# COMMISSION REGULATION (EEC) No 2205/77

## of 5 October 1977

## on preventive distillation for the wine-growing year 1977/78

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 1679/77 [2], and in particular Articles 6b (4) and 35 thereof,

Whereas Article 6b (1) of Regulation (EEC) No 816/70 provides that preventive distillation may be decided on where the quantity of table wines of all types under storage contracts is equal to or exceeds 7 million hectolitres ; whereas this level has largely been exceeded ; whereas it therefore seems advisable to implement this measure, in view of the general situation on the wine market, which is in surplus ;

Whereas preventive distillation should be carried out in accordance with the provisions of 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 [3], as last amended by Regulation (EEC) No 1675/77 [4] ; whereas in accordance with Articles 1 (1) and 4 of that Regulation time limits should be fixed for the submission of applications for the approval of distillation contracts, for approval by the intervention agencies and for the distillation operations ; whereas under Article 2 of the said Regulation aid is to be paid in an amount such as will enable the products obtained to be disposed of ;

Whereas it is also necessary to specify the additional particulars that must be contained in distillation contracts ;

Whereas the arrangements for the payment of aid set out in Article 3 of Regulation (EEC) No 1931/76 provide for the aid to be paid to the producer in two instalments ; whereas payment of the second instalment should be made within a limited period, so as to ensure that the producer receives the entire amount of the aid in good time ; whereas, therefore, provision should be made for payment to be effected not more than 30 days after distillation ;

Whereas technical requirements for the approval of distillers should be laid down ; whereas, further, provision should be made for approval to be in principle withdrawn from distillers, save in case of *force majeure* or inevitable accident, where they fail to fulfil their obligations ;

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

Whereas the Management Committee for Wine has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION :

*Article 1*

Distillation as provided for in the first subparagraph of Article 6b (1) of Regulation (EEC) No 816/70 is hereby authorized for the wine-growing year 1977/78 and shall be effected in accordance with the provisions of Regulation (EEC) No 1931/76 and of 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 1 February 1978.

2. The intervention agency as referred to in Article 6 of Regulation (EEC) No 1931/76 shall notify the result of the application for approval to the contracting parties not later than 15 days after receipt thereof, and in any case before 15 February 1978.

3. Distillation operations shall take place between 15 October 1977 and 31 July 1978.

*Article 3*

1. The contracts referred to in Article 1 of Regulation (EEC) No 1931/76 shall contain the following particulars :

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

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 187, 27. 7. 1977, p. 15.
(3) OJ No L 211, 5. 8. 1976, p. 5.
(4) OJ No L 187, 27. 7. 1977, p. 3.

(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' means the party for whom distillation is carried out.

*Article 4*

1. The purchase price as fixed in the second subparagraph of Article 6b (2) of Regulation (EEC) No 816/70 shall be 1·24 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:

— 0·80 unit of account per degree per hectolitre if the wine is processed into a product as referred to in the first indent of Article 2 (3) of the said Regulation;

— 0·70 unit of account per degree per hectolitre if the wine is processed into a product as referred to in the second indent of Article 2 (3) of the said Regulation.

3. The payments referred to in Article 3 (1) and (3) of Regulation (EEC) No 1931/76 shall be made not later than 30 days after the conditions laid down have been complied with.

4. In the case referred to in Article 3 (5) of Regulation (EEC) No 1931/76, payment of the minimum purchase price shall be made not later than 30 days after the total quantity of wine specified in the contract has been taken into the distillery.

5. In the case referred to in Article 3 (6) of Regulation (EEC) No 1931/76, payment of the minimum purchase price shall be made not later than 30 days after the total quantity of wine specified 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 must first obtain the producer's agreement before making use of that facility.

*Article 5*

1. To obtain approval within the meaning of Article 5 of Regulation (EEC) No 1931/76, distillers must be capable of processing wine into a product with an alcoholic strength of 86° or more or a product with an alcoholic strength of 85° or less.

2. Approval shall be withdrawn, except in the event of *force majeure* or inevitable accident, if the distiller does not pay the purchase price to the producer or fails to fulfil the obligations incumbent on him pursuant to Community provisions.

*Article 6*

1. Distillers shall send to the intervention agency not later than the 10th day of each month a return of the quantities of wine distilled during the previous month, stating the quantities, expressed in pure alcohol, of the products obtained, and making a distinction between those referred to in the first indent of Article 2 (3) of Regulation (EEC) No 1931/76 and those referred to in the second indent thereof.

2. 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 specified in approved distillation contracts,

— the quantities of wine distilled and the quantities, expressed in pure alcohol, of the products they have obtained, making the distinction specified in paragraph 1 above.

3. Member States shall, not later than 31 August 1978, notify particulars of all cases of distillers who have failed to fulfil their obligations and of the measures taken in consequence.

*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, 5 October 1977.

*For the Commission*

Finn GUNDELACH

*Vice-President*