

## COMMISSION REGULATION (EC) No 194/98

of 26 January 1998

amending Regulation (EEC) No 3105/88 laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87

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 organisation of the market in wine <sup>(1)</sup>, as last amended by Regulation (EC) No 2087/97 <sup>(2)</sup>, and in particular Article 36(6) thereof,

Whereas Commission Regulation (EEC) No 3105/88 <sup>(3)</sup>, as last amended by Regulation (EC) No 2365/95 <sup>(4)</sup>, introduced the detailed rules for the application of compulsory distillation as provided for in Article 36 of Regulation (EEC) No 822/87; whereas that distillation applies to wines exceeding the quantities normally produced; whereas Article 8 of Regulation (EEC) No 3105/88 lays down the rules for establishing the quantities normally produced; whereas in certain wine-producing regions, and in particular in those where the wines are also intended for the production of wine spirits, a situation of increased imbalance has arisen because the total production of wine has remained stable while traditional uses have decreased; whereas, in order to encourage wine-producers to stabilise their production, the determination of the quantity normally produced should also take account of efforts to stabilise production by abandoning land; whereas, therefore, Article 8 of that Regulation should be adjusted accordingly;

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*

The following subparagraph is added to Article 8(3) of Regulation (EEC) No 3105/88:

'With effect from the 1998/99 wine year, notwithstanding the previous subparagraph, and with regard to wine produced from grapes classified for the same administrative unit as both wine-grape varieties and varieties intended for the production of wine spirits, Member States shall be authorised, where the producer has received with effect from the 1997/98 wine year the permanent abandonment premium referred to in Council Regulation (EEC) No 1442/88 <sup>(\*)</sup> for part of the wine-growing area of the holding, to maintain the quantity normally produced at the level attained prior to grubbing-up for the five wine years following that of the grubbing-up.

<sup>(\*)</sup> OJ L 132, 28. 5. 1998, p. 3.'

*Article 2*

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, 26 January 1998.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ L 292, 25. 10. 1997, p. 1.

<sup>(3)</sup> OJ L 277, 8. 10. 1988, p. 21.

<sup>(4)</sup> OJ L 241, 10. 10. 1995, p. 17.