

Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector

TITLE IV

PRODUCTION POTENTIAL

CHAPTER I

Unlawful plantings

Article 55

Penalties in case of non-compliance with the grubbing-up obligation

1 The penalties referred to in Article 85(3) and Article 86(4) second subparagraph of Regulation (EC) No 479/2008 shall be determined so as to provide an appropriate sanction for those who violated the provisions concerned.

Without prejudice, where applicable, to earlier penalties imposed by Member States, Member States shall determine the penalties referred to in Article 85(3) and Article 86(4) second subparagraph of Regulation (EC) No 479/2008 on the basis of the following principles:

- a basic financial penalty to be imposed shall be at least EUR 12 000/ha;
- b Member States may increase the penalty based on the commercial value of the wines produced in the vineyards concerned.

2 Member States shall impose the penalty referred to in Article 85(3) of Regulation (EC) No 479/2008:

- a for unlawful plantings existing at the time of the entry into force of this Regulation for the first time on 1 January 2009;
- b for unlawful plantings from after the entry into force of this Regulation for the first time with effect of the date of those plantings.

The penalty shall be levied again every 12 months, counted from those dates and in accordance with the criteria established in paragraph 1 of this Article, until compliance with the grubbing-up obligation.

3 Member States shall impose the penalty referred to in Article 86(4) second subparagraph of Regulation (EC) No 479/2008 for the first time on 1 July 2010 for non-compliance with the grubbing-up obligation and thereafter every 12 months until compliance in accordance with the criteria established in paragraph 1 of this Article

4 Penalties collected within the meaning of this Article shall be retained by the Member State concerned.

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

Article 56

Penalties in case of non-compliance with prohibition of circulation

1 The penalties referred to in Article 87(2) of Regulation (EC) No 479/2008 shall be determined so as to mean an appropriate sanction for those who violated the provisions concerned.

2 The penalties referred to in paragraph 1 shall be imposed if a producer concerned, having more than 0.1 hectares of vineyard area, and according to the appropriate case:

- a does not submit the distillation contract by the deadline specified in the second subparagraph of Article 57(1) or these contracts do not cover the entire production concerned, as declared in the harvest or production declaration; or
- b does not inform the competent authority about the intended green harvesting by the deadline specified in the third subparagraph of Article 57(1) or does not carry out the green harvesting in a satisfactory manner.

3 Member States shall impose the penalties referred to in paragraph 1:

- a in case of non-submission of the distillation contract, one month after the expiry of the deadline laid down in the second subparagraph of Article 57(1);
- b in case of failure to comply with the rules about green harvesting, on 1 September of the calendar year concerned.

4 Penalties collected within the meaning of this Article shall be retained by the Member State concerned.

Article 57

Non-circulation or distillation

1 In case of Article 87(1) of Regulation (EC) No 479/2008, the grapes or products made from grapes may only have one the following destinations:

- a distillation at the exclusive expense of the producer;
- b green harvesting in accordance with the definition of Article 12(1) of Regulation (EC) No 479/2008, at the expense of the producer concerned;
- c family consumption; this possibility is only acceptable if the producer's vineyard area does not exceed 0,1 ha.

In case of the distillation foreseen in point (a) of the first subparagraph:

- producers shall submit the distillation contract foreseen in Article 87(1) of Regulation (EC) No 479/2008 by the end of the wine year in which the products were produced,
- products produced before regularisation of the vineyard in accordance with Article 86(1) of Regulation (EC) No 479/2008 shall be subject to the distillation obligation.

In case of the green harvesting as foreseen in point (b) of the first subparagraph, producers shall inform the competent authority in advance about their intention before a date fixed by the Member States in accordance with Article 12(1)(b). Member States shall control green harvesting according to Article 12(1)(d) of this Regulation.

2 Without prejudice to paragraph 1, in order to facilitate control, Member States may foresee an obligation to the producers to notify the competent authority of the Member State

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

before the date fixed by the Member States in accordance with Article 12(1)(b) which of the possibilities mentioned in points (a) to (c) of the first subparagraph of paragraph 1 of this Article they are going to choose.

Member States may also limit the choice of producers to only one or two of the possibilities mentioned in points (a) to (c) of the first subparagraph of paragraph 1.

3 In case the given producer has vineyards the products from which may be marketed, the competent authorities shall be responsible for ensuring that the products from the unlawful planting are not added to the products of these other vineyards that are marketed.

Article 58

Communications

1 Member States shall communicate to the Commission by 1 March each year the areas for which penalty was paid and the amount of penalty that was actually imposed in the form set out in table 1 of Annex XIII. They shall also communicate to the Commission their legislation related to these penalties.

2 Save as otherwise indicated in the appropriate tables of Annex XIII to this Regulation, the communications referred to in Article 85(4), Article 86(5) and Article 87(3) of Regulation (EC) No 479/2008 shall refer to the previous wine year.

When the communications according to Article 85(4) and Article 86(5) of Regulation (EC) No 479/2008 are made for the first time, by 1 March 2009 at the latest, the information contained in the appropriate tables shall refer to the following:

- a any unlawful planting planted after 31 August 1998 detected since that date until the end of the 2007/2008 wine year and still not grubbed up by 31 July 2008, if such data are available;
- b any unlawful planting planted before 1 September 1998 the application for regularisation according to Article 3(2) of Regulation (EC) No 1493/1999 of which was accepted or refused by the Member State between 1 August 2007 and 31 July 2008.

For the purpose of the communication referred to in point (a) of the second subparagraph, Table 2 of Annex XIII to this Regulation shall be used.

For the purpose of the communication referred to in point (b) of the second subparagraph, Table 4 of Annex XIII to this Regulation shall be used.

The Commission retains the right to request information about the unlawful plantings concerned on the basis of formerly valid but not respected communication obligations based on Article 2(7) of Regulation (EC) No 1227/2000.

The later, yearly communications shall be made in the form set out in Tables 3, 5, 6 and 7 of Annex XIII to this Regulation.

3 Member States may decide whether or not to include details related to regions in the communications mentioned in paragraphs 1 and 2.

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

Article 59

Reductions imposed on Member States

In case Member States fail to communicate any of the tables by the relevant deadlines, except for Table 2, referred to in Article 58, in the form laid down in Annex XIII to this Regulation, containing the information specified in Articles 85(4), 86(5) and 87(3) of Regulation (EC) No 479/2008 and filled in appropriately, their allocation for the support measures referred to in Article 7 of Regulation (EC) No 479/2008 may be reduced as foreseen in Article 89(a) of Regulation (EC) No 479/2008. The Commission may decide that, according to the scope of the failure, for every month of delay, an amount of up to a total of 1 % of the allocation for the support measures of the given Member State shall be forfeited starting from the beginning of the wine year following the one in which the communication was due.

CHAPTER II

Transitional planting right regime

Article 60

New planting rights

1 Where Member States grant new planting rights in respect of areas intended for new planting carried out under measures for land consolidation or measures concerning compulsory purchases in the public interest adopted under national legislation, they shall ensure that these rights are not granted for an area greater in terms of pure crop than 105 % of the area under vines which was the subject of the measures for land consolidation or measures concerning compulsory purchases in the public interest.

2 Where Member States grant new planting rights in respect of areas intended for experiments, products made from grapes coming from such areas may not be marketed throughout the experimental period.

3 Where Member States grant new planting rights in respect of areas intended for graft nurseries, grapes of such vines shall either not be harvested or, if harvested, shall be destroyed throughout the period of production of the graft nurseries.

4 New planting rights granted under paragraphs 2 and 3 shall only apply during the experimental period or the period of production of the graft nurseries, respectively.

After the period referred to in the first subparagraph, either:

- a the producer shall use replanting rights or planting rights granted from a reserve in order to permit the area concerned to produce wine which is to be marketed; or
- b the vines planted on such areas shall be grubbed up; the expenses of such grubbing-up shall be borne by the producer concerned; until the area concerned is grubbed up, products made from grapes coming from such areas may be put into circulation only for the purposes of distillation, at the expense of the producer; these products may not be used in the preparation of alcohol having an actual alcoholic strength of 80 % vol. or less.

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

5 New planting rights, and any conditions on the use of such rights or areas planted pursuant to them granted prior to 1 August 2000 in respect of areas intended for experiments or graft nurseries shall continue to apply during the experimental period or the period of production of the graft nurseries, respectively. The rules in the second subparagraph of paragraph 4 shall apply to such areas after the end of the experimental period or the period of the production of the graft nurseries, respectively.

6 In the case of Article 91(1)(d) of Regulation (EC) No 479/2008, in order to avoid an excessive administrative burden being imposed, a Member State may, instead of granting new planting rights, provide that areas whose wine or vine products are intended solely for consumption by the vine grower's family shall not be subject to the grubbing-up requirement in Article 85(1) of that Regulation. Member States may do so only on condition that:

- a the area in respect of any given grower does not exceed a maximum area to be laid down by that Member State, which may, in any case, not be larger than 0,1 hectare; and
- b the vine grower concerned is not involved in commercial wine production.

7 The marketing of the wine or vine products coming from the areas referred to in paragraph 6 shall be prohibited. Member States shall apply an appropriate system to monitor this prohibition. Should a breach of this prohibition be discovered, then in addition to any penalties imposed by the Member State, point (b) of the second subparagraph of paragraph 4 shall apply. Member States shall record all cases dealt with under this paragraph.

Article 61

Member States' recording and communication obligations related to new planting rights

Member States shall record each case where new planting rights are granted according to Article 60.

Member States shall communicate the following information to the Commission in respect of each wine year:

- (a) the total areas for which new planting rights have been granted under each of paragraphs 1, 2 and 3 of Article 60; and
- (b) the total area for which new planting rights have been granted under Article 91(1) of Regulation (EC) No 479/2008; however, where a Member State makes use of the derogation in paragraph 6 of Article 60 of this Regulation, it shall instead communicate an estimate of the total area concerned, which shall be based on the results of the monitoring carried out.

This communication shall be made in the form set out in Table 8 of Annex XIII. Member States may decide whether or not to include details related to regions in it. It shall be transmitted to the Commission at the latest by 1 March each year in respect of the previous wine year.

Article 62

Grubbing up without generation of replanting right

Where an area is grubbed up pursuant to Article 24(4), Article 85(1) or Article 86(4) of Regulation (EC) No 479/2008 or point (b) of the second subparagraph of Article 60(4)

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

of this Regulation, no replanting rights shall be granted. Furthermore, no replanting rights shall be granted in the event of grubbing up of:

- (a) any area of vines in the implementation of measures for land consolidation or measures concerning compulsory purchases in the public interest, where new planting rights have been granted in relation to such areas under Article 60(1) of this Regulation;
- (b) areas intended for wine-growing experiments during the experimental period;
- (c) areas intended for graft nurseries during the period of production of the graft nurseries;
- (d) areas intended solely for the consumption of the vine grower's family; or
- (e) areas for which a grubbing-up premium is granted, in accordance with Article 92(1) second subparagraph of Regulation (EC) No 479/2008.

Article 63

Anticipated replanting rights

1 According to Article 92(2) of Regulation (EC) No 479/2008, Member States may grant replanting rights to producers who undertake to grub up an area of vines before the end of the third wine year after the area was planted. This can be done only where that producer can show that he has no, or insufficient, planting rights in his possession which could be used to permit the entire area concerned to be planted with vines. A Member State shall grant no more rights to a producer than are necessary to permit the entire area concerned to be planted with vines, taking into account any rights already in his possession. The producer shall specify the particular area to be grubbed up.

2 When giving the undertaking referred to in paragraph 1, a producer shall lodge a security. The obligation to grub up the area concerned shall constitute the 'primary requirements' within the meaning of Article 20(2) of Regulation (EEC) No 2220/85. The amount of the security shall be set by the Member State concerned on the basis of objective criteria. The security shall be set at a level which is proportionate and sufficient to dissuade producers from failing to carry out their undertaking.

3 Until the undertaking to grub up has been carried out, Member States shall ensure that, in any given wine year, there is not simultaneously a commercial production of wine from both the area to be grubbed up and the newly planted area, by ensuring that, the products made from grapes coming from either of the areas may be put into circulation only for the purposes of distillation, at the expense of the producer. These products may not be used in the preparation of alcohol having an actual alcoholic strength of 80 % vol. or less.

4 If the undertaking to grub up is not carried out by the deadline set, then the particular area which has not been grubbed up shall be treated as having been planted in breach of the restriction on planting in Article 90(1) of Regulation (EC) No 479/2008.

5 Member States shall monitor the planting and grubbing-up of the areas concerned.

6 Member States shall keep a record of all case dealt with under paragraphs 1 to 5.

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

Article 64

Transfers of replanting rights

1 In applying the second subparagraph of Article 92(5) of Regulation (EC) No 479/2008, Member States may apply an equivalent reduction coefficient to transfers of replanting rights between holdings.

2 Member States shall keep a record of all transfers of replanting rights between holdings.

Article 65

Reserves of planting rights

1 Member States shall ensure that the transfer of rights via a national reserve and/or regional reserves does not lead to an overall increase in production potential on their territory. If needed, Member States may apply a reduction coefficient.

2 A Member State shall notify the Commission of the creation of national and/or regional reserves of planting rights or, as the case may be, of its choice not to implement any longer the reserve system.

3 Where a Member State chooses not to implement the reserve system, it shall communicate to the Commission proof that an effective system for managing planting rights exists throughout its territory.

4 Member States shall keep a record of all cases where planting rights are granted from reserves, of all cases where planting rights are transferred between reserves and all cases where planting rights are allocated to reserves. Any payments made in return for allocating rights to a reserve or for granting rights from a reserve shall also be recorded.

5 Member States shall, in the form laid down in Table 9 of Annex XIII, communicate to the Commission in respect of each wine year:

- a the planting rights allocated to the reserves;
- b the planting rights granted from the reserve against or without payment.

Article 66

Maintenance of the planting rights system

Member States that want to maintain the prohibition of plantings in their territory or parts of their territory as referred to in Article 90(1) of Regulation (EC) No 479/2008 beyond 31 December 2015 according to the possibility provided for in Article 90(6) of that Regulation, shall communicate their appropriate intention to the Commission by 1 March 2015.

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

CHAPTER III

Grubbing-up scheme

Article 67

Eligibility

1 The grubbing-up premium may be granted only if proofs are available that the vineyard area concerned is properly tended. Without prejudice to the control provided for in Article 81(3) of this Regulation, the harvest declaration according to Article 2 of Commission Regulation (EC) No 1282/2001⁽¹⁾ is required for this purpose for at least the two wine years preceding the entry into force of Regulation (EC) No 479/2008 and the three wine years preceding the grubbing up.

2 Notwithstanding paragraph 1, Member States may foresee that producers who are exempted from the obligation to submit harvest declaration according to Article 2(2)(c) or Article 2(3) of Regulation (EC) No 1282/2001, may prove their grape production on the basis of the declaration specified under Article 2(2)(c) or the production declaration as referred to in Article 4(1) of that Regulation.

In case neither the harvest declaration nor the declaration specified under Article 2(2)(c) or in Article 4(1) of Regulation (EC) No 1282/2001 is available due to well justifiable reasons, Member States may foresee alternative means to ensure that the vineyard was properly tended. Member States shall be responsible for the thorough verification of the trustworthiness of these alternative means.

3 Before accepting an application for payment, Member States shall ensure that the eligibility criteria under Article 100, points (a), (b), (d), (e) and (f) of Regulation (EC) No 479/2008 have been met.

Article 68

Exemption reasons

1 Mountain and steep slope areas that may be declared ineligible for the grubbing-up scheme in accordance with Article 104(4) of Regulation (EC) No 479/2008 shall be the following:

- a mountain areas which are above at least 500 m altitude, excluding high plains;
- b areas with a slope exceeding at least 25 %;
- c areas with terraces.

2 The communication referred to in Article 104(8) of Regulation (EC) No 479/2008 shall contain indicative information on the size of such areas and shall be made in the format set out in Annex XIV to this Regulation.

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

Article 69

Premium level

1 Without prejudice to national aids that may be given according to Article 106 of Regulation (EC) No 479/2008, the scales of the premium provided for in Article 101 of that Regulation shall be as set out in Annex XV to this Regulation.

2 The historical yield referred to in Article 101(2) of Regulation (EC) No 479/2008 shall be established on the basis of the average yield of the holding, or, if available, the average yield of the parcel or the average yield for a certain wine category within the given holding for which the grubbing-up premium is requested. The average yield shall be calculated on the basis of the average yield in the five years between 2003/2004 and 2007/2008, excluding the years with the lowest and the highest yield.

By way of derogation from the first subparagraph:

- a Member States which joined the Community in 2004 or 2007 and did not have a system of harvest declarations in the entire period between 2003/2004 and 2007/2008 shall calculate the historical yield on the basis of the average yield in the years between 2005/2006 and 2007/2008;
- b a producer whose production was adversely affected during the reference period for more than a year by a case of *force majeure* or exceptional circumstances occurring during that reference period shall be entitled to request that the historical yield be established on the basis of the average yields of the wine years in the period referred to in the first or, when applicable, in point (a) of this subparagraph which were not affected by the case of *force majeure* or exceptional circumstances.

3 The average yield shall be determined on the basis of the harvest declarations.

Notwithstanding the first subparagraph, Member States may foresee that producers who are exempted from the obligation to submit a harvest declaration according to Article 2(2)(c) or Article 2(3) of Regulation (EC) No 1282/2001, may prove their grape production on the basis of the declaration specified under Article 2(2)(c) or the production declaration as referred to in Article 4(1) of that Regulation.

Member States may foresee that in case of members of cooperatives or other groups to which they belong or with which they are associated who do not have the declaration specified under Article 2(2)(c) of Regulation (EC) No 1282/2001, the average yield of the cooperative or the group may be taken into account, provided that the cooperative or group certifies that the given producer actually delivered grapes to them in the years concerned. In this case, if available, the average yield for a certain wine category within the given cooperative or group for which the grubbing-up premium is requested shall be taken into account.

Member States may foresee that in case neither the harvest declaration nor the declaration specified under Article 2(2)(c) or in Article 4(1) of Regulation (EC) No 1282/2001 is available due to well justifiable reasons, to be verified by the Member States, apart from those mentioned under the second and third subparagraphs, the historical yield shall be the average yield of the region concerned.

Member States shall be responsible for the thorough verification of the trustworthiness of the declarations and the alternative sources used to establish the historical yield presented in accordance with this Article.

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

- 4 The premium is paid for the area planted, defined in conformity with Article 75.

Article 70

Application procedure

1 Member States shall lay down the application procedure, which shall in particular provide for:

- a the information required to accompany the application;
- b subsequent communication of the applicable premium to the producer concerned;
- c the date before which the grubbing up has to take place.

2 Member States shall verify whether the applications are well founded. For this purpose, they may foresee a written undertaking to be made by the producer concerned upon application. In case the application is withdrawn without duly justified reason they may provide for the producer concerned to bear the costs incurred concerning the treatment of its request.

[^{F13} If, in a given financial year, a producer withdrew his application for the grubbing-up premium or grubbed up only partially or not at all the area indicated in the application, a Member State may decide not to give him priority according to Article 85s(5)(b) of Regulation (EC) No 1234/2007 in any subsequent financial year.]

Textual Amendments

- F1** Inserted by [Commission Regulation \(EC\) No 702/2009 of 3 August 2009 amending and correcting Regulation \(EC\) No 555/2008 laying down detailed rules for implementing Council Regulation \(EC\) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector.](#)

Article 71

Procedure in case of application of a single percentage for acceptance

1 When applying the percentage for acceptance as referred to in Article 102(4) of Regulation (EC) No 479/2008, Member States shall proceed in each year concerned as follows:

- a as far as the available budget resources allocated to a Member State allow, all the applications for the grubbing-up of the entire vineyard of a producer shall be accepted, without applying any reduction to their applications; if the available budget resources allocated to a Member State are not sufficient for accepting all of these applications, Member States shall distribute the available budget on the basis of the objective and non-discriminatory criteria laid down in their national rules;
- b after having deducted from the available budget resources allocated to a Member State the amounts referred to under point (a) of this paragraph, as far as the rest of the available budget resources allow, all the applications of applicants who are not less than 55 years old or older where Member States so provided under Article 102(5)(b) (ii) of Regulation (EC) No 479/2008 shall be accepted, without applying any reduction to their applications; if the available budget resources allocated to a Member State are not sufficient for accepting all of these applications, Member States shall distribute the available budget on the basis of the objective and non-discriminatory criteria laid down in their national rules;

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

- c after having deducted from the available budget resources allocated to a Member State the amounts concerned by points (a) and (b), Member States shall distribute the rest of the available budget on the basis of the objective and non-discriminatory criteria laid down in their national rules.

2 The objective and non-discriminatory criteria referred to in Article 102(5)(b) of Regulation (EC) No 479/2008 shall be determined by the Member States so as to allow that no reduction is applied to the applications that can be accepted. Member States shall communicate to the Commission the criteria referred to in paragraph 1 by 15 October each year, within Table 10 of Annex XIII to this Regulation.

[^{F13} Without prejudice to paragraph 1, the single percentage for acceptance does not apply to Member States which communicated, according to Article 85s(2) of Regulation (EC) No 1234/2007, eligible applications for an area smaller than 50 hectares.]

Textual Amendments

- F1** Inserted by [Commission Regulation \(EC\) No 702/2009 of 3 August 2009 amending and correcting Regulation \(EC\) No 555/2008 laying down detailed rules for implementing Council Regulation \(EC\) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector.](#)

Article 72

Payment of the premium

Payment of the grubbing-up premium shall be made after verification that grubbing-up has taken place and at the latest by 15 October of the year in which the application was accepted by the Member States according to Article 102(5) of Regulation (EC) No 479/2008.

Article 73

Communications

1 The communications referred to in paragraphs 2, 5 and 6 of Article 102 of Regulation (EC) No 479/2008 shall be made in the format given in Tables 10 to 12 of Annex XIII to this Regulation. Member States may decide whether or not to include details related to regions in these tables.

2 Where Member States grant national aid for grubbing-up, they shall include this information in the tables referred to in paragraph 1.

3 When a Member State decides, according to Article 104(1) of Regulation (EC) No 479/2008, to reject further applications, it shall communicate its decision to the Commission.

4 Member States shall communicate to the Commission the measures taken to comply with the provision foreseen in Article 104(9) of Regulation (EC) No 479/2008. The communication shall be made in the format given in Table 12 of Annex XIII to this Regulation.

5 Member States shall communicate to the Commission not later than 1 December each year an annual report on results of controls conducted in the previous financial year on the

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

grubbing-up scheme. The communication shall be made in the format given in Table 13 of Annex XIII.

CHAPTER IV

Inventory and measurement of the area planted

Article 74

Inventory

The data communicated in the inventory according to Article 109 of Regulation (EC) No 479/2008 shall refer to 31 July of the previous wine year.

It shall contain the information specified in the Tables 14 to 16 of Annex XIII to this Regulation. Member States may decide whether or not to include details related to regions in these tables.

Article 75

Area planted

1 For the purpose of the restructuring and conversion of vineyards, the green harvesting and the grubbing-up measures referred to in Articles 11, 12 and 98 of Regulation (EC) No 479/2008, an area planted with vines is defined by the external perimeter of the vine stocks with the addition of a buffer whose width corresponds to half of the distance between the rows. The area planted shall be determined in accordance with the first subparagraph of Article 30(1) of Commission Regulation (EC) No 796/2004⁽²⁾.

2 In case the historical yield referred to in Article 101(2) of Regulation (EC) No 479/2008 is determined on the basis of an area that does not correspond to the definition given in paragraph 1 of this Article, Member States may proceed with the recalculation of the yield by dividing the production of the given holding or parcel or wine category by the area planted with vines, producing the given volume of wine, as defined in paragraph 1.

Status: Point in time view as at 05/08/2009.

Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 555/2008, TITLE IV. (See end of Document for details)

- (1) OJ L 176, 29.6.2001, p. 14.
- (2) OJ L 141, 30.4.2004, p. 18.

Status:

Point in time view as at 05/08/2009.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008, TITLE IV.