COMMISSION REGULATION (EEC) No 1944/78

of 11 August 1978

laying down, for the wine-growing year 1978/79, detailed rules governing the distillation of wines produced 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 2560/77 [2], and in particular Article 24b (4) thereof,

Whereas deadlines must be set for the submission of applications for approval pursuant to the second subparagraph of Article 1 (1) of Council Regulation (EEC) No 1931/76 of 20 July 1976 laying down general rules governing the distillation of wines as 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 deadlines should also be set both for the approval itself and for the distillation operation in question, so as to facilitate control measures;

Whereas those wishing to conclude a distillation contract need to be informed in good time whether their application has been approved;

Whereas it is necessary to specify what points must be covered by the distillation contracts;

Whereas the prices of wines which go for distillation are such as to prevent the normal marketing of the products obtained by such distillation; whereas it is therefore necessary to provide aid and to fix the amount thereof, including normal costs, at a level which enables such products to be marketed;

Whereas under Article 3 of the aforesaid Regulation aid is to be paid to the producer in two instalments; whereas, if the producer is to receive all the aid in good time, it should be stipulated that payment of the second instalment must be made within 30 days following the distillation;

Whereas technical conditions for the approval of distillers must be laid down; whereas it is also necessary to make provision for withdrawal of approval from the distiller in the event of default by the latter for reasons other than *force majeure* or unavoidable accident;

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

Whereas Article 24b (4) of Regulation (EEC) No 816/70 lays down that the conditions under which the derogations provided for in paragraph 1 apply to the varieties included in the classification for a given administrative unit as both wine grapes and table grapes must ensure that the quantities of wine obtained from the said exempted varieties correspond to the quantities normally used for wine-making; whereas 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 [5] laid down that the Member States must determine those quantities by taking as a reference period the wine-growing years 1969/70 to 1975/76; whereas paragraph 4 of the said Article 24b being designed to maintain the existing state of affairs, the levels fixed by the Member States for the wine-growing year 1978/79 in accordance with Regulation (EEC) No 2078/76 should be retained for the wine-growing year 1976/77;

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

This Regulation lays down in respect of the wine-growing year 1978/79 detailed rules for the distillation pursuant to Article 24b of Regulation (EEC) No 816/70 of wines produced from table grapes.

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[1] OJ No L 99, 5. 5. 1970, p. 1.
[2] OJ No L 303, 28. 11. 1977, p. 1.
[3] OJ No L 211, 5. 8. 1976, p. 5.
[4] OJ No L 187, 27. 7. 1977, p. 3.
[5] OJ No L 233, 24. 8. 1976, p. 20.

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 January 1979.

2. The intervention agency referred to in Article 6 of Regulation (EEC) No 1931/76 shall inform the contracting parties, at the latest 15 days after receipt of the application for approval of the distillation contract, whether the application has been approved.

3. Distillation operations shall take place between 15 September 1978 and 30 June 1979.

Article 3

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

(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.

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

Article 4

1. The buying-in price, as determined pursuant to the second subparagraph of Article 24b (2) of Regulation (EEC) No 816/70, shall be 1·07 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 :

— 0·73 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 that Regulation,

— 0·66 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 that Regulation.

3. Payment pursuant to Article 3 (1) and (3) of Regulation (EEC) No 1931/76 must be made at the latest 30 days after the requisite conditions have been fulfilled.

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 made at the latest 30 days after the total quantity of wine mentioned 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 made at the latest 30 days after the total quantity of wine mentioned in the contract has been distilled. If the competent intervention agency of a Member State has not decided to make general use of the option provided for in the said Article 3 (6), the distiller may make use of that opinion only after obtaining the producer's agreement.

Article 5

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 buying-in price to the producer or does not fulfil his obligations under Community provisions.

Article 6

Those quantities of wine, as determined by the Member States for the wine-growing year 1976/77 in accordance with Article 5 of Regulation (EEC) No 2078/76, which have been made from grapes of the varieties included in the classification for a given administrative unit as both wine grapes and table grapes shall be exempt from the obligation laid down in Article 24b (1) of Regulation (EEC) No 816/70.

Article 7

The Member States shall take the necessary steps to ensure that the provisions of this Regulation are applied and in particular shall institute controls to prevent wine produced from table grapes from being used for purposes other than distillation. To its end any Member State may provide for separate vinification and the use of an indicator.

Article 8

1. Distillers shall send to the intervention agency, at the latest by the 10th of each month, a return of the quantities of wine produced from table grapes distilled during the preceding month, indicating the quantities (expressed in terms of pure alcohol) and the products obtained, showing separately the products referred to in the first indent of Article 2 (3) of Regulation (EEC) No 1931/76 and those referred to in the second indent of that paragraph.

2. Member States shall inform the Commission by telex, at the latest by the 20th of each month in respect of the preceding month, of :

— the quantities of wine covered by approved distillation contracts,

— the quantities of wine distilled and the quantities, expressed as pure alcohol, of products obtained, separated in accordance with paragraph 1.

3. The Member States shall notify, at the latest by 31 July 1979, any case where a distiller has not fulfilled his obligation and the measures taken in consequence thereof.

Article 9

This Regulation shall enter into force on 1 September 1978.

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

Done at Brussels, 11 August 1978.

For the Commission

Finn GUNDELACH

Vice-President