COMMISSION REGULATION (EEC) No 499/89

of 27 February 1989

fixing the percentages of table wine production to be delivered for compulsory distillation as provided for in Article 39 of Council Regulation (EEC) No 822/87 for the 1988/89 wine year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine (1), as last amended by Regulation (EEC) No 2964/88 (2), and in particular Article 39 (9), (10) and (11) thereof,

Whereas Commission Regulation (EEC) No 441/88 (3), as last amended by Regulation (EEC) No 1596/88 (4), lays down the detailed rules for the application of compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87;

Whereas Commission Regulation (EEC) No 85/89 (5) opens compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87 for the 1988/89 wine year and fixes the total quantity to be distilled in the Community and the quantities to be distilled in the various regions;

Whereas production in the various regions should be apportioned between the various yield classes;

Whereas Article 39 (4) of Regulation (EEC) No 822/87 provides that, in the case of producers who are required to distil, the quantity to be distilled must equal a percentage to be fixed of their table wine production, such percentage being obtained from an incremental scale based on yield per hectare; whereas the percentages of the production of each such producer which must be delivered for distillation should therefore be fixed; whereas, while being based on objective criteria, those percentages must be adapted to the situation of each region; whereas the scales used must allow a quantity of table wine corresponding to the obligation provided for in Article 1 (3) of Regulation (EEC) No 85/89 to be deducted from a region's quantity; whereas that obligation applies only in the case of producers who are required to submit production declarations and who market the products concerned; whereas the yield classes should accordingly set out only the quantities covered by the production declarations on which the scale is based;

Whereas, in accordance with the provisions on the fixing of the scale provided for in the fourth subparagraph of Article 39 (4) of Regulation (EEC) No 822/87, and applicable from the 1988/89 wine year, reference must me made to the average yield of each production region when drawing up the scales;

Whereas the quantity of table wine to be distilled compulsorily during the 1988/89 wine year is not the result of a production surplus as production was lower than normal foreseeable consumption, but of a level of stocks at the beginning of the wine year which was incommensurate with market balance; whereas, in these circumstances, the application of the criteria laid down for the determination of the obligation on producers would result in a scale being adopted which is not incremental, in particular for region 4; whereas, as a consequence, a scale should be established which while being incremental and thus penalizing the highest yields, does not lead to an overrun in the limits on quantities fixed by Regulation (EEC) No 85/89;

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

1. Pursuant to Article 5 (1) of Regulation (EEC) No 441/88, production from the 1988/89 harvest shall be broken down into the following yield classes:

(a) region 3:

Production obtained with a yield, expressed in hectolitres per hectare, of:

— up to 90:	20 147 671 hectolitres,
— 90 or more, but not more than 110:	3 930 676 hectolitres,
— more than 110, but not more than 140:	1 084 123 hectolitres,
— more than 140, but not more than 200:	444 466 hectolitres,
— more than 200:	1 078 408 hectolitres;

(b) region 4:

Production obtained with a yield, expressed in hectolitres per hectare, of:

— not more than 60:	9 572 020 hectolitres,
— more than 60, but not more than 90:	14 366 493 hectolitres,
— more than 90, but not more than 110:	8 218 866 hectolitres,
— more than 110, but not more than 140:	6 121 148 hectolitres,
— more than 140, but not more than 200:	3 487 735 hectolitres,
— more than 200:	146 230 hectolitres.

(1) OJ No L 84, 27. 3. 1987, p. 1.
(2) OJ No L 269, 29. 9. 1988, p. 5.
(3) OJ No L 45, 18. 2. 1988, p. 15.
(4) OJ No L 142, 9. 6. 1988, p. 17.
(5) OJ No L 13, 17. 1. 1989, p. 14.

2. The average yield in production region 3 shall be 65 hectolitres per hectare; in region 4 it shall be 77 hectolitres per hectare.

3. For the purposes of determining the quantity to be delivered for distillation by each producer:

(a) in region 3:

— for production obtained with a yield lower than 90 hectolitres per hectare, the coefficient applicable shall be 0,0,

— for production obtained with a yield higher than or equal to 90 hectolitres per hectare, the following coefficients shall apply to the portion of production corresponding to the yield classes set out below, expressed in hectolitres per hectare:

— from 0 to 90:	0,13,
— more than 90, but not more than 95:	0,20,
— more than 95, but not more than 110:	2,29,
— more than 110, but not more than 140:	2,52,
— more than 140	1,44;

(b) in regon 4:

— for production obtained with a yield lower than 60 hectolitres per hectare, the coefficient applicable shall be 0,0,

— for production obtained with a yield higher than or equal to 60 hectolitres per hectare, the following coefficients shall apply to the portion of production corresponding to the yield classes set out below, expressed in hectolitres per hectare:

— from 0 to 90:	0,13,
— more than 90, but not more than 110:	0,60,
— more than 110, but not more than 140:	1,00,
— more than 140, but not more than 154:	1,35,
— more than 154:	1,00.

Article 2

The quantity that each producer is required to deliver for distillation shall be determined by multiplying the quantity referred to in Article 6 of Regulation (EEC) No 441/88 by the percentage shown in the table in the Annex which corresponds to the yield determined in accordance with Article 7 of that Regulation. The yield shall, where appropriate, be rounded down to the nearest unit (hectolitres per hectare).

Article 3

This Regulation shall enter into force on the day of 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, 27 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Percentages of the quantity referred to in Aricle 2

Yield (hectolitres per hectare)	%	
	Region 3	Region 4
≤15	0	0
16	0	0
17	0	0
18	0	0
19	0	0
20	0	0
21	0	0
22	0	0
23	0	0
24	0	0
25	0	0
26	0	0
27	0	0
28	0	0
29	0	0
30	0	0
31	0	0
32	0	0
33	0	0
34	0	0
35	0	0
36	0	0
37	0	0
38	0	0
39	0	0
40	0	0
41	0	0
42	0	0
43	0	0
44	0	0
45	0	0
46	0	0
47	0	0
48	0	0
49	0	0
50	0	0
51	0	0
52	0	0
53	0	0
54	0	0
55	0	0
56	0	0
57	0	0
58	0	0
59	0	0
60	0	0
61	0	13
62	0	13
63	0	13
64	0	13
65	0	13
66	0	13
67	0	13
68	0	13
69	0	13
70	0	13
71	0	13
72	0	13
73	0	13
74	0	13
75	0	13
76	0	13
77	0	13
78	0	13
79	0	13
80	0	13
81	0	13
82	0	13
83	0	13
84	0	13
85	0	13
86	0	13
87	0	13
88	0	13
89	0	13
90	13	13
91	13,1	13,5
92	13,2	14,0
93	13,2	14,5
94	13,3	15,0
95	13,4	15,5
96	15,6	15,9
97	17,8	16,4
98	20,0	16,8
99	22,1	17,3
100	24,2	17,7
101	26,2	18,1
102	28,2	18,5
103	30,1	18,9
104	32,0	19,3
105	33,9	19,7
106	35,7	20,1
107	37,6	20,5
108	39,3	20,8
109	41,1	21,2
110	42,8	21,5
111	44,7	22,3
112	46,5	22,9
113	48,3	23,6

Yield (hectolitres per hectare)	%	
	Region 3	Region 4
114	50,1	24,3
115	51,9	25,0
116	53,6	25,6
117	55,3	26,2
118	57,0	26,9
119	58,6	27,5
120	60,2	28,1
121	61,8	28,7
122	63,4	29,3
123	64,9	29,8
124	66,4	30,4
125	67,9	31,0
126	69,3	31,5
127	70,8	32,0
128	72,2	32,6
129	73,6	33,1
130	75,0	33,6
131	76,3	34,1
132	77,6	34,6
133	79,0	35,1
134	80,2	35,6
135	81,5	36,1
136	82,8	36,5
137	84,0	37,0
138	85,2	37,5
139	86,4	37,9
140	87,6	38,4
141	88,0	39,0
142	88,4	39,7
143	88,8	40,4
144	89,2	41,0
145	89,6	41,7
146	89,9	42,3
147	90,3	43,0
148	90,7	43,6
149	91,0	44,2
150	91,4	44,8
151	91,7	45,4
152	92,1	46,0
153	92,4	46,6
154	92,7	47,1
155	93,1	47,5
156	93,4	47,8
157	93,7	48,2
158	94,0	48,5
159	94,3	48,8
160	94,7	49,1
161	95,0	49,4
162	95,3	49,8
163	95,6	50,1
164	95,9	50,4
165	96,2	50,7
166	96,4	51,0
167	96,7	51,3
168	97,0	51,5
169	97,3	51,8
170	97,6	52,1
171	97,8	52,4
172	98,1	52,7
173	98,4	52,9
174	98,6	53,2
175	98,9	53,5
176	99,1	53,8
177	99,4	54,0
178	99,6	54,3
179	99,9	54,5
180	100,0	54,8
181	100,0	55,0
182	100,0	55,3
183	100,0	55,5
184	100,0	55,8
185	100,0	56,0
186	100,0	56,2
187	100,0	56,5
188	100,0	56,7
189	100,0	56,9
190	100,0	57,2
191	100,0	57,4
192	100,0	57,6
193	100,0	57,8
194	100,0	58,0
195	100,0	58,3
196	100,0	58,5
197	100,0	58,7
198	100,0	58,9
199	100,0	59,1
200	100,0	59,3
201	100,0	59,5
202	100,0	59,7
203	100,0	59,9
204	100,0	60,1
205	100,0	60,3
206	100,0	60,5
207	100,0	60,7
208	100,0	60,9
209	100,0	61,1
210	100,0	61,2
211	100,0	61,4
212	100,0	61,6
213	100,0	61,8
214	100,0	62,0
215	100,0	62,1
216	100,0	62,3
217	100,0	62,5
218	100,0	62,7
219	100,0	62,8
220 (1)	100,0	63,0

(1) For higher yields, the percentages are obtained by applying the rule set out in Article 1 (3).