COMMISSION REGULATION (EEC) No 3005/78

of 20 December 1978

on the distillation for the 1978/79 wine year of wines suitable for producing certain potable spirits obtained from wine with a registered designation of origin

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 1861/78 (2), and in particular Article 6d (5) thereof,

Whereas Article 6d (1) of Regulation (EEC) No 816/70 provides that in years in which the harvest of wine suitable for producing certain potable spirits obtained from wine with a registered designation of origin exceeds by 1 000 000 hectolitres the volume of wine used for this purpose in the previous wine year, it may be decided that the wines in question may be distilled; whereas this condition is fulfilled in the case of the 1978/79 wine year; whereas distillation of these wines should therefore be permitted;

Whereas it should be made clear that this distilling operation which was formerly governed by Article 6b of Regulation (EEC) No 816/70, remains subject to 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, 6d, 24a and 24b of Regulation (EEC) No 816/70 (3), as last amended by Regulation (EEC) No 2609/78 (4);

Whereas, in accordance with Regulation (EEC) No 1931/76 and in order to facilitate control measures, time limits must be laid down for the lodging of applications for approval, for the approval itself and for the distillation in question;

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 items to be included in the distillation contracts should be specified;

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

Whereas, in order to allow producers to receive the whole of the buying-in price with the minimum delay, there should be provision requiring the payments referred to in Article 3 (1) and (3) of Regulation (EEC) No 1931/76 to be made within 30 days after the conditions laid down therein have been fulfilled;

Whereas the prices of the wines intended for distillation are not such as to 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 amounts at a level which, having regard to normal costs, will permit its sale;

Whereas technical criteria 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 default on his part, except in cases of *force majeure* or inevitable 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 in particular receive information as to the quantities of table wine distilled and 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 Article 6d (1) of Regulation (EEC) No 816/70 is hereby authorized for the 1978/79 wine year in respect of wines suitable for

(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 315, 30. 10. 1978, p. 10.

producing certain potable spirits obtained from wine with a registered designation of origin and shall be carried out in accordance with Regulation (EEC) No 1931/76 and with this Regulation.

Applications for the approval of contracts shall be lodged by 31 January 1979.

Contracts must be approved by 15 February 1979.

Distillation operations must be carried out between 15 December 1978 and 15 July 1979.

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 a distillation contract, of the outcome of the approval procedure.

2. Each 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 or the business name of the distillery ;

(e) the address of the distillery.

3. 'Distiller' shall mean a person who distils wines on his own account or for the account of other persons.

Article 3

1. The buying-in price as fixed in Article 6d (3) 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 0·60 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. Payments under Article 3 (1) and (3) of Regulation (EEC) No 1931/76 shall be made not later than 30 days after the prescribed conditions 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 inevitable 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. 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, indicating the quantities, expressed as pure alcohol, and the products which they have obtained.

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 covered by approved distillation contracts,

— of the quantities of wine distilled, and the quantities, expressed as pure alcohol, of products which they have obtained.

3. Member States shall communicate by 10 August 1979 particulars of any cases in which distillers have not fulfilled their obligations and of any measures taken as a result.

Article 6

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, 20 December 1978.

For the Commission

Finn GUNDELACH

Vice-President