COMMISSION REGULATION (EC) No 1492/97

of 29 July 1997

laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards the fixing of the conditions for the distillation of certain fruit withdrawn from the market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables [1], and in particular Article 30 (7) thereof,

Whereas Article 30 (1) (c) of Regulation (EC) No 2200/96 provides that apples, pears, peaches and nectarines withdrawn from the market under Article 23 (1) may be disposed of by processing into alcohol of a strength of more than 80 % volume by direct distillation of the product;

Whereas the second subparagraph of Article 30 (5) of Regulation (EC) No 2200/96 provides that the distillation referred to in paragraph 1 (c) is to be carried out by distilleries either on their own account or on behalf of the body designated by the Member State concerned and that the operations are to be carried out by that body using the most appropriate procedure;

Whereas according to Article 30 (7) of the aforementioned Regulation, the detailed rules for the application of that Article should prevent the distillation of products withdrawn from the market from disrupting the alcohol market; whereas, to that end, provision should be made for the compulsory denaturing of the alcohol obtained from the distillation of fruit withdrawn from the market and its industrial use to the exclusion of any use for food; whereas denaturing must be in accordance with Commission Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty [2], as last amended by Regulation (EC) No 2546/95 [3];

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The supply and award of contracts to distilleries for the products referred to in Article 30 (1) (c) for distillation into alcohol of a strength of more than 80 % volume shall be carried out either by a standing invitation to tender, public auction, or another procedure adopted by the Member State ensuring that competition between interested operators takes place under equal conditions.

Article 2

The procedures and operations referred to in Article 1 shall take place no later than three months after the marketing year of the product in question.

Article 3

The bodies designated by the Member States to carry out the supply or award of contract referred to in Article 1 shall be as set out in the Annex.

Article 4

The alcohol obtained from the products in question shall be subject to special denaturing in accordance with Regulation (EC) No 3199/93 and shall be for industrial and not food use.

Article 5

The bodies designated by the Member States shall monitor on the spot by means of physical and documentary checks the processing of the product, for which the contract is awarded, into alcohol of a strength of more than 80 % volume, its denaturing and industrial use.

Article 6

Member States shall take the measures necessary to prevent any distortion of competition in the supply of and award of contracts for the products to the distilleries concerned.

Article 7

On request by the Commission, Member States shall communicate the results of the operations referred to in this Regulation within seven days.

Article 8

Regulations (EEC) No 1561/70 and (EEC) No 1562/70 are hereby repealed.

Article 9

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

[1] OJ No L 297, 21. 11. 1996, p. 1.
[2] OJ No L 288, 23. 11. 1993, p. 12.
[3] OJ No L 260, 31. 10. 1995, p. 45.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

LIST OF BODIES DESIGNATED BY THE MEMBER STATES

Belgium	Bureau d'intervention et de restitution belge (BIRB) Rue de Trèves 82 B-1040 Bruxelles
Denmark	EU-direktoratet 2. Markedskontor Kampmannsgade 3 DK-1780 København V
Germany	Bezirksregierung Lüneburg Dezernat 602 Auf der Hude 2 Postfach 2520 D-21332 Lüneburg Landwirtschaftskammer Rheinland Referat 324.4 Postfach 1969 D-53009 Bonn Regierungspräsidium Freiburg D-79083 Freiburg i.Br. Ministerium für Ernährung, Landwirtschaft und Forsten Brandenburg Referat 42 Heinrich-Mann-Allee 103 D-14473 Potsdam Sächsische Landesanstalt für Landwirtschaft Fachbereich Markt und Ernährung D-01311 Dresden Regierungspräsidium Halle Dezernat 51 Postfach 200256 D-06003 Halle/Saale Freie und Hansestadt Hamburg Wirtschaftsbehörde Referat — LG 2 — Alter Steinweg 4 D-20459 Hamburg Thüringer Landesanstalt für Landwirtschaft Abt. Markt- und Ernährungswirtschaft Herrn Kuchler Naumburger Straße 98 D-07743 Jena Hessisches Landesamt für Regionalentwicklung und Landwirtschaft Frankfurter Straße 69 D-35578 Wetzlar Bayrisches Staatsministerium für Ernährung, Landwirtschaft und Forsten Ludwigstraße 2 D-80539 München Ministerium für Wirtschaft, Verkehr, Landwirtschaft und Weinbau Stiftsstraße 9 D-55116 Mainz Ministerium für ländliche Räume, Landwirtschaft, Ernährung und Tourismus des Landes Schleswig-Holstein Dusternbrooker Weg 104 D-24105 Kiel Ministerium für Landwirtschaft und Naturschutz des Landes Mecklenburg-Vorpommern Paulshöher Weg 1 D-19061 Schwerin Ministerium für Umwelt, Energie und Verkehr Abteilung Landwirtschaft und Forsten Heilbergstraße 50 D-66121 Saarbrücken

Greece	Υπουργείο Γεωργίας Υπηρεσία Διαχειρίσεως και Αγορών Γεωργικών Προϊόντων (ΥΔΑΓΕΠ) Αχαρνών 5 Αθήνα
Spain	Dirección General del Fondo Español de Garantía Agraria (FEGA) Calle Beneficencia, 8 E-28004 Madrid
France	Office national interprofessionnel des fruits et légumes et de l'horticulture (ONIFLHOR) 164, rue de Javel F-75739 Paris
Ireland	Department of Agriculture, Food and Forestry Agriculture House, IRL-Kildare Street, Dublin 2
Italy	Azienda di stato per gli interventi nel mercato agricolo (AIMA) Via Palestro, 81 I-Roma
Luxembourg	Administration des services techniques de l'agriculture (ASTA) 16, route d'Esch BP 1904 L-1019 Luxembourg Administration des douanes et accises BP 26 L-2010 Luxembourg
Netherlands	Ministerie van Landbouw Bezuidenhoutseweg 73, EK Den Haag
Portugal	Instituto Nacional de Garantia Agrária (INGA) Rua C. Castelo Branco, 45 P-1000 Lisboa
Austria	Agrarmarkt Austria Geschäftsbereich II Dresdner Straße 70 A-1200 Wien
Finland	Maa-ja metsätalousministeriö Interventioyksikkö PL 232, FIN-00171 Helsinki
Sweden	Jordbruksverket Interventionsenheten Vallgatan 8, S-55182 Jönköping
United Kingdom	Horticultural Marketing Inspectorate 9th floor Eastbury House 30134 Albert Embarkment London SE17TL