

COMMISSION REGULATION (EEC) No 3929/87
of 17 December 1987

on harvest, production and stock declarations relating to wine-sector products

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 3146/87 ⁽²⁾, and in particular Articles 3 (4), 36 (6), 39 (7) and 81 thereof,

Whereas, following the substantial amendments made with regard to the harvest, production and stock declarations relating to wine-sector products provided for in Commission Regulation (EEC) No 2102/84 ⁽³⁾, as last amended by Regulation (EEC) No 2528/87 ⁽⁴⁾, it is appropriate, for reasons of clarity, to consolidate the said Regulation;

Whereas, under Article 3 of Regulation (EEC) No 822/87, producers of grapes intended for wine making and producers of must and wine are required to make harvest declarations in respect of the most recent harvest; whereas the said Article also lays down that producers of must and wine, and commercial operators other than retailers, must declare their stocks at the end of the wine year;

Whereas, for the purposes of Article 39 of Regulation (EEC) No 822/87, not only should the quantity produced be known but also the yield per hectare from which it was obtained; whereas that information can only be worked out in certain cases from the figures for the quantity of grapes obtained by the producer; whereas provision should therefore be made not only for a wine production declaration but also for a grape harvest declaration;

Whereas certain information provided by way of the various declarations must in particular enable the Commission to draw up, at the beginning of each year, the forward estimate provided for in Article 31 of Regulation (EEC) No 822/87;

Whereas, in order to facilitate market management operations, a time limit should be laid down for making declarations; whereas, given that harvesting takes place at different times in different Member States, the deadlines for declarations by producers should be staggered;

Whereas it is unnecessary to require producers who can provide all the necessary information by way of a single

declaration, namely that relating to wine production, to make two declarations;

Whereas very small producers may be exempted since their production taken together accounts for a relatively modest percentage of Community production;

Whereas the arrangements applicable to cooperative wineries should be specified;

Whereas, while allowing Member States to decide the precise form in which operators should notify the particulars which must be included in the declarations, provision should be made for notifying the said particulars in tabular form, to make them easier to read; whereas it is necessary both to lay down time limits by which Member States must summarize and forward to the Commission the data they have collected, and to specify the manner in which the latter should be forwarded;

Whereas, under Article 31 (2) of Regulation (EEC) No 822/87, the forward estimate must show the proportion of table wines and quality wines produced in specified regions, hereinafter called 'quality wines psr', as referred to in Council Regulation (EEC) No 823/87 ⁽⁵⁾; whereas the declarations by operators and the stock estimates to be notified by the Member States should therefore be broken down on that basis; whereas the category 'other wines' should also be defined;

Whereas implementation of the intervention measures and distillation operations referred to in Articles 36 and 39 of Regulation (EEC) No 822/87 calls for detailed knowledge of a series of particulars in respect of each production unit, in particular those concerning the categories of products obtained, sold or purchased and the yield per hectare of the areas under vines;

Whereas, for the purpose of drawing up the forward estimate, Member States should make certain estimates concerning harvests and stocks before producers and merchants have made their declarations;

Whereas the application of the measures provided for in connection with the common organization of the market calls for plentiful and objective data on the situation and prospects of the Community's wine market; whereas it is understood, however, that Member States may provide for measures to ensure the confidentiality of the information concerned;

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 300, 23. 10. 1987, p. 4.

⁽³⁾ OJ No L 194, 24. 7. 1984, p. 1.

⁽⁴⁾ OJ No L 240, 22. 8. 1987, p. 11.

⁽⁵⁾ OJ No L 84, 27. 3. 1987, p. 59.

Whereas in some Member States the classification of wines as quality wines *psr* or table wine takes place long after the dates laid down for the submission of harvest and production declarations; whereas, when the intervention measures provided for in Regulation (EEC) No 822/87 are activated, this situation may induce producers in these Member States to classify their production in one or other category depending on whether the measures adopted entail advantages or obligations; whereas this eventuality may seriously disrupt the management of the market and must therefore be avoided; whereas it should therefore be laid down that only data relating to the quantities of table wine which are entered in the declarations may be used for the application of any intervention measure;

Whereas adequate information about production and stocks in the wine sector can only be acquired, under present circumstances, from declarations regarding harvests and stocks submitted by the various parties concerned; whereas appropriate measures should therefore be taken to ensure that the said declarations are submitted by those concerned and that they are complete and exact by providing for penalties to apply in the event of failure to submit a declaration or where a declaration is incorrect or incomplete;

Whereas it is advisable, in the light of specific production structures and the administrative difficulties found in Greece, to exempt temporarily certain categories of producers in that Member State from the obligation to make harvest declarations; whereas provision should be made, however, for establishing the yield per hectare obtained by the said producers;

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

HAS ADOPTED THIS REGULATION:

TITLE I

Harvest, production and stock declarations to be made by certain operators in the wine sector

Article 1

1. Natural or legal persons or groups of such persons, hereinafter referred to as 'harvesters', who produce grapes shall submit each year to the competent authorities designated by the Member States a harvest declaration containing at least the information specified in Annex 1, Table A, and, where appropriate, Table Aa.

However, the following shall not be required to submit a harvest declaration:

- harvesters whose whole grape production is intended for consumption as such or for drying or for processing directly into grape juice;
- harvesters whose holdings comprise less than 10 ares of vines and of whose harvest no part has been or will be marketed in any form whatsoever.

2. By way of derogation from the first subparagraph of paragraph 1, and without prejudice to the obligations resulting from Article 2, Member States may exempt from the obligation to submit harvest declarations:

- harvesters who themselves process the whole of their harvest of grapes into wine or cause it to be processed on their behalf;
- harvesters associated with or belonging to a wine cooperative or group who deliver the whole of their harvest to that wine cooperative or group as wine and/or must.

Article 2

1. Natural or legal persons or groups of such persons, including wine-making cooperatives, who from the current year's harvest:

- have produced wine, and/or
- hold, on the dates specified in Article 5, products other than wine,

shall submit each year to the competent authorities designated by the Member States a production declaration containing at least the information specified in Annex I, Table B.

However, the natural or legal persons or groups of such persons referred to in the second subparagraph of Article 1 (1) and producers who obtain, by vinification on their premises of products bought in, less than ten hectolitres of wine which has not been or will not be marketed in any form whatsoever shall not be required to submit a production declaration.

2. Where use is made of the option provided for in Article 1 (2), the production declaration referred to in paragraph 1 must contain all the information necessary for determining the yields per hectare obtained on the holdings of each of the harvesters.

3. In the case of natural or legal persons or groups of such persons who buy products upstream of wine which they sell to wine producers before the dates specified in Article 5, Member States shall take the necessary steps to enable the wine producers to obtain the various items of information which they must give in the declaration referred to in paragraph 1, in particular the information relating to the yield per hectare of the products used.

Article 3

Harvesters having delivered to third parties products, other than wine, covered by this Regulation shall provide those to whom such products have been delivered with written notification of the yield per hectare entered on their harvest declaration for the products in question within a time limit to be determined by the Member States. This time limit shall ensure that producers under the obligation to declare their production will receive the aforesaid notification in good time.

Article 4

1. Natural or legal persons or groups of such persons, other than private consumers and retailers, shall declare each year to the competent authorities designated by the Member States the stocks of concentrated grape must, rectified concentrated grape must and wine held by them on 31 August.

However, Member States whose annual wine production does not exceed 25 000 hectolitres may exempt traders other than retailers who hold small stocks from the obligation to make the declarations provided for in the first subparagraph if the competent authorities are in a position to give the Commission a statistical assessment of those stocks held in the Member State.

2. The declaration provided for in paragraph 1 shall contain at least the information specified in Annex I, Table C.

3. 'Retailer' within the meaning of paragraph 1 shall mean any natural or legal person or group of such persons whose business activity includes the sale of wine in small quantities directly to the consumer, with the exception of those who use cellars equipped for storing and handling wines in large quantities.

The quantities referred to in the first subparagraph shall be fixed by each Member State, having regard in particular to the special features of trade and distribution in that Member State.

Article 5

1. The declarations provided for in Articles 1 and 2 shall be submitted not later than 15 December. However, the Member States may set an earlier date or dates. They may also set a date on which the quantities held are taken into account in making declarations.

2. The declarations provided for in Article 4 shall be made not later than 7 September in respect of quantities held on 31 August.

TITLE II

Communications to be made by the Member States*Article 6*

1. At the beginning of each wine-growing year, Member States shall estimate the foreseeable volume of production of table wines, quality wines psr and other wines respectively on their territory. They shall communicate this estimate to the Commission before 20 September in the form provided for in Annex II, Table A.

Member States shall communicate corrected wine production estimates to the Commission before 15 October and 10 November in the same way as specified in the first subparagraph.

2. Member States shall estimate the yield per hectare in respect of the table wine production obtained on their territory.

They shall communicate this estimate to the Commission before 20 January according to the following classes of yield :

- not more than 45 hl/ha :
- more than 45 hl/ha but not more than 70 hl/ha ;
- more than 70 hl/ha but not more than 90/ hl/ha ;
- more than 90 hl/ha but not more than 110 hl/ha ;
- more than 110 hl/ha but not more than 140 hl/ha ;
- more than 140 hl/ha but not more than 200 hl/ha ;
- more than 200 hl/ha.

Article 7

Member States shall draw up the model forms for the various declarations referred to in Title I and shall ensure that the said forms provide at least for the information specified in the tables in Annex I.

The abovementioned forms need not include an express reference to the yield per hectare where the Member State is able to determine this with certainty from the other information contained in the declaration, such as the area in production and the total harvest of the holding.

The declarations referred to in the first subparagraph shall be centralized at national level.

Member States shall adopt any control measures necessary to ensure the accuracy of the declarations.

They shall notify the Commission of such measures and shall send in the model forms drawn up pursuant to the first subparagraph.

Article 8

1. A summary of the declarations provided for in Articles 1 and 2 shall be communicated to the Commission in the form provided for in Annex II, Table B:

- not later than 15 January by France and Luxembourg,
- not later than 15 February by the other Member States,

2. A summary of the declarations provided for in Article 4 shall be communicated to the Commission before 30 November in the form provided for in Annex II, Table C.

3. Before 15 February Member States shall notify the Commission of the final results of the breakdown of production by class of yield as referred to in Article 6 (2).

Article 9

Member States shall notify the Commission of any important new facts which are likely to alter substantially the assessment of available quantities and uses based on the final information for past years.

TITLE III

General provisions*Article 10*

Apart from their use for statistical purposes, the data contained in the declarations referred to in Title I shall be used for the purposes of Regulations (EEC) No 822/87 and No 823/87.

In particular, the data concerning the breakdown of production into table wines, quality wines *psr* and other wines shall determine the rights and obligations of producers resulting from the application of the said Regulations.

Article 11

1. Persons required to submit harvest, production or stock declarations who do not submit such declarations by the dates specified in Article 5 shall not benefit from the measures provided for in Articles 32, 34, 38, 41, 42, 45 and 46 of Regulation (EEC) No 822/87.

2. Persons required to submit harvest, production or stock declarations who submit declarations found to be incomplete or incorrect by the competent authorities of the Member States may benefit from the measures referred to in paragraph 1, only if the missing or incorrect details are not essential to the proper application of the measures in question.

3. The measures from which the persons referred to in paragraph 1 and 2 may not benefit in the course of the same wine year shall be measures decided on after the

final date for the submission of declarations, as referred to in Article 5 (1), and measures decided on in the course of the following wine year.

4. Where the declarations referred to in paragraphs 1 and 2 are found to be absent incomplete or incorrect only after application of the measures referred to in Articles 32, 34, 38, 41, 42, 45 and 46 of Regulation (EEC) No 822/87 the intervention agencies shall recover sums paid in error.

Article 12

1. The area to be entered in the declaration referred to in Article 1 shall be the area of vineyard in production.

2. The yield per hectare to be entered in the declarations referred to in Article 1 (2) shall be determined by making the relation, for each of the categories of vineyard contained in Table A of Annex I, between the total quantity of grapes harvested and the area as referred to in paragraph 1 from which they were obtained.

However, in Member States where wine-growing areas are not broken down according to the categories of vineyard referred to in the first subparagraph, the yield per hectare to be entered in the harvest declaration shall be the average yield obtained on the holding of the declarant.

3. For quantities of table wine for which the production declaration does not contain the information enabling the yield per hectare to be determined, it shall be assessed by the competent authority of the Member State and may in no event be less than the average yield for the region in which winemaking took place. Without prejudice to national penalties the quantity of production to be delivered for the compulsory distillation provided for in Article 39 of Regulation (EEC) No 822/87 as a result of applying the abovementioned yield shall be increased by 50 %.

Article 13

The quantities of products to be entered in the declarations provided for in Article 1, 2 and 4 shall be expressed in hectolitres of wine. The quantities of concentrated grape must and rectified concentrated grape must entered in the declarations referred to in Articles 2 and 3 shall be expressed in hectolitres of those products.

Quantities of products other than wine shall be converted into hectolitres of wine using coefficients fixed by the Member States. These coefficients may differ for the various regions of production. Member States shall communicate them to the Commission at the same time as the summary provided for in Article 8.

The quantity of wine entered in the production declarations provided for in Article 2 shall be the total quantity obtained on completion of the principal alcoholic fermentation, including the wine lees.

Article 14

For the purposes of making out the declarations referred to in Articles 1 and 2, 'other wines' shall mean:

- wines obtained from grapes of varieties not listed in the classification of vine varieties annexed to Commission Regulation (EEC) No 3800/81⁽¹⁾ as wine-grape varieties for the administrative unit where the grapes were harvested,
- wines obtained from grapes of varieties listed in the classification of wine varieties annexed to Regulation (EEC) No 3800/81 simultaneously for the same administrative unit as both wine-grape varieties and either table-grape varieties, varieties for the production of dried grapes or varieties for the production of wine spirits.

However, for the purposes of the declaration referred to in Article 2 'other wines', as defined in the second indent of the first subparagraph, shall mean exclusively wines intended for the production of wine spirits with registered designation of origin or wine intended for compulsory distillation as provided for in Article 36 of Regulation (EEC) No 822/87.

Article 15

This Regulation shall not affect any provisions of Member States on harvest, production and stock declarations which provide for the supply of fuller information, in particular

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

Done at Brussels, 17 December 1987.

by covering a wider range of persons than those provided for in Articles 1, 2 and 4.

Article 16

In Greece, for the 1984/85 to 1988/89 wine years, harvesters who, apart from the grapes which they themselves process into wine for family consumption, sell their entire grape harvest with a view to processing by a third party shall be exempt from the obligations laid down in Articles 1 and 3.

In the case of grapes sold in accordance with the first paragraph, the wine maker shall obtain a declaration, signed by the supplier, stating the yield per hectare of the grapes concerned.

Article 17

1. Regulation (EEC) No 2102/84 is hereby repealed.
2. References to the Regulation repealed under paragraph 1 shall be construed as references to this Regulation.

Citations and references referring to Articles of the repealed Regulation should be read in accordance with the correlation table in Annex III.

Article 18

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

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 381, 31. 12. 1981, p. 1.

ANNEX I

Information which must be contained in the declarations to be made by certain operators in the wine sector

Tables A and Aa :	Grape harvest declaration
Table B :	Production declaration
Table C :	Declaration of wine and must stocks on 31 August 19..

TABLE A

GRAPE HARVEST DECLARATION

(Application of Article 1 of Regulation (EEC) No 3929/87)

A. Information concerning the declarant

Name/business name :

Address :

Address :

B. Information concerning the holding

Address :

Address :

Area used (hectares) :

C. Information concerning grape production

Category of vineyard	Area in production (ha)	Quantity of grapes harvested (hl)		Corresponding yield per hectare (hl/ha)	Use to which grapes put (hl)						Other uses (*)										
		Red/ rosé	White		Made into wine by the declarant		Delivered to a wine cooperative (1)		Sold to a wine producer (1)												
					Red/ rosé	White	Grapes	Musts	Grapes	Musts		Red/ rosé	White								
1. For table wines — of which wines as referred to in Article 72 (2) of Regulation (EEC) No 822/87 2. For quality wines psr 3. For other wines : (a) of which wines obtained from varieties other than wine-grape varieties (b) of which wines obtained from varieties classified both as wine-grape varieties and as varieties intended for other purposes																					

(1) The quantities of grapes delivered to a wine cooperative or sold to a wine producer are overall quantities. Details of such deliveries or sales are given in Table Aa.

(2) Consumption as such, drying, processing directly into grape juice, manufacture of concentrated grape must or rectified concentrated grape must.

TABLE Aa (1)

GRAPE HARVEST DECLARATION
 (Application of Article 1 of Regulation (EEC) No 3929/87)

Consignees	Products sold to a wine producer or delivered to a wine cooperative (hl)									
	Wine grapes and/or musts for table wine				Wine grapes and/or musts for quality wine psr		Table grapes and/or musts		Grapes or multipurpose varieties and/or musts	
	Red		White		Red	White	Red	White	Red	White
A (2)	B (2)	A (2)	B (2)							
1.										
2.										
3.										
4.										

(1) This Table is for products sold or delivered before the production declaration.
 (2) A = Wines as referred to in Article 72 (2) of Regulation (EEC) No 822/87.
 (2) B = Other wines.

TABLE C

DECLARATION OF WINE AND MUST STOCKS ON 31 AUGUST 19...
 (Application of Article 4 of Regulation (EEC) No 3929/87)

Name or business name :
 Address :
 Place where the product is held :

		Category of products	Total stocks	Of which red and rosé	Of which white	Remarks	
Wines	1. Stocks in production	(a) table wines — of which wines as referred to in Article 72 (2) of Regulation (EEC) No 822/87 (b) quality wines psr (c) other wines Total					
	(a) table wines						
	(b) quality wines psr						
	(c) other wines						i.e. sparkling wines
Musts	2. Stocks on the market	(a) wines of Community origin — table wines — of which wines as referred to in Article 72 (2) of Regulation (EEC) No 822/87 — quality wines psr (b) other wines (third countries) Total					
	(a) wines of Community origin						
	(b) other wines (third countries)						i.e. sparkling wines
	Total						

(b)

ANNEX II

Communications to be made by the Member States

Table A :	Wine harvest estimate
Table B :	Final results of the harvest in the wine sector
Table C :	Declaration of wine and must stock on 31 August 19...

TABLE A

WINE HARVEST ESTIMATE

(Application of Article 6 of Regulation (EEC) No 3929/87)

Country :

First estimate on 20 September (!)

Year : 19 .. / ..

First correction on 15 October (!)

(Wine-growing year : 1 September to 31 August)

Second correction on 10 November (!)

(bl)

Category of product	Total volume	Of which red and rosé wines	Of which white	Remarks
Table wines				
Quality wines psr				
Other wines				
Total				

(!) Delete as appropriate.

TABLE B

FINAL RESULTS OF THE HARVEST IN THE WINE SECTOR

(Application of Article 9 (1) of Regulation (EEC) No 3929/87)

Country :

Year : 19 .. / ..

(Wine-growing year : 1 September to 31 August)

(bl)

Category of product	Total volume	Of which red and rosé wines	Of which white	Remarks
Table wines :				
of which wines as referred to in Article 72 (2) of Regulation (EEC) No 822/87				
Quality wines psr				
Other wines				
Total				
Concentrated grape must				
Rectified concentrated grape must				
Total				

TABLE C
 DECLARATION OF WINE AND MUST STOCKS ON 31 AUGUST 19..
 (Application of Article 8 (2) of Regulation (BEC) No 3929/87)

Country:

Year: 19../

(Wine-growing year: 1 September to 31 August)

		Category of products	Total stocks	Of which red and rosé	Of which white	Remarks
Wines	1. Stocks in production	1. Stocks in production (a) table wines — of which wines as referred to in Article 72 (2) of Regulation (EEC) No 822/87 (b) quality wines psr (c) other wines Total 2. Stocks on the market (a) wines of Community origin — table wines — of which wines as referred to in Article 72 (2) of Regulation (EEC) No 822/87 — quality wines psr (b) other wines (third countries) Total 3. Summary (1 + 2)				
	(a) table wines					
	(b) quality wines psr					
	(c) other wines					
Musts	1. Stocks in production	1. Stocks in production (a) concentrated grape must (b) rectified concentrated grape must Total 2. Stocks on the market (a) concentrated grape must (b) rectified concentrated grape must Total 3. Summary (1 + 2)				
	(a) concentrated grape must					
	(b) rectified concentrated grape must					
	Total					

(b)

*ANNEX III***CORRELATION TABLE**

Regulation (EEC) No 2102/84	This regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 9	Article 9
Article 10	Article 10
Article 10 a	Article 11
Article 11	Article 12
Article 12	Article 13
Article 13	Article 14
Article 14	Article 15
Article 15	Article 16
Article 16	Article 17
Article 17	Article 18
Annex I	Annex I
Annex II	Annex II