

COMMISSION REGULATION (EEC) No 649/87

of 3 March 1987

laying down detailed rules for the establishment of a Community vineyard register

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 536/87 ⁽²⁾,

Having regard to Council Regulation (EEC) No 2392/86 of 24 July 1986 establishing a Community vineyard register ⁽³⁾, and in particular Article 10 thereof,

Whereas, in order to ensure that the register is established uniformly throughout the Community, certain basic elements should be defined; whereas, to that end, existing definitions in the Community or national wine legislation should be used as far as possible;

Whereas, in accordance with Article 2 (1) (a) of Regulation (EEC) No 2392/86, the register is to cover every holding where vines are grown; whereas, having regard to the objectives to be achieved by the register, when it is established it need not include holdings with very limited production; whereas the holdings to be included in the register should consequently be defined taking into account in particular the area and physical or economic production thresholds to be determined by the Member States;

Whereas Article 2 of Regulation (EEC) No 2392/86 makes a distinction between compulsory information required by the Community rules and optional information which the Member States may in addition gather; whereas a list should be drawn up of compulsory and optional items of information to be included in the holding and production files respectively;

Whereas, for certain regions not yet covered by a land register which may serve as a basis for the vineyard register, specific provisions must be adopted to ensure that the latter is established within the time limits laid down;

Whereas Council Regulation (EEC) No 154/75 ⁽⁴⁾, as last amended by Regulation (EEC) No 3788/85 ⁽⁵⁾, provides for the establishment of a register of olive cultivation in the Member States producing olive oil; whereas, in certain Member States, some results of the work under-

taken to set up that register may be taken into account; whereas it should be specified that the Member States may avail themselves of the results of such work in order to reduce the cost of and the length of time for establishing the vineyard register;

Whereas, to that end, provision should be made for penalties in the case of failure to fulfil such obligations laid down in this connection, together, where necessary, with penalties applied by the Member States;

Whereas time limits should be laid down for certain notifications to be sent to the Commission by the Member States;

Whereas, pursuant to the Act of Accession of Spain and Portugal, the provisions relating to the establishment of the vineyard register do not apply to Portugal during the first phase; whereas provision should be made for specific time limits for the speedy establishment of the register as from the beginning of the second stage;

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

This Regulation lays down detailed rules for applying Regulation (EEC) No 2392/86 establishing a Community vineyard register.

Article 2

For the purposes of this Regulation:

- (a) 'holding' shall mean a single unit, both technically and economically, which has a single management and
- which has a wine-growing area of at least 10 ares,
 - or
 - which is subject to a declaration required under Community or national wine legislation if the unit concerned has a wine-growing area of less than 10 ares,
 - or
 - which produces from its wine-growing area quantities exceeding certain physical or economic thresholds set by the Member State concerned if the unit concerned has a wine-growing area of less than 10 ares and is not subject to a declaration as referred to in the second indent;

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 55, 25. 2. 1987, p. 1.

⁽³⁾ OJ No L 208, 31. 7. 1986, p. 1.

⁽⁴⁾ OJ No L 19, 24. 1. 1975, p. 1.

⁽⁵⁾ OJ No L 367, 31. 12. 1985, p. 1.

- (b) 'holder' shall mean the natural or legal person or group of such persons on whose behalf and in whose name the holding is operated;
- (c) 'utilized agricultural area' shall mean the total area taken up by arable land, permanent pasture and meadow, land used for permanent crops and kitchen gardens;
- (d) 'cultivated wine-growing area' shall mean the total area under vines, with or without associated crops, in production or not yet in production, which is normally intended for the production of grapes, grape must, wine and/or material for the vegetative propagation of vines and which has been subjected to regular cultivation with a view to obtaining a marketable product;
- (e) 'abandoned wine-growing area' shall mean the total area of land under vines which is no longer subjected to regular cultivation with a view to obtaining a marketable product;
- (f) 'parcel' shall mean a continuous plot of land as defined in the land register.

However, where there is no land register, a 'parcel' shall mean a continuous plot of land, within one and the same holding, which constitutes a distinct entity as regards form of tenure, type of cultivation and nature of production;

- (g) 'material for the vegetative propagation of vines', 'cutting nurseries', 'root-stock nurseries' and 'mother vines' shall have the same meaning as in Council Directive 68/193/EEC⁽¹⁾;
- (h) 'wine-grape varieties', 'table-grape varieties' and 'raisin-grape varieties' shall have the same meaning as in Council Regulation (EEC) No 347/79⁽²⁾.

Article 3

1. The compulsory and optimal items of information referred to in Article 2 (1) of Regulation (EEC) No 2392/86 to be included in the holding file and the production file shall be as listed in Annex I to this Regulation.

When drawing up the programme referred to in Article 4 (3) of Regulation (EEC) No 2392/86, Member States shall determine the layout of the said information within each file.

2. In cases where vines are grown in association with other crops, the holding file shall state, in addition to the total area of the parcel concerned, the wine-growing area

expressed in terms of pure cultivation. For the purposes of conversion, use shall be made of appropriate coefficients determined by the Member State.

3. The information relating to the characteristics of each parcel shall be shown distinctly in the holding file. However, where the natural conditions, the type of cultivation and the nature of the product are sufficiently homogeneous, Member States may group together in the holding file information relating to a number of adjoining parcels or parts thereof, provided that each parcel can still be identified.

4. On the establishment of the vineyard register and at each updating thereof, the Member States shall survey all wine-growing areas not dependent on holdings within the meaning of Article 2 (a).

Article 4

In regions where no land register exists at the time when the vineyard register is drawn up, Member States shall ensure that the vineyard register is adjusted in line with the land register as the latter is drawn up, not later than at the time of the regular updates referred to in Article 5 (3) of Regulation (EEC) No 2392/86.

Article 5

With a view to reducing the cost and speeding up the preparation of the vineyard register, Member States may have recourse to the technology devised and the technical facilities made available for the purpose of drawing up the olive cultivation register provided for in Regulation (EEC) No 154/75.

Article 6

The names of the administrative units in which a shorter time limit for drawing up the register has been set in accordance with the second subparagraph of Article 4 (1) of Regulation (EEC) No 2392/86 are listed in Annex II, together with the time limit applicable in each case.

Article 7

1. In the event of failure to meet the obligations under Article 3 (2) of Regulation (EEC) No 2392/86 those concerned shall not qualify for the measures provided for in Articles 7, 10, 11, 12a, 14, 14a and 15 of Regulation (EEC) No 337/79 until such time as those obligations have been fulfilled.

2. Member States shall take the necessary steps to penalize, in accordance with the seriousness of the infringement, any failure to meet the obligations laid down in Article 3 (2) of Regulation (EEC) No 2392/86.

⁽¹⁾ OJ No L 93, 17. 4. 1968, p. 15.

⁽²⁾ OJ No L 54, 5. 3. 1979, p. 75.

Article 8

Member States shall notify to the Commission :

- at the latest when forwarding the programmes referred to in Article 4 (3) of Regulation (EEC) No 2392/86, the physical or economic thresholds referred to in Article 2 (a) and the conversion coefficients referred to in Article 3 (2),
- as soon as possible and no later than three months after the surveys, the wine-growing areas referred to in Article 3 (4),
- at the latest when forwarding programmes referred to in Article 4 (3) of Regulation (EEC) No 2392/86, a list of the authorities referred to in Article 7 (2) of that Regulation,
- on 31 August of each year at the latest, the report referred to in the first paragraph of Article 8 of Regulation (EEC) No 2392/86,
- save in the case of an emergency, within two months of receipt of the application, the additional items of information referred to in the third paragraph of Article 8 of Regulation (EEC) No 2392/86,

- on 30 November of each year at the latest, a report on cases where obligations under Article 7 (1) have not been fulfilled and the measures taken as a consequence thereof.

Article 9

In Portugal the vineyard register shall be completed, at the latest, by the end of the second stage referred to in Article 260 of the Act of Accession.

Portugal shall forward to the Commission, within three months of the beginning of the said second stage, the programme referred to in Article 4 (3) of Regulation (EEC) No 2392/86 and the list of authorities referred to in Article 7 (2) of that Regulation.

Article 10

This Regulation shall enter into force on the third day following 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, 3 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

	Type of information	
	Compulsory	Optional
— other		
(of which : — wine referred to in Article 54 (2) of Regulation (EEC) No 337/79 :		
— in production		
— not yet in production		
— wine intended for the manufacture of certain wine spirits :		
— in production		
— not yet in production)		
— cultivated wine-growing area under table-grape varieties (!) :	.....x.....	.....
— in production		
— not yet in production		
— cultivated wine-growing area under raisin-grape varieties (!) :	.....x.....	.....
— in production		
— not yet in production		
— cultivated wine-growing area under varieties classified, for the same administrative unit, both as wine-grape varieties and as varieties intended for other purposes (!) :	.....x.....	.....
— in production		
— not yet in production.		
— area intended solely for the production of material for the vegetative propagation of vines, of which :	.....x.....	.....
— culting nurseries		
— root-stock nurseries		
— area under vines awaiting grafts :	.....x.....	.....
— quality wines psr		
— other		
— abandoned wine-growing area	.....x.....	.....
— other	.....x.....	.....
3.5. Natural characteristics :		
— topographical :		
— gradient :		.....x.....
— flat land (gradient not exceeding 5 %)		
— slight slope (gradient exceeding 5 % but not exceeding 15 %)		
— moderate slope (gradient exceeding 15 % but not exceeding 30 %)		
— steep slope (gradient exceeding 30 %)		
— terrace		
— exposure	.....	.....x.....
— altitude	.....	.....x.....
— valley bottom	.....	.....x.....
— other	.....	.....x.....
— micro-climatic	.....	.....x.....
— pedological	.....	.....x.....
— classification category within the meaning of Article 29 of Regulation (EEC) No 337/79 if that classification has been allotted	.....x.....	.....

(!) Specify whether mother vines are grown (optional).

	Type of information	
	Compulsory	Optional
3.6. Mechanization	.....	..... X
3.7. Irrigation (type and use)	..... X .....	.....
3.8. Type of cultivation		
— pure cultivation of vines or associated crop	..... X .....	.....
— type of cultivation of vines in association with :	.....	..... X
— temporary crop		
— permanent crop :		
— ligneous		
— other		
— under glass	.....	..... X
— other	.....	..... X
3.9. Vine variety	..... X .....	.....
3.10. Root stock	.....	..... X
3.11. Date of planting or, failing that, estimated age	..... X .....	.....
3.12. Training system	..... X .....	.....
3.13. Density of planting	.....	..... X
3.14. State of vines :	.....	..... X
— poor		
— good		
— excellent		
4. Declaration systems		
4.1. Planting applications and declarations required under Article 30b of Regulation (EEC) No 337/79		
4.11. Applications for new planting	..... X .....	.....
4.12. Declarations of planned grubbing, planting or replanting operations	.....	..... X
4.13. Declarations of completed grubbing, planting or replanting operations	..... X .....	.....
4.2. Harvest, production and stock declarations required under Article 28 of Regulation (EEC) No 337/79	..... X .....	.....
4.21. Harvest declarations		
4.22. Production declarations		
4.23. Stock declarations		
4.3. Declarations relating to oenological practices required under Articles 35 and 36 of Regulation (EEC) No 337/79	..... X .....	.....
4.31. Increasing of alcoholic strength		
4.32. Acidification		
4.33. Decidification		
4.34. Sweetening		
4.35. Other practices		
5. Production of holdings not subject to the system of harvest and production declarations		
Estimated production potential :		
— wine :	.....	..... X
— quality wines psr		
— other		
— table grapes of a total area in the Member State concerned of more than 40 000 hectares	..... X .....	.....
— raisin grapes	..... X .....	.....
— other	.....	..... X

	Type of information	
	Compulsory	Optional
6. Intervention measures, aids and premiums (Community and national)		
6.1. Measures relating to wine-growing structures :	.....X.....	.....
6.11. Restructuring		
6.12. Conversion and abandonment		
6.13. Other		
6.2. Measures relating to the market :	.....X.....	.....
6.21. Storage		
6.22. Enrichment		
6.23. Restorage		
6.24. Distillation (broken down by type of distillation)		
6.25. Other		
6.3. Other aids and premiums	.....	.....X.....
II. PRODUCTION FILE		
(Information referred to in Article 2 (1) (c) of Regulation (EEC) No 2392/86)		
1. Identification and location		
1.1. Name	.....X.....	.....
1.2. Address	.....X.....	.....
1.3. Identification number	.....X.....	.....
1.4. Legal personality	.....X.....	.....
1.5. Type of activity (e. g. vintner, concentrator)	.....X.....	.....
2. Declarations		
2.1. Production and stock declarations required under Article 28 of Regulation (EEC) No 337/79	.....X.....	.....
2.11. Production declarations		
2.12. Stock declarations		
2.2. Declarations relating to oenological practices required under Articles 35 and 36 of Regulation (EEC) No 337/79	.....X.....	.....
2.21. Increasing of alcoholic strength		
2.22. Acidification		
2.23. Deacidification		
2.24. Sweetening		
2.25. Other practices		
3. Intervention measures, aids and premiums (Community and national)	.....X.....	.....
3.1. Storage		
3.2. Enrichment		
3.3. Restorage		
3.4. Distillation (broken down by type of distillation)		
3.5. Other		
4. Characteristics of technical wine-making facilities	.....	.....X.....
III. 'DISTILLERS' FILE		
(Second subparagraph of Article 2 (1) (c) of Regulation (EEC) No 2392/86)	.....	.....X.....

ANNEX II

ADMINISTRATIVE UNITS IN WHICH THE ESTABLISHMENT OF THE VINEYARD REGISTER HAS PRIORITY

Name of Administrative unit	Deadline for completion of register
I. Germany	
Rheinland-Pfalz	31 August 1990
II. Spain	
<ol style="list-style-type: none"> 1. Albacete 2. Toledo 3. Valencia 4. Badajoz 5. Ciudad Real 6. Cuenca 7. Huelva 8. Tarragona 9. Zamora 	31 August 1990
III. Greece	
<ol style="list-style-type: none"> 1. Nomos Korinthias 2. Nomos Achaïas 3. Nomos Ilias 4. Nomos Attikis (*) 5. Diamerisma Anatolikis Attikis 6. Nomos Viotias 7. Nomos Evias 8. Nomos Argolidas 9. Nomos Arkadias 10. Nomos Messinias 11. Nomos Trifillias 12. Nomos Lakonias 13. Nomos Aitoloakarnanias 14. Nomos Zakinthou 15. Nomos Kefalinias 16. Nomos Irakliou 17. Nomos Lassithiou 18. Nomos Chanion 19. Nomos Rethimnis 	31 August 1990
IV. Italy	
<ol style="list-style-type: none"> 1. Puglia 2. Sicilia 3. Toscana 4. Veneto 5. Lazio 6. Abruzzo 7. Campania 8. Emilia Romagna 9. Marche 10. Calabria 11. Umbria 12. Molise 13. Basilicata 14. Piemonte 	<p>31 August 1989</p> <p>31 August 1989</p> <p>31 August 1989</p> <p>31 August 1989</p> <p>31 August 1990</p> <p>31 August 1990</p> <p>31 August 1990</p> <p>31 August 1990</p> <p>31 August 1991</p>

(*) Except the administrative division of the Department of Agriculture of Piraeus.