 1931/76 and with this Regulation.

*Article 2*

1. Applications for approval of the contracts referred to in Article 1 of Regulation (EEC) No 1931/76 shall be submitted before 15 April 1977.

2. The intervention agency referred to in Article 6 of Regulation (EEC) No 1931/76 shall, not later than 15 days after the receipt of the application for approval of a contract and in any case before 30 April 1977, notify the contracting parties of the outcome of the approval procedure.

3. The distillation operations shall be carried out between the date of entry into force of this Regulation and 31 July 1977.

*Article 3*

1. The contracts referred to in Article 1 of Regulation (EEC) No 1931/76 shall specify :

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

(b) the name and address of the producer,

(c) the place of storage of the wine,

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

(e) the address of the distillery.

2. 'Distiller' shall mean the party for whom the distillation is carried out.

*Article 4*

1. The buying-in price fixed in the second subparagraph of Article 24a (3) of Regulation (EEC) No 816/70 shall be 1·16 units of account per degree per hectolitre.

2. The amount of 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 is processed into a product referred to in the first indent of Article 2 (3) thereof,

— 0·54 unit of account per degree per hectolitre if the wine is processed into a product referred to in the second indent of Article 2 (3) thereof.

3. Payments due under Article 3 (2) and (3) of Regulation (EEC) No 1931/76 shall be made not later than 30 days after the requisite conditions have been met.

4. Where Article 3 (5) of Regulation (EEC) No 1931/76 applies, payment of the minimum buying-in price shall be made not later than 30 days after the total quantity of wine appearing in the contract has entered the distillery.

5. Where Article 3 (6) of Regulation (EEC) No 1931/76 applies, payment of the minimum buying-in price shall be made not later than 30 days after the total quantity of wine appearing in the contract has been distilled. Where the competent intervention agency of a Member State has not decided to make general use of the facility provided for in the said Article 3 (6), the distiller may only make use of it after he has obtained the agreement of the producer.

*Article 5*

1. To be approved within the meaning of Article 5 of Regulation (EEC) No 1931/76, distillers must be able to process wine into a product having an alcoholic strength of 86° or more, or a product having an alcoholic strength of 85° or less.

2. Approval shall be withdrawn if the distiller, except in the case of accident or *force majeure*, fails to pay the buying-in price to the producer or fails to fulfil his obligations under Community provisions.

*Article 6*

1. Member States shall inform the Commission, not later than 31 May 1977, of the quantities of wine appearing in 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 wine distilled during the previous month and shall specify the quantities expressed in pure alcohol of the products obtained, distinguishing between products referred to in the first indent of Article 2 (3) of Regulation (EEC) No 1931/76 and products referred to in the second indent thereof.

3. Member States shall inform the Commission, by telex, not later than the 20th day of each month, in respect of the previous month, of the quantities of wine distilled and the quantities expressed in pure

alcohol of the products obtained, making the same distinction as in paragraph 2.

4. Member States shall communicate to the Commission not later than 30 June 1977 all cases of distillers who have failed to respect their obligations and any measures taken in consequence.

*Article 7*

This Regulation shall enter into force on the day of 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, 25 January 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*

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*ANNEX*

**Applicable additional rate as referred to in Article 1**

| Yield and colour of wine | Regions in wine-growing Zone B | Certain regions in that part of France in wine-growing Zone C where sucrose may be added pursuant to Article 19 (3) of Regulation (EEC) No 816/70 | Other regions in that part of France in wine-growing Zone C |
|---|---|---|---|
| 150 hl/ha or over (1) (2) | 6 % | 6 % | 6 % |
| 100 hl/ha or over but less than 150 hl/ha (1) (2) | 2 % | 2 % | 2 % |
| Less than 100 hl/ha | | | |
| White (2) | 2 % | 2 % | 2 % |
| Red/rosé | | | |
| — Less than 10° | 2 % | 1·5 % | 1·5 % |
| — 10° or over | 2 % | 1·5 % | 0 % |

(1) White, red or rosé wines.

(2) Excluding wines suitable for producing certain potable wine spirits of registered designation of origin which are distilled for the production of such potable spirits or which are distilled pursuant to Regulation (EEC) No 2804/76.