COMMISSION REGULATION (EEC) No 505/92

of 28 February 1992

for the 1991/92 wine year 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

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 1734/91 (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 2070/92 (4), lays down 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 3720/91 (5) opens for the 1991/92 wine year compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87 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 allocated among 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 a graduated 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 and must take account of the exemptions from compulsory distillation provided for in Article 8 (1) or Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of winegrowing areas (6); as amended by Regulation (EEC) No 1327/90 (7); whereas the scale used must allow a quantity of table wine corresponding to the obligation provided for in Article 1 (3) of Regulation (EEC) No 3720/91 to be deducted from a region's quantity; whereas that obligation applied only in the case of producers who are required to submit a production declaration 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, reference must be made to the average yield of each production region in which the scales are drawn up;

Whereas adverse whether prior to the 1991 harvest affected yields per hectare in different ways; whereas, despite a very poor harvest on the whole, certain winegrowing plots in Region 3 avoided frost and produced high yields injurious to product quality which should therefore be penalized; whereas, in contrast, wheather conditions in Region 4 do not have such a direct effect on quality of production; whereas products obtained with high yields are of good quality and of good commercial potential while on the other hand certain wines obtained with low yields do not meet market requirements; whereas, therefore, provision should be made in that region for a scale which is graduated but applies to the entire production; whereas yields in region 6 are on average below those of other regions; whereas the yield has relatively little impact on the product's quality in that region; whereas provision may be made in that region for a scale which would exclude only what is produced on the basis of the lowest yields, in other words yields which would tend to result in an obligation to deliver for distillation only very small quantities which would qualify for exemption under Regulation (EEC) No 441/88;

Whereas the scale to be established must be incremental, thus penalizing the highest yields, and ensure that, the quantitative limits laid down in Regulation (EEC) No 3720/91 for the various production regions should not be exceeded;

Whereas, in view of the derogation provided for in Article 39 (10) of Regulation (EEC) No 822/87, it must be specified that the quantity for preventive distillation is to be deducted from the quantity for compulsory distillation in Greece;

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

(1) OJ No L 84, 27. 3. 1987, p. 1.
(2) OJ No L 163, 26. 6. 1991, p. 6.
(3) OJ No L 45, 18. 2. 1988, p. 15.
(4) OJ No L 191, 16. 7. 1991, p. 25.
(5) OJ No L 351, 20. 12. 1991, p. 27.
(6) OJ No L 132, 28. 5. 1988, p. 3.
(7) OJ No L 132, 23. 5. 1990, p. 23.

HAS ADOPTED THIS REGULATION :

Article 1

1. Pursuant to Article 5 (1) of Regulation (EEC) No 441/88, production from the 1991/92 harvest shall be broken down into the following yield classes :

(a) Region 3 :

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

— up to 90 :	19 189 927	hectolitres,
— 90 or more, but not more than 110 :	615 096	hectolitres,
— of more than 110, but not more than 140 :	84 259	hectolitres,
— of more than 140, but not more than 200 :	60 314	hectolitres,
— exceeding 200 :	118 493	hectolitres ;

(b) Region 4 :

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

— not exceeding 50 :	3 379 540	hectolitres,
— of more than 51, but not more than 55 :	1 041 731	hectolitres,
— of more than 56, but not more than 90 :	16 786 083	hectolitres,
— of more than 90, but not more than 110 :	11 738 202	hectolitres,
— of more than 110, but not more than 125 :	3 059 591	hectolitres,
— of more than 125, but not more than 140 :	3 827 863	hectolitres,
— of more than 140, but not more than 170 :	1 325 097	hectolitres,
— of more than 170, but not more than 200 :	87 318	hectolitres,
— exceeding 200 : but not more than 300	121 510	hectolitres ;

(c) Region 6 :

— Part A : production	75 262	hectolitres,
— Part B :	18 446 791	hectolitres.

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

— not exceeding 9 :	294 190	hectolitres,
— of more than 9, but not more than 12 :	378 670	hectolitres,
— of more than 12, but not more than 24 :	7 480 697	hectolitres,
— of more than 24, but not more than 34 :	8 075 873	hectolitres,
— of more than 34, but not more than 44 :	1 904 265	hectolitres,
— of more than 44, but not more than 69 :	184 901	hectolitres,
— exceeding 69 :	128 195	hectolitres ;

2. The average yield in production Region 3 shall be 59,1 hectolitres per hectare ; in Region 4 it shall be 75 hectolitres per hectare ; in Region 6 it shall be 25,70 hectolitres per hectare.

Article 2

The quantity that each producer shall be 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 the said Regulation. The yield shall, where appropriate, be rounded down to the nearest unit (hectolitres per hectare).

Article 3

In the case of Region 5 as referred to in Article 4 (2) of Regulation (EEC) No 441/88, the quantity for preventive distillation in that region pursuant to Commission Regulation (EEC) No 2287/91 (1) shall be deducted from the quantity referred to in Article 1 (3) of Regulation (EEC) No 3720/91.

Article 4

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, 28 February 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

(1) OJ No L 209, 31. 7. 1991, p. 8.

ANNEX

Percentage of the quantity referred to in Article 2

Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6, Part B
not more than			
9	0	0	0
10	0	0	7,2
11	0	0	13,1
12	0	0	18,0
13	0	0	19,8
14	0	0	21,4
15	0	0	22,8
16	0	0	24,0
17	0	0	25,1
18	0	0	26,0
19	0	0	26,8
20	0	0	27,6
21	0	0	28,3
22	0	0	28,9
23	0	0	29,5
24	0	0	30,0
25	0	0	30,7
26	0	0	31,4
27	0	0	32,0
28	0	0	32,6
29	0	0	33,1
30	0	0	33,6
31	0	0	34,1
32	0	0	34,5
33	0	0	34,9
34	0	0	35,3
35	0	0	35,7
36	0	0	36,1
37	0	0	36,5
38	0	0	36,8
39	0	0	37,2
40	0	0	37,5
41	0	0	37,8
42	0	0	38,1
43	0	0	38,4
44	0	0	38,6
45	0	0	38,8
46	0	0	39,0
47	0	0	39,2
48	0	0	39,4
49	0	0	39,6
50	0	0	39,8
51	0	2,0	39,9
52	0	4,0	40,1
53	0	6,0	40,2
54	0	8,0	40,4
55	0	10,0	40,5
56	0	10,5	40,6
57	0	10,9	40,8
58	0	11,4	40,9
59	0	11,8	41,0
60	0	12,3	41,1
61	0	12,7	41,2
62	0	13,2	41,4
63	0	13,7	41,5
64	0	14,1	41,6
65	0	14,6	41,7
66	0	15,0	41,8
67	0	15,5	41,9
68	0	15,9	41,9
69	0	16,4	42,0
70	0	16,9	42,1
71	0	17,3	42,2
72	0	17,8	42,3
73	0	18,2	42,4
74	0	18,7	42,4
75	0	19,1	42,5
76	0	19,6	42,6
77	0	20,1	42,6
78	0	20,5	42,7
79	0	21,0	42,8
80	0	21,4	42,9
81	0	21,9	42,9
82	0	22,3	43,0
83	0	22,8	43,0
84	0	23,3	43,1
85	0	23,7	43,2
86	0	24,2	43,2
87	0	24,6	43,3
88	0	25,1	43,3
89	0	25,5	43,4
90	0	26,0	43,4
91	10,0	26,5	43,5
92	12,0	26,9	43,5
93	14,0	27,4	43,6
94	16,0	27,8	43,6
95	18,0	28,3	43,7
96	19,8	28,7	43,7
97	21,6	29,2	43,8
98	23,4	29,6	43,8
99	25,2	30,1	43,8
100	27,0	30,5	43,9
101	28,8	31,0	43,9
102	30,6	31,4	44,0
103	32,4	31,9	44,0
104	34,2	32,3	44,0
105	36,0	32,8	44,1

Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6, Part B
106	37,8	33,2	44,1
107	39,6	33,7	44,1
108	41,4	34,1	44,2
109	43,2	34,6	44,2
110	45,0	35,0	44,3
111	46,3	35,5	44,3
112	47,5	35,9	44,3
113	48,8	36,4	44,4
114	50,0	36,9	44,4
115	51,3	37,3	44,4
116	52,5	37,8	44,4
117	53,8	38,3	44,5
118	55,0	38,7	44,5
119	56,3	39,2	44,5
120	57,5	39,7	
121	58,8	40,1	
122	60,0	40,6	
123	61,3	41,1	
124	62,5	41,5	
125	63,8	42,0	
126	65,0	42,5	
127	66,3	43,0	
128	67,5	43,5	
129	68,8	44,0	
130	70,0	44,5	
131	71,3	45,0	
132	72,5	45,5	
133	73,8	46,0	
134	75,0	46,5	
135	76,3	47,0	
136	77,5	47,5	
137	78,8	48,0	
138	80,0	48,5	
139	81,3	49,0	
140	82,5	49,5	
141	83,5	50,1	
142	84,5	50,6	
143	85,5	51,2	
144	86,5	51,7	
145	87,5	52,3	
146	88,5	52,8	
147	89,5	53,4	
148	90,5	53,9	
149	91,5	54,5	
150	92,5	55,0	
151	93,5	55,6	
152	94,5	56,1	
153	95,5	56,7	
154	96,5	57,2	
155	97,5	57,8	
156	98,5	58,3	
157	99,5	58,9	
158	100,0	59,4	
159	100,0	60,0	

Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6, Part B
160	100,0	60,5	
161	100,0	61,1	
162	100,0	61,6	
163	100,0	62,2	
164	100,0	62,7	
165	100,0	63,3	
166	100,0	63,8	
167	100,0	64,4	
168	100,0	64,9	
169	100,0	65,5	
170	100,0	66,0	
171	100,0	66,3	
172	100,0	66,7	
173	100,0	67,0	
174	100,0	67,3	
175	100,0	67,7	
176	100,0	68,0	
177	100,0	68,3	
178	100,0	68,7	
179	100,0	69,0	
180	100,0	69,3	
181	100,0	69,7	
182	100,0	70,0	
183	100,0	70,3	
184	100,0	70,7	
185	100,0	71,0	
186	100,0	71,3	
187	100,0	71,7	
188	100,0	72,0	
189	100,0	72,3	
190	100,0	72,7	
191	100,0	73,0	
192	100,0	73,3	
193	100,0	73,7	
194	100,0	74,0	
195	100,0	74,3	
196	100,0	74,7	
197	100,0	75,0	
198	100,0	75,3	
199	100,0	75,7	
200	100,0	76,0	
201	100,0	76,1	
202	100,0	76,2	
203	100,0	76,3	
204	100,0	76,4	
205	100,0	76,5	
206	100,0	76,5	
207	100,0	76,6	
208	100,0	76,7	
209	100,0	76,8	
210	100,0	76,9	
211	100,0	77,0	
212	100,0	77,1	
213	100,0	77,2	

Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6, Part B
214	100,0	77,3	
215	100,0	77,4	
216	100,0	77,4	
217	100,0	77,5	
218	100,0	77,6	
219	100,0	77,7	
220	100,0	77,8	
221	100,0	77,9	
222	100,0	78,0	
223	100,0	78,1	
224	100,0	78,2	
225	100,0	78,3	
226	100,0	78,3	
227	100,0	78,4	
228	100,0	78,5	
229	100,0	78,6	
230	100,0	78,7	
231	100,0	78,8	
232	100,0	78,9	
233	100,0	79,0	
234	100,0	79,1	
235	100,0	79,2	
236	100,0	79,2	
237	100,0	79,3	
238	100,0	79,4	
239	100,0	79,5	
240	100,0	79,6	
241	100,0	79,7	
242	100,0	79,8	
243	100,0	79,9	
244	100,0	80,0	
245	100,0	80,1	
246	100,0	80,1	
247	100,0	80,2	
248	100,0	80,3	
249	100,0	80,4	
250	100,0	80,5	
251	100,0	80,6	
252	100,0	80,7	
253	100,0	80,8	
254	100,0	80,9	
255	100,0	81,0	
256	100,0	81,0	

Yield (hectolitres per hectare)	%		
	Region 3	Region 4	Region 6, Part B
257	100,0	81,1	
258	100,0	81,2	
259	100,0	81,3	
260	100,0	81,4	
261	100,0	81,5	
262	100,0	81,6	
263	100,0	81,7	
264	100,0	81,8	
265	100,0	81,9	
266	100,0	81,9	
267	100,0	82,0	
268	100,0	82,1	
269	100,0	82,2	
270	100,0	82,3	
271	100,0	82,4	
272	100,0	82,5	
273	100,0	82,6	
274	100,0	82,7	
275	100,0	82,8	
276	100,0	82,8	
277	100,0	82,9	
278	100,0	83,0	
279	100,0	83,1	
280	100,0	83,2	
281	100,0	83,3	
282	100,0	83,4	
283	100,0	83,5	
284	100,0	83,6	
285	100,0	83,7	
286	100,0	83,7	
287	100,0	83,8	
288	100,0	83,9	
289	100,0	84,0	
290	100,0	84,1	
291	100,0	84,2	
292	100,0	84,3	
293	100,0	84,4	
294	100,0	84,5	
295	100,0	84,6	
296	100,0	84,6	
297	100,0	84,7	
298	100,0	84,8	
299	100,0	84,9	
300	100,0	85,0	

For higher yields :

in Region 4 : the percentage of the volume produced to be distilled is obtained by the formula : yield × 0,09 + 58.

in Region 6 : the volume to be distilled is obtained by applying a coefficient of 0,48 to each additional hl.