COUNCIL REGULATION (EEC) No 2609/78

of 30 October 1978

amending Regulation (EEC) No 1931/76 as regards certain distillation operations in the wine sector

THE COUNCIL 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 1861/78 (2), and in particular Articles 6b (3), 6c (3), 6d (4), 7 (1), 24a (5) and 24b (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1931/76 (3) as last amended by Regulation (EEC) No 1675/77 (4), laid down general rules governing the distillation of wines provided for in Articles 6b, 6c, 24a and 24b of Regulation (EEC) No 816/70;

Whereas it is appropriate to bring up to date references to certain Articles of Regulation (EEC) No 816/70 contained in Regulation (EEC) No 1931/76 following the amendments made by Regulation (EEC) No 1677/77 (5);

Whereas, on the basis of experience gained and pending the adoption of new rules in the matter, a certain margin should be allowed for the quantity of wine indicated in certain contracts for the delivery of wines concluded during the 1976/77, 1977/78 and 1978/79 marketing years; whereas moreover, provision should be made in chance circumstances or cases of *force majeure*, for aid to be paid in respect of the quantity of wine which has actually been distilled;

Whereas Regulation (EEC) No 1931/76 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1931/76 is hereby amended as follows:

1. In the title the expression '6d' shall be inserted after the expression '6c'.

2. In Article 1:

   (a) in the first subparagraph of paragraph 1 the expression '6d' shall be inserted after the expression '6c';

   (b) in paragraph 2 (b), the expression '6d (3)' shall be inserted after the expression '6c (2)'.

3. In Article 2a the words 'second subparagraph of Article 6 (b) (1)' shall be replaced by the words 'Article 6 (d) (1)'.

4. In Article 4, second subparagraph, the words 'Articles 6 (b) and 6 (c)' shall be replaced by the words 'Articles 6 (b), 6 (c) and 6 (d)'.

Article 2

The following Article shall be inserted in Regulation (EEC) No 1931/76:

'Article 4a

1. A margin of 10 % more or less than the quantity of wine indicated in the contracts referred to in Article 1 shall be permitted.

This margin shall not, however, be permitted in the case of contracts regarding the distillation referred to in Article 24a or for that referred to in Article 24b of Regulation (EEC) No 816/70.

2. Where, due to chance circumstances or for reasons of *force majeure*, all or some of the wine covered by a contract referred to in Article 1 cannot be distilled, the distiller or the producer shall immediately so inform:

— the intervention agency of the Member State in whose territory the distillation premises are located and,

— if the producer's winery is located in another Member State, the intervention agency of the second Member State.

3. In the cases referred to in paragraphs 1 and 2 the intervention agency shall pay the aid referred

(1) OJ No L 99, 5. 5. 1970, p. 1.
(2) OJ No L 215, 4. 8. 1978, 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 187, 27. 7. 1977, p. 6.

to in Article 2 (3) in respect of that quantity of wine which has actually been distilled.

4. This Article shall apply to delivery contracts concluded during the 1976/77, 1977/78 and 1978/79 marketing years.'

Article 3

This Regulation shall enter into force on the 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 Luxembourg, 30 October 1978.

For the Council

The President

J. ERTL