COMMISSION REGULATION (EC) No 465/94

of 1 March 1994

for the 1993/94 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, in Regions 3 and 6

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 1566/93 [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 3699/92 [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 (EC) No 343/94 [5] opens for the 1993/94 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 Regions 3 and 6 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) of 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 last amended by Regulation (EEC) No 1990/93 [7]; whereas the scale used must allow a quantity of table wine corresponding to the obligation provided for in Article 1 (3) of Regulation (EC) No 343/94 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 Italy has not forwarded the table wine production figures as well as the allocation of the production among the various yield classes pursuant to Article 8 of the Commission Regulation (EEC) No 3929/87 [8], as last amended by Regulation (EEC) No 605/92 [9]; whereas it is therefore not possible to determine, for Region 4, at this moment and within the terms fixed by Commission Regulation (EEC) No 822/87, the percentage to be fixed of the production of each producer which must be delivered for distillation; whereas the fact that such a scale has not been fixed must not be invoked to dispute the individual obligations in Italy which will be fixed as soon as possible and accurately when the Commission will have received the necessary data thereto;

Whereas weather conditions in Region 4 do not have 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 pursuant to Regulation (EEC) No 441/88;

[1] OJ No L 84, 27. 3. 1987, p. 1.
[2] OJ No L 154, 25. 6. 1993, p. 39.
[3] OJ No L 45, 18. 2. 1988, p. 15.
[4] OJ No L 374, 22. 12. 1992, p. 54.
[5] OJ No L 44, 17. 2. 1994, p. 9.
[6] OJ No L 132, 28. 5. 1988, p. 3.
[7] OJ No L 182, 24. 7. 1993, p. 7.
[8] OJ No L 369, 29. 12. 1987, p. 59.
[9] OJ No L 65, 11. 3. 1992, p. 24.

Whereas the scale to be established must be incremental, thus penalizing the highest yields, and ensure that, the quantitative limits laid down in Regulation (EC) No 343/94 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,

HAS ADOPTED THIS REGULATION:

Article 1

1. Pursuant to Article 5 (1) of Regulation (EEC) No 441/88, production from the 1993/94 harvest shall be broken down into the following yield classes:

(a) Region 3:

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

— not exceeding 45:	2 063 334 hectolitres,
— of more than 45, but not more than 70:	7 472 521 hectolitres,
— of more than 70, but not more than 90:	10 628 837 hectolitres,
— of more than 90, but not more than 110:	360 077 hectolitres,
— of more than 110, but not more than 140:	64 286 hectolitres,
— of more than 140, but not more than 200:	107 322 hectolitres,
— exceeding 200:	172 738 hectolitres;

(b) Region 6:

— Part A: production	53 661 hectolitres,
— Part B:	15 808 791 hectolitres.

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

— not exceeding 6:	283 080 hectolitres,
— of more than 6, but not more than 14:	1 388 489 hectolitres,
— of more than 14, but not more than 20:	3 521 386 hectolitres,
— of more than 20, but not more than 29:	5 755 334 hectolitres,
— of more than 29, but not more than 49:	4 292 471 hectolitres,
— of more than 49, but not more than 79:	477 490 hectolitres,
— exceeding 79:	90 541 hectolitres.

2. The average yield in production Region 3 shall be 62,7 hectolitres per hectare and in Region 6 it shall be 26,2 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 2094/93 [1] shall be deducted from the quantity referred to in Article 1 (3) of Regulation (EC) No 343/94.

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, 1 March 1994.

For the Commission

René STEICHEN

Member of the Commission

[1] OJ No L 190, 30. 7. 1993, p. 23.

ANNEX

Percentage of the quantity referred to in Article 2

Yield (hectolitres per hectare)	%	
	Region 3	Region 6 B
not more than		
7	0	3,7
8	0	6,5
9	0	8,7
10	0	10,4
11	0	11,8
12	0	13,0
13	0	14,0
14	0	14,9
15	0	15,7
16	0	16,4
17	0	17,0
18	0	17,6
19	0	18,1
20	0	18,5
21	0	18,8
22	0	19,1
23	0	19,3
24	0	19,5
25	0	19,8
26	0	20,0
27	0	20,2
28	0	20,4
29	0	20,5
30	0	20,7
31	0	20,9
32	0	21,0
33	0	21,2
34	0	21,3
35	0	21,5
36	0	21,5
37	0	21,7
38	0	21,8
39	0	21,9
40	0	22,0
41	0	22,1
42	0	22,2
43	0	22,3
44	0	22,4
45	0	22,5
46	0	22,5
47	0	22,6
48	0	22,7
49	0	22,8
50	0	22,8
51	0	22,9
52	0	23,0
53	0	23,1
54	0	23,1
55	0	23,2
56	0	23,3
57	0	23,4
58	0	23,4
59	0	23,5
60	0	23,5
61	0	23,6
62	0	23,6
63	0	23,7
64	0	23,8
65	0	23,8
66	0	23,8
67	0	23,9
68	0	23,9
69	0	24,0
70	0	24,0
71	0	24,1
72	0	24,1
73	0	24,2
74	0	24,2
75	0	24,2
76	0	24,3
77	0	24,3
78	0	24,3
79	2,63	24,4
80	2,75	24,4
81	2,88	24,5
82	3,00	24,6
83	3,28	24,6
84	3,55	24,7
85	3,83	24,8
86	4,10	24,8
87	4,88	24,9
88	5,65	24,9
89	6,43	25,0
90	7,20	25,1
91	12,0	25,1
92	13,0	25,2
93	14,0	25,2
94	16,0	25,3
95	18,0	25,3
96	19,8	25,4
97	21,6	25,4
98	23,4	25,5
99	25,2	25,5
100	27,0	25,6
101	28,8	25,6
102	30,6	25,6
103	32,4	25,7

Yield (hectolitres per hectare)	%	
	Region 3	Region 6 B
104	34,2	25,7
105	36,0	25,8
106	37,8	25,8
107	39,6	25,8
108	41,4	25,9
109	43,2	25,9
110	45,0	26,0
111	46,3	
112	47,5	
113	48,8	
114	50,0	
115	51,3	
116	52,5	
117	53,8	
118	55,0	
119	56,3	
120	57,5	
121	58,8	
122	60,0	
123	61,3	
124	62,5	
125	63,8	
126	65,0	
127	66,3	
128	67,5	
129	68,8	
130	70,0	
131	71,3	

Yield (hectolitres per hectare)	%	
	Region 3	Region 6 B
132	72,5	
133	73,8	
134	75,0	
135	76,3	
136	77,5	
137	78,8	
138	80,0	
139	81,3	
140	82,5	
141	83,5	
142	84,5	
143	85,5	
144	86,5	
145	87,5	
146	88,5	
147	89,5	
148	90,5	
149	91,5	
150	92,5	
151	93,5	
152	94,5	
153	95,5	
154	96,5	
155	97,5	
156	98,5	
157	99,5	
158	100,0	
159	100,0	

For higher yields :

— in Region 3 : the percentage of the volume produced to be distilled amounts to 100 %,

— in Region 6 : the percentage of the volume produced to be distilled is obtained by the formula : [1925 + 30 (R – 79)] / R.