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► B **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

(OJ L 170, 30.6.2008, p. 1)

Amended by:

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		No	page	date
► <u>M1</u>	Commission Regulation (EC) No 42/2009 of 20 January 2009	L 16	6	21.1.2009
► <u>M2</u>	Commission Regulation (EC) No 702/2009 of 3 August 2009	L 202	5	4.8.2009
► <u>M3</u>	Commission Regulation (EU) No 772/2010 of 1 September 2010	L 232	1	2.9.2010
► <u>M4</u>	Commission Implementing Regulation (EU) No 314/2012 of 12 April 2012	L 103	21	13.4.2012
► <u>M5</u>	Commission Implementing Regulation (EU) No 568/2012 of 28 June 2012	L 169	13	29.6.2012
► <u>M6</u>	Commission Implementing Regulation (EU) No 202/2013 of 8 March 2013	L 67	10	9.3.2013
► <u>M7</u>	Commission Regulation (EU) No 519/2013 of 21 February 2013	L 158	74	10.6.2013
► <u>M8</u>	Commission Implementing Regulation (EU) No 600/2013 of 24 June 2013	L 172	13	25.6.2013
► <u>M9</u>	Commission Implementing Regulation (EU) No 752/2013 of 31 July 2013	L 210	17	6.8.2013
► <u>M10</u>	Commission Implementing Regulation (EU) No 994/2013 of 16 October 2013	L 276	1	17.10.2013
► <u>M11</u>	Commission Implementing Regulation (EU) No 168/2014 of 21 February 2014	L 54	14	22.2.2014
► <u>M12</u>	Commission Delegated Regulation (EU) No 612/2014 of 11 March 2014	L 168	62	7.6.2014
► <u>M13</u>	Commission Implementing Regulation (EU) No 614/2014 of 6 June 2014	L 168	73	7.6.2014
► <u>M14</u>	Commission Implementing Regulation (EU) 2015/1991 of 5 November 2015	L 290	9	6.11.2015
► <u>M15</u>	Commission Implementing Regulation (EU) 2016/38 of 14 January 2016	L 11	1	16.1.2016
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**COMMISSION REGULATION (EC) No 555/2008
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**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 I

INTRODUCTORY PROVISIONS

*Article 1***Scope and use of terms**

1. This Regulation lays down implementing rules concerning the application of the following provisions of Regulation (EC) No 479/2008:

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- (b) trade with third countries (Title IV);
- (c) production potential (Title V);

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- (e) controls in the wine sector (Article 117); and

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This Regulation shall not affect the application of:

- (a) specific provisions governing relations between Member States in combating fraud in the wine sector in so far as they are such as to facilitate the application of this Regulation;
- (b) rules relating to:
 - (i) criminal proceedings or mutual assistance among Member States at judicial level in criminal matters;
 - (ii) the administrative penalties procedure.

2. Terms used in Regulation (EC) No 479/2008 shall have the same meaning when used in this Regulation.

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TITLE II
SUPPORT PROGRAMMES

CHAPTER I

Procedure for submission

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CHAPTER II

Eligible measures

▼ M16

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Section 7

Disposal of by-products

Article 21

Fixing a minimum percentage of alcohol

1. Subject to point 1 of Annex VI.D to Regulation (EC) No 479/2008, Member States shall establish the volume of alcohol that must be contained in the by-products in relation to that contained in the wine produced. Member States may modulate the minimum percentage of alcohol on the basis of objective and non-discriminatory criteria.

2. Should the relevant percentage fixed by Member States in application of the first paragraph not be reached, those subject to the obligation shall deliver a quantity of wine from their own production, thus ensuring attainment of that percentage.

3. For the purpose of determining the volume of alcohol contained in the by-products in relation to that contained in the wine produced, the standard wine natural alcoholic strengths by volume to be applied in the different wine-growing zones shall be:

(a) 8,0 % for zone A;

(b) 8,5 % for zone B;

(c) 9,0 % for zone C I;

(d) 9,5 % for zone C II;

(e) 10,0 % for zone C III.

▼B*Article 22***Disposal of by-products**

Producers shall be required to withdraw the by-products of wine-making, or any other processing of grapes, under supervision subject to the following conditions:

- (a) the by-products shall be withdrawn without delay and no later than the end of the wine year in which they were obtained; Member States may fix an earlier deadline; withdrawal, together with an indication of the estimated quantities, shall be either entered in the registers kept in accordance with Article 112(2) of Regulation (EC) No 479/2008, or certified by the competent authority;
- (b) withdrawal shall respect applicable Community legislation, in particular as regards the environment.

The withdrawal of the wine lees in question shall be regarded as having taken place once the lees have been denatured to make their use in winemaking impossible and where the delivery of the denatured lees to third parties has been entered in the registers kept in accordance with Article 112(2) of Regulation (EC) No 479/2008. Member States shall take the measures necessary to ensure that such transactions are checked. They may have a system of prior recognition of the concerned third parties.

Member States may decide that producers who, during the wine year in question, do not produce more than 25 hectolitres of wine or must themselves on their own premises are not required to withdraw their by-products.

*Article 23***Disposal with by-product distillation**

1. Producers may fulfil the obligation of disposal for a part or for the entirety of the by-products of wine-making or any other processing of grapes, by delivering the by-products to distillation.
2. Member States may require that the delivery to distillation of a part or of the entirety of the by-products of wine making or of any other processing of grapes is made compulsory for a part or for the entirety of their producers, on the basis of objective and non-discriminatory criteria. This obligation can be also fulfilled by the delivery of wine to the vinegar industry.

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TITLE III

TRADE WITH THIRD COUNTRIES

CHAPTER I

Entry price arrangements for grape juice and must

Article 38

Definition

For the purposes of this title ‘consignment’ means the quantity of a product consigned by one consignor to one consignee, presented under a single custom declaration for release for free circulation. Each declaration may cover only goods of one and the same origin, as defined in Articles 23 and 24 of Regulation (EEC) No 2913/92 ⁽¹⁾, falling within a single Combined Nomenclature code.

Article 39

Verification by consignment

1. For products falling within CN codes 2009 61, 2009 69 and 2204 30 listed in Annex I, Part Three, Section I, Annex 2 to the Common Customs Tariff and subject to entry price arrangements, the actual customs value shall be verified by checking every consignment.

2. The entry price in Annex 2 of the Regulation (EEC) No 2658/87 ⁽²⁾ for the products indicated in paragraph 1 shall be determined on the basis of the customs value.

CHAPTER II

Certificates and analysis reports for wine, grape juice and must on import

Section 1

General

Article 40

Documents required

The certificate and the analysis report referred to in Article 82(3)(a) and (b), respectively, of Regulation (EC) No 479/2008 shall form a single document:

- (a) the ‘certificate’ part of which shall be made out by a body of the third country from which the products comes;
- (b) the ‘analysis report’ part of which shall be made out by an official laboratory recognised by the third country from which the products comes.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 275/2008 (OJ L 85, 27.3.2008, p. 3).

▼B*Article 41***Contents of the analysis report**

The analysis report shall include the following information:

- (a) in the case of wines and grape must in fermentation:
 - (i) the total alcoholic strength by volume;
 - (ii) the actual alcoholic strength by volume;
- (b) in the case of grape must and grape juice, the density;
- (c) in the case of wines, grape must and grape juice:
 - (i) the total dry extract;
 - (ii) the total acidity;
 - (iii) the volatile acid content;
 - (iv) the citric acid content;
 - (v) the total sulphur dioxide content.

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▼B*Article 42***Exemptions**

1. No certificate or analysis report need be presented for products originating in and exported from third countries in labelled containers of not more than five litres fitted with a non-reusable closing device where the total quantity transported, whether or not made up of separate consignments, does not exceed 100 litres.
2. Where products do not fulfil the conditions set out in paragraph 1, no certificate and analysis report needs to be presented for:
 - (a) wine, grape must and grape juice contained in the personal luggage of travellers within the meaning of Article 45 of Council Regulation (EEC) No 918/83 ⁽¹⁾ up to a maximum of 30 litres per traveller;
 - (b) wine sent in consignments from one private individual to another, within the meaning of Article 29 of Regulation (EEC) No 918/83 up to a maximum of 30 litres per consignment;
 - (c) wine and grape juice forming part of the personal property of private individuals transferring their normal place of residence from a third country to the Community within the meaning of Article 2 of Regulation (EEC) No 918/83;

⁽¹⁾ OJ L 105, 23.4.1983, p. 1.

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- (d) wine and grape juice for trade fairs as defined in Article 95 of Regulation (EEC) No 918/83, provided that the products in question are put up in labelled containers of not more than two litres fitted with a non-reusable closing device;
- (e) quantities of wine, grape must and grape juice in other containers, imported for the purpose of scientific and technical experiments up to a maximum of 100 litres;
- (f) wines and grape juice imported in accordance with the provisions of the Vienna Convention on diplomatic relations of 18 April 1961, the Vienna Convention on consular relations of 24 April 1963 or other consular conventions, or the New York Convention of 16 December 1969 on special missions;
- (g) wines and grape juice held in stores on board of vessels and aircraft operating in international transport;
- (h) wines and grape juice originating and bottled in the European Community, exported to a third country and returned to the customs territory of the Community and released for free circulation.

Section 2

Requirements to be met and detailed rules for drawing up and using the certificate and analysis report for imports of wine, grape juice and grape must

*Article 43***V I 1 document**

1. The certificate and analysis report for each consignment intended for import into the Community shall be drawn up on a single V I 1 document.

The document referred to in the first subparagraph shall be drawn up on a V I 1 form corresponding to the specimen shown in Annex IX. It shall be signed by an officer of an official body and by an official of a recognised laboratory as referred to in Article 48.

2. Where the product concerned is not intended for direct human consumption, the analysis report section of the V I 1 form need not be completed.

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In the case of wine put up in labelled containers of a capacity not exceeding 60 litres, fitted with non-reusable closing devices, and provided that the wine originates in a country appearing in Annex XII, part A, which has offered special guarantees accepted by the Community, the analysis report section of the V I 1 form need be completed only in respect of:

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- (a) the actual alcoholic strength by volume;
- (b) the total acidity;
- (c) the total sulphur dioxide content.

▼B*Article 44***Description of documents**

1. V I 1 forms shall comprise a typed or handwritten original and a simultaneously produced copy, in that order.
2. The V I 2 form shall be an extract made out in accordance with the specimen shown in Annex X, containing the data appearing on a V I 1 document or another V I 2 extract and stamped by a Community customs office. V I 2 forms shall comprise an original and two copies, in that order.
3. V I 1 documents and V I 2 extracts shall comply with the technical rules set out in Annex XI.
4. Both the original and the copy shall accompany the product. V I 1 and V I 2 forms must be completed either in typescript or by hand, or by equivalent technical means recognised by an official body. Handwritten forms shall be completed in ink and in capital letters. No erasures or overwriting shall be permitted. Any alterations shall be made by crossing out the incorrect particulars and, where appropriate, adding those required. Any change made in this way must be approved by its author and stamped, as the case may be, by the official agency, the laboratory or the customs authorities.
5. V I 1 documents and V I 2 extracts shall bear a serial number allocated, in the case of V I 1 documents, by the official agency whose officer signs the certificate and, in the case of V I 2 extracts, by the customs office which stamps them in accordance with Article 47(2) and (3).
6. Without prejudice to paragraphs 2, 3, 4 and 5, V I 1 and V I 2 may be issued and used using computerised systems in accordance with detailed rules laid down by the competent authorities of the Member States. The content of an electronic V I 1 and V I 2 must be identical to that one on paper.

*Article 45***Simplified procedure****▼M6**

1. V I 1 documents made out by wine producers in the third countries listed in Annex XII, Part B, which have offered special guarantees accepted by the Community shall be considered as certificates or analysis reports drawn up by agencies and laboratories included in the list provided for in Article 48 provided that the producers have received individual approval from the competent authorities of those third countries and are subject to inspection by the latter.

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2. Approved producers as referred to in paragraph 1 shall use V I 1 forms giving in box 9 the name and address of the official agency of the third country which approved them. Producers shall complete the form, entering in addition:

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- (a) in box 1, their names and addresses and their registration numbers in the third countries listed in Annex XII, Part B;

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- (b) in box 10, at least the particulars provided for in Article 43(2).

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The producers shall sign in the space provided in boxes 9 and 10, after striking out the words 'name and title of official'.

Neither stamps nor the name and address of the laboratory shall be required.

▼ M9*Article 45a***Electronic document**

1. V I I documents established in accordance with Articles 43 and 45 may be replaced by an electronic document for the import in the Union of wine products from third countries which have in place a system of controls accepted by the Union as equivalent to that set up for the same products by the Union legislation.

A system of controls in a third country may be accepted as equivalent to that set up for the same products by the Union if it fulfils at least the following conditions:

- (a) it offers sufficient guarantees as to the nature, the origin and the traceability of the wine products produced or traded on the territory of the third country concerned;
- (b) it guarantees access to the data held in the electronic system used, in particular with regard to the registration and the identification of operators, control bodies and the analysis laboratories;
- (c) it guarantees the possibility to check the data referred to in point (b) within the framework of a mutual administrative cooperation.

Third countries having in place a system of controls accepted by the Union as equivalent in accordance with the second subparagraph shall be included in the list set out in Annex XII, Part C.

2. The electronic document provided for in paragraph 1 shall contain at least the information necessary for the establishment of the V I I document.

A unique administrative reference code is assigned to the electronic document by, or under the control of the competent authorities of the third country of export. This code is included on the commercial documents required for the import in the territory of the Union.

3. Access to the electronic document or to the data necessary for its establishment shall be given at any request of the competent authorities of the Member State of destination.

The data referred to in the first subparagraph may be requested in the form of a paper document in which the data shall be displayed in the form of data elements, expressed in the same manner as in the electronic document.

▼ B*Article 46***Derogations**

Application of Articles 43(2) and 45 of this Regulation may be suspended if it is found that the products to which these measures apply have been the subject of falsification likely to result in a health risk to consumers or uses of oenological practices others than the ones referred to in Article 82(2) of Regulation (EC) No 479/2008.

*Article 47***Use**

1. The original and the copy of V I 1 documents or V I 2 extracts shall be handed over to the competent authorities of the Member State in which the customs formalities required for putting into free circulation the consignment to which they relate are carried out, on completion of those formalities.

The authorities shall, where necessary, endorse the back of the V I 1 document or the V I 2 extract. They shall return the original to the person concerned and keep the copy for at least five years.

2. Where a consignment is to be reconsigned complete before entry into free circulation, the new consignor shall give the customs authorities supervising the consignment the V I 1 document or the V I 2 extract relating to that consignment as well as, if appropriate, a V I 2 form completed consecutively.

The authorities shall verify that the particulars entered on the V I 1 document agree with those entered on the V I 2 form or that the particulars entered on the V I 2 extract agree with those entered on the V I 2 form completed consecutively, and shall then stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse the document or previous extract accordingly. They shall return the extract and the original of the V I 1 document or the previous V I 2 extract to the new consignor and keep the copy of the document or previous extract for at least five years.

However, a V I 2 form need not be completed where a consignment of a product is re-exported to a third country.

3. Where a consignment is split before it enters into free circulation, the person concerned shall give the original and the copy of the V I 1 document or the V I 2 extract relating to the consignment to be split to the customs authorities supervising that consignment, together with a V I 2 form and two copies completed consecutively for each new consignment.

The authorities shall verify that the particulars entered on the V I 1 document or on the V I 2 extract correspond to those on the V I 2 form completed consecutively for each new consignment, and shall then stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse accordingly the back of the V I 1 document or the V I 2 extract on which it was based. They shall return the V I 2 extract together with the V I 1 document or the V I 2 extract previously completed to the person concerned and keep a copy of each of these documents for at least five years.

*Article 48***List of competent bodies**

1. The Commission shall draw up and update lists containing the names and addresses of the agencies and laboratories, and of the wine producers authorised to draw up V I 1 document, on the basis of notifications from the competent authorities of third countries. The Commission shall make the names and addresses of these agencies and laboratories public on the internet.

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2. The notifications from the competent authorities of third countries referred to in paragraph 1 shall contain:

- (a) the names and addresses of the official agencies and laboratories approved or appointed for the purpose of drawing up V I 1 documents;
- (b) the names, addresses and official registration numbers of the wine producers authorised to draw up V I 1 documents.

The lists referred to in paragraph 1 shall contain only agencies and laboratories as referred to in point (a) of the first subparagraph of this paragraph which have been authorised by the competent authorities of the third country concerned to provide the Commission and the Member States, on request, with any information required to evaluate the data appearing on the document.

3. The lists shall be updated, in particular to take account of changes of address and/or name of agencies or laboratories.

*Article 49***Indirect imports**

In cases where a wine is exported from a third country in whose territory it was produced (hereinafter referred to as 'the country of origin') to another third country (hereinafter referred to as 'the exporting country'), from which it is then exported to the Community, the competent authorities of the exporting country may draw up the V I 1 document for the wine concerned on the basis of a V I 1 document or equivalent drawn up by the competent authorities of the country of origin, without having to perform further analyses on the wine, if that wine:

- (a) has already been bottled and labelled in the country of origin and remains so; or
- (b) is exported in bulk from the country of origin and bottled and labelled in the exporting country without any further processing.

The competent authority of the exporting country shall certify on the V I 1 document that the wine in question is a wine to which the first paragraph refers and that it fulfils the conditions set out therein.

The original or a certified copy of the V I 1 document or equivalent of the country of origin shall be attached to the V I 1 document of the exporting country.

The only countries of origin for the purposes of this Article shall be those appearing on the list, published in accordance with Article 48(1), of agencies and laboratories that are appointed by third countries to complete the documents that must accompany each consignment of imported wine.

*Article 50***Special rules for particular wines**

1. In the case of liqueur wines and wines fortified for distillation, the V I 1 documents shall be recognised as valid only where the official agency as referred to in Article 48 has entered the following in box 14:

'the alcohol added to this wine is certified as being wine alcohol'.

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The entry shall be accompanied by the following information:

- (a) the full name and address of the issuing agency;
- (b) the signature of an official of the agency;
- (c) the agency's stamp.

2. The V I 1 document may be used as certifying that an imported wine bears a geographical indication in conformity with either the agreement on Trade-Related Intellectual Property Rights (TRIPS) of the World Trade Organisation (WTO), or the Community legislation on geographical indications or an agreement on recognition and protection of geographical indications between the European Community and the third country from which the wine originates.

In such a case, box 14 shall indicate the following:

‘the wine covered by this document is certified as having been produced in the ... wine-growing region and was given the geographical indication shown in box 6 in accordance with the provisions of the country of origin’.

The entry shall be accompanied by the information provided for in the second subparagraph of paragraph 1.

*Article 51***Conformity of imported wines**

Where the competent authorities of a Member State suspect that a product originating in a third country does not comply with Article 82(1) and (2) of Regulation (EC) No 479/2008, they shall inform the Commission thereof without delay.

*CHAPTER III****Specific provisions on exports****Article 52***Notification of official bodies**

1. Member States shall send the Commission the lists of official or officially recognised bodies that they propose should issue attestations proving that the wine in question meets the conditions for access to the concessions provided for in the agreements with third countries.

2. The Commission shall act on behalf of the Community in drawing up and exchanging, jointly with the third country concerned, the list of official bodies authorised to draw up the attestations referred to in paragraph 1 and the equivalent certificate issued by the third country concerned.

3. The Commission shall make the list provided for in paragraph 2 public and update it periodically.

*CHAPTER IV**Transitional provisions**Article 53***V I 1 and V I 2 conformity**

V I 1 and V I 2 documents which were in conformity with the provisions applicable when they were put into circulation but which no longer conform to those provisions from the date of application of this Regulation may continue to be used until 31 December 2008.

*Article 54***Release of security**

At the request of the interested parties, the securities lodged for the issuing of import and export licenses, shall be released from 1 August 2008, if the validity of the licenses has not expired before that date.

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.

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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.

*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;

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- (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 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.

▼M14*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.

Such obligation shall no longer apply to those Member States where no unlawful plantings remain to be grubbed up.

▼ M14

2. Save as otherwise indicated in the appropriate tables of Annex XIII to this Regulation, the communications referred to in Article 85c(3), Article 188a(1) and Article 188a(2) of Regulation (EC) No 1234/2007 shall refer to the previous wine year.

The yearly communications shall be made in the forms set out in Tables 3 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 referred to in paragraphs 1 and 2.

▼ B*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***▼ M16****▼ M14***Article 61***Member States communication obligations related to new planting rights**

Member States shall communicate to the Commission by 1 March 2016 the following information in respect of the period from 1 August 2014 to 31 December 2015:

- (a) the total areas for which new planting rights have been granted in accordance with each of paragraphs 1, 2 and 3 of Article 60; and
- (b) the total area for which new planting rights have been granted cumulatively in accordance with Article 85h of Regulation (EC) No 1234/2007; where a Member State makes use of the derogation provided for in Article 60(6) 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.

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This communication shall be made in the form set out in Table 8 of Annex XIII to this Regulation.

Member States may decide whether or not to include details related to regions in the communication.

▼ M16**▼ B***Article 65***Reserves of planting rights****▼ M16****▼ M14**

5. Member States shall, in the form laid down in Table 9 of Annex XIII, communicate to the Commission by 1 March 2016 the following information in respect of the period from 1 August 2014 to 31 December 2015:

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

▼ M16**▼ M6****▼ B***CHAPTER IV****Inventory and measurement of the area planted*****▼ M14***Article 74***Inventory**

The data communicated in the inventory in accordance with Article 145(3) of Regulation (EU) No 1308/2013 by 1 March 2016 shall refer to 31 December 2015.

It shall contain the information specified in Tables 15 and 16 of Annex XIII to this Regulation. Member States may decide whether or not to include details related to regions in the communication.

▼ M16

▼BTITLE V
CONTROLS IN THE WINE SECTOR

CHAPTER I

*Principles of control***▼M16****▼B***Article 83***Powers of control officials**

Each Member State shall take all appropriate measures to facilitate the work of the officials of its competent bodies. It shall ensure in particular that such officials, where appropriate in conjunction with officials of other departments which it authorises for the purpose:

- (a) have access to vineyards, wine-making and storage installations, installations for processing wine-sector products and vehicles for transporting those products;
- (b) have access to the commercial premises (or warehouses) and vehicles of anyone holding with a view to sale, marketing or transporting wine-sector products or products which may be intended for use in the wine sector;
- (c) may undertake an inventory of wine-sector products and substances or products which may be used for the preparation of such products;
- (d) may take samples of wine-sector products, substances or products which may be used for the preparation of such products and products held with a view to sale, marketing or transport;
- (e) may study accounting data and other documents of use in control procedures, and make copies or extracts thereof;
- (f) may take appropriate protective measures regarding the preparation, holding, transport, description, presentation and marketing of a wine-sector product or a product intended for use in the preparation of such a product, if there is reason to believe that there has been a serious infringement of Community provisions, in particular in the case of fraudulent treatment or risks to health.

CHAPTER II

*Assistance between control bodies**Article 84***Assistance on request**

1. Where a competent body of a Member State undertakes control activities on its territory, it may appeal for information from a competent body of any other Member State liable to be affected directly or indirectly. Where such a request is made the assistance shall be provided in a timely manner.

▼B

The Commission shall be notified whenever the product which is the subject of the controls referred to in the first subparagraph originates in a third country, and if the marketing of this product may be of specific interest to other Member States.

The body appealed to shall provide all such information as may enable the applicant body to carry out its duties.

2. Where reasoned application is made by the applicant body, the body appealed to shall perform special supervision or checks with a view to achieving the aims pursued, or shall take the necessary steps to ensure that such supervision or checks are performed.

3. The body appealed to shall act as though on its own behalf.

4. In agreement with the body appealed to, the applicant body may designate officials:

- (a) either to obtain, on the premises of the administrative authorities coming under the Member State in which the body appealed to is established, information relating to the application of the rules in the wine sector or to control activities, including the making of copies of transport and other documents or extracts from registers;
- (b) or to be present during operations requested under paragraph 2, after advising the body appealed to in good time before the start of those operations.

The copies referred to in point (a) of the first subparagraph may be made only with the agreement of the body appealed to.

5. The officials of the body appealed to shall remain in charge of the control operations at all times.

6. The officials of the applicant body shall:

- (a) produce a written order indicating their identity and official position;
- (b) be accorded, without prejudice to the limits imposed by the Member State of the body appealed to on its own officials in carrying out the controls in question:
 - (i) the rights of access provided for in points (a) and (b) of Article 83;
 - (ii) the right to be informed of the results of controls carried out by the officials of the body appealed to under points (c) and (e) of Article 83;
- (c) in the course of checks, conduct themselves in a way compatible with the rules and professional practices which officials of the Member State are expected to follow, and observe professional confidentiality.

▼B

7. The requests referred to in this Article shall be forwarded to the body appealed to in the Member State in question via the liaison body of that Member State. The same procedure shall apply to:

- (a) replies to such requests;
- (b) communications concerning the application of paragraphs 2 and 4.

Notwithstanding the first subparagraph and in the interests of quicker and more effective cooperation between them, Member States may permit a competent body to:

- (a) make its request or communication directly to a competent body of another Member State;
- (b) reply directly to requests or communications received from a competent body of another Member State.

*Article 85***Unsolicited assistance**

A competent body of a Member State shall, via the liaison body under which it comes, notify the liaison body of the Member State concerned without delay, where it has grounds for suspicion or becomes aware that:

- (a) a product referred to in Article 1(1) of Regulation (EC) No 479/2008 does not comply with the wine-sector rules or has been the subject of fraudulent action to obtain or market such a product; and
- (b) this failure to comply with the rules is of specific interest to one or more other Member States and such as to lead to administrative measures or legal action.

*Article 86***Common provisions**

1. The information referred to in Article 84(1) and Article 85 shall be accompanied and supplemented as soon as possible by relevant documents and other evidence and a reference to any administrative measures or legal proceedings, and shall specifically cover:

- (a) the composition and organoleptic characteristics of the product in question;
- (b) the description and presentation of the product;
- (c) compliance or not with the rules laid down for producing and marketing the product.

▼B

2. The liaison bodies involved in a case for which the assistance procedure is initiated shall inform each other without delay of:

- (a) the progress of investigations;
- (b) any administrative or legal action taken subsequent to the operations concerned.

3. Travel costs incurred when implementing Article 84(2) and (4) shall be borne by:

- (a) the Member State which has appointed an official for the measures referred to in these paragraphs; or
- (b) the Community budget at the request of the liaison body of that Member State if the Commission has formally recognised in advance the Community interest of the control activity in question.

*CHAPTER III**Analytical databank**Article 87***Purpose of the databank**

1. An analytical databank for wine products shall be managed by the Joint Research Centre (JRC).

2. The databank shall contain data obtained from isotopic analysis of the components of ethanol and water in wine products according to the reference methods of analysis referred to in Article 31 of Regulation (EC) No 479/2008.

3. The databank is to help harmonise the interpretation of the results obtained by the official laboratories of the Member States in applying the reference methods of analysis referred to in Article 31 of Regulation (EC) No 479/2008.

*Article 88***Samples**

1. For the establishment of the analytical databank, Member States shall ensure the taking of samples of fresh grapes for analysis as well as their treatment and processing into wine in accordance with the instructions in Annex XVI.

2. The samples of fresh grapes shall be taken from vineyards situated in a wine-growing area of clearly defined soil type, situation, vine training system, variety, age and cultural practices.

▼B

3. The number of samples to be taken each year for the databank is set out in Annex XVII. The selection of samples must take account of the geographical situation of vineyards in the Member States listed in Annex XVII. Each year at least 25 % of the samples shall be taken from the same plots as in the previous year.

4. The samples shall be analysed by the methods referred to in Article 31 of Regulation (EC) No 479/2008 by laboratories designated by the Member States. The designated laboratories must meet the general criteria for the operation of testing laboratories set out in ISO/IEC 17025, and in particular must take part in a system of proficiency tests covering methods of isotopic analysis. The evidence of compliance with these criteria will be provided in writing to the JRC for the purpose of quality control and validation of the data provided.

5. An analysis report shall be drawn up in accordance with Annex XIX. A description sheet shall be drawn up for each sample in accordance with the questionnaire in Annex XVIII.

6. A copy of the report with the results and interpretation of the analyses along with a copy of the description sheet shall be sent to the JRC.

7. Member States and the JRC shall ensure that:

- (a) data in the analytical databank are preserved;
- (b) each of the samples is kept for at least three years from the date the sample is taken;
- (c) the databank is used only for monitoring the application of Community and national wine legislation or for statistical or scientific purposes;
- (d) measures are applied to safeguard the data, in particular against theft and interference;
- (f) files are made available, without undue delay or cost, to those to whom they relate so that any inaccuracies can be rectified.

▼M8*Article 89*

For a period ending on 30 June 2015, pending the setting up of the adequate analytical equipment, Croatia shall send its wine samples to the JRC for analysis.

Croatia may designate a competent body authorised to have access to the information on samples on its territory.

▼B*Article 90***Communication of results**

1. The information contained in the databank shall be made available on request to the laboratories designated by the Member States for that purpose.
2. The JRC shall draw up and update on a yearly basis the list of the Member States laboratories designated for the preparation of samples and the measurements for the analytical databank.
3. In duly substantiated cases, the information referred to in paragraph 1, when representative, may be made available on request to other official bodies in the Member States.
4. Communication of information shall relate only to the relevant analytical data required to interpret an analysis carried out on a sample of comparable characteristics and origin. Any communication of information shall be accompanied by a reminder of the minimum requirements for the use of the databank.

*Article 91***Compliance with procedures**

Member States shall ensure that the results of isotopic analyses contained in their own databanks are obtained by analyzing samples taken and treated in accordance with this Chapter.

*CHAPTER IV****Collection of samples for control purposes****Article 92***Request for collection of samples**

1. In the context of the application of Chapter II, the officials of a competent body of a Member State may request a competent body of another Member State to collect samples in accordance with the relevant provisions of that Member State.
2. The applicant body shall hold the samples collected and shall determine *inter alia* the laboratory where they are to be analysed.
3. Samples shall be taken and treated in accordance with the instructions in Annex XX.

*Article 93***Costs of collection, dispatch and analysis of samples**

1. The costs incurred in taking, treating and dispatching a sample and in carrying out analytical and organoleptic tests shall be borne by the competent body of the Member State which asked for the sample to be taken. Such costs shall be calculated according to the rates applicable in the Member State in the territory of which the operations are carried out.
2. The costs incurred in sending the samples referred to in Article 89 shall be borne by the Community.

▼B*CHAPTER V***General provisions***Article 94***Conclusive force**

The findings of the officials of a competent body of a Member State in the course of application of this Chapter may be invoked by the competent bodies of the other Member States. In such cases, they shall have no less value because of the fact that they do not come from the Member State in question.

*Article 95***Persons subject to controls**

1. Natural or legal persons and groups of such persons whose professional activities may be the subject of the controls referred to in this Regulation shall not obstruct such controls and shall be required to facilitate them at all times.
2. Cultivators of vines from which grapes are taken by officials of a competent body:
 - (a) may not impede such collection in any way; and
 - (b) shall provide these officials with all the information required under this Regulation.

▼M4*Article 95a***Coordination of controls and access to information**

With respect to controls relating to consignments carried out under cover of the accompanying documents indicated in Article 24(1)(a)(i) of Commission Regulation (EC) No 436/2009 ⁽¹⁾, Member States, shall, not later than 1 March 2014, adopt the measures required to give the competent bodies designated under Article 82(1) of this Regulation access to the information held in the computerised system referred to in Article 21 of Council Directive 2008/118/EC ⁽²⁾ and on the movements of wine products circulating under the arrangements laid down in Chapter IV of that Directive.

With respect to controls on consignments carried out under cover of the accompanying documents indicated in Article 24(1)(a)(ii) and (iii) of Regulation (EC) No 436/2009, Member States, shall, not later than 1 March 2014, adopt the measures required to give the competent bodies designated under Article 82(1) of this Regulation access to the information held in the information systems set up to control the movements of wine products other than those referred to in the first paragraph of this Article.

The information held pursuant to the first and second subparagraphs may only be used, for the purposes of this Regulation, in relation to the specific controls laid down in the rules on the wine sector.

⁽¹⁾ OJ L 128, 27.5.2009, p. 15.

⁽²⁾ OJ L 9, 14.1.2009, p. 12.

▼ B

TITLE VI

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

▼ M16**▼ B***Article 98***National sanctions**

Without prejudice to any sanctions set out in Regulation (EC) No 479/2008 or in this Regulation, Member States shall provide for the application of sanctions at national level in relation to irregularities committed in respect of requirements set out in Regulation (EC) No 479/2008 and in this Regulation which are effective, proportionate and dissuasive so that they provide adequate protection for the Communities' financial interests.

*Article 99***Artificially created situations**

Without prejudice to any specific measures set out in Regulation (EC) No 479/2008 or in this Regulation, no payment shall be made in favour of beneficiaries for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of the measure concerned.

*Article 100***▼ M10****Communications and notifications**

1. The communications and notifications to the Commission referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾.

▼ B

3. Without prejudice to any specific provisions of this Regulation, Member States shall take all measures necessary to ensure that they are able to meet the deadlines for communications set out in this Regulation.

4. If a Member State fails to make a communication as required under Regulation (EC) No 479/2008 or this Regulation or if the communication appears incorrect in the light of objective facts in the Commission's possession, the Commission may suspend part or all of the monthly payments referred to in Article 14 of Regulation (EC) No 1290/2005 as regards the wine sector until the communication is correctly made.

5. Member States shall retain the information recorded under this Regulation for at least 10 wine years following the one during which it was recorded.

6. The communications requested in this Regulation shall not prejudice the Member States' obligations laid down in Council Regulation (EEC) 357/79 on statistical surveys of areas under vines ⁽²⁾.

⁽¹⁾ OJ L 228, 1.9.2009, p. 3.

⁽²⁾ OJ L 54, 5.3.1979, p. 124. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

▼ B*Article 101***Obvious errors**

Any communication, claim or request made to a Member State under Regulation (EC) No 479/2008 or this Regulation, including an aid application, may be adjusted at any time after its submission in cases of obvious errors recognised by the competent authority.

*Article 102***Force majeure and exceptional circumstances**

Where, under Regulation (EC) No 479/2008 or this Regulation, a sanction is to be imposed it shall not be imposed in cases of *force majeure* or exceptional circumstances within the meaning of Article 40(4) of Regulation (EC) No 1782/2003.

*Article 103***Repeal and references**

1. Regulations (EC) No 1227/2000, (EC) No 1623/2000, (EC) No 2729/2000 and (EC) No 883/2001 are repealed.

However,

- (a) The relevant rules set out in Regulations (EC) No 1227/2000 and (EC) No 1623/2000 shall continue to apply in so far as measures eligible under Regulation (EC) No 1493/1999 have been commenced or undertaken before 1 August 2008;

▼ M1

- (b) Table 9 of the Annex to Regulation (EC) No 1227/2000 shall continue to apply unless otherwise provided in an implementing regulation on the labelling and presentation of wines to be adopted on the basis of Article 63 of Regulation (EC) No 479/2008;

▼ B

- (c) Annex I to Regulation (EC) No 1623/2000 shall remain in force until 31 July 2012.

2. References to the repealed Regulations in accordance with paragraph 1 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex XXII.

*Article 104***Entry into force**

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

It shall apply from 1 August 2008.

However, Article 2 and Chapter III of Title IV shall apply as from 30 June 2008.

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

▼ **M16**▼ **B**

ANNEX IX

V I I document as provided for in Article 43(1)

1. Exporter (name and address)		THIRD COUNTRY OF ISSUE: V I I Serial No:	
		DOCUMENT FOR THE IMPORTATION OF WINE, GRAPE JUICE, OR GRAPE MUST INTO THE EUROPEAN COMMUNITY	
2. Consignee (name and address)		3. Customs stamp ⁽¹⁾ (For official EC use only)	
4. Means of transport and transport details ⁽¹⁾		5. Place of unloading (if different from 2)	
6. Description of the imported product		7. Quantity in l/hl/kg ⁽²⁾	
		8. Number of bottles	
9. CERTIFICATE			
The product described above ⁽³⁾ <input type="checkbox"/> is/ <input type="checkbox"/> is not intended for direct human consumption, complies with the Community definitions or categories of grapevine products and has been produced using oenological practices ⁽³⁾ <input type="checkbox"/> recommended and published by the OIV/ <input type="checkbox"/> authorised by the Community.			
Full name and address of the official agency:		Place and date:	Stamp:
		Signature, name and title of official:	
⁽⁴⁾ 10. ANALYSIS REPORT (describing the analytical characteristics of the product described above)			
FOR GRAPE MUST AND GRAPE JUICE			
— Density:			
FOR WINE AND GRAPE MUST STILL IN FERMENTATION			
— Total alcoholic strength:		— Actual alcoholic strength:	
FOR ALL PRODUCTS			
— Total dry extract:		— Total sulphur dioxide:	
— Total acidity:		— Volatile acidity:	— Citric acidity:
Full name and address of the recognised laboratory:		Place and date:	Stamp: ◀
		Signature, name and title of official:	

⁽¹⁾ Obligatory only for wines benefiting from a reduced customs tariff.⁽²⁾ Delete as appropriate.⁽³⁾ Put an 'X' in the appropriate box.▶ ⁽¹⁾ **C1**

**Attribution** (entry into free circulation and issue of extracts)

Quantity	11. No and date of customs document of release for free circulation and of the extract	12. Full name and address of consignee (extract)	13. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
14. Other remarks			



ANNEX X

V I 2 document as provided for in Article 44(1)

EUROPEAN COMMUNITY		MEMBER STATE OF ISSUE:	
1. Consignor (name and address)		V I 2 Serial No:	
2. Consignee (name and address)		EXTRACT OF A DOCUMENT FOR THE IMPORTATION OF WINE, GRAPE JUICE, OR GRAPE MUST INTO THE EUROPEAN COMMUNITY	
3. Extract V I 1 document No: Issued by (name of third country): On:		4. Extract of V I 2 extract No: Stamped by (full name and address of the customs office within the Community): On:	
5. Description of the imported product		6. Quantity in l/hl/kg (1)	
		7. Number of bottles	
<p>8. CONSIGNOR'S DECLARATION (2)</p> <p>The V I 1 document referred to in box 3 <input type="checkbox"/> / The extract referred to in box 4 <input type="checkbox"/> was completed in respect of the product described above and comprises:</p> <p><input type="checkbox"/> a CERTIFICATE to the effect that the product described above <input type="checkbox"/> is/ <input type="checkbox"/> is not intended for direct human consumption, complies with the Community definitions or categories of grapevine products and has been produced using oenological practices <input type="checkbox"/> recommended and published by the OIV/ <input type="checkbox"/> authorised by the Community.</p> <p><input type="checkbox"/> a ANALYSIS REPORT showing that this products has the following the analytical characteristics:</p> <p>FOR GRAPE MUST AND GRAPE JUICE — Density:</p> <p>FOR WINE AND GRAPE MUST STILL IN FERMENTATION — Total alcoholic strength: — Actual alcoholic strength:</p> <p>FOR ALL PRODUCTS — Total dry extract: — Total sulphur dioxide: — Total acidity: — Volatile acidity: — Citric acidity:</p> <p><input type="checkbox"/> an ENDORSEMENT (3) from the competent official agency certifying that:</p> <p>— the wine which is the subject of this document was produced in the region of and is recognised, according to the rules in the country of production, as having the right to the designation of origin mentioned in box 5.</p> <p>— the alcohol added to the wine is the subject of the present document is of vinous origin.</p> <p style="text-align: center;">Signature:</p>			
9. CUSTOMS Declaration certified as true Place and date: Signature:		Full name and address of customs office concerned: Stamp:	

**Attribution** (entry into free circulation and issue of extracts)

Quantity	10. No and date of customs document of release for free circulation and of the extract	11. Full name and address of consignee (extract)	12. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
13. Other remarks			

*ANNEX XI***Technical rules on V I 1 and V I 2 forms provided for in Articles 43 and 44****A. Printing of forms**

1. The size of the forms is to be approximately 210 by 297 mm.
2. The forms are to be printed in one of the official Community languages; in the case of V I 2 forms, the language of the form is to be designated by the competent authorities of the Member State where the form is to be stamped.

B. Completing the forms

The forms are to be completed in the language in which they are printed.

Each form is to bear a serial number allocated:

- in the case of V I 1 forms, by the official agency signing the ‘certificate’ part,
- in the case of V I 2 forms, by the customs office stamping them.

1. Exporter:

- Full name and address in the third country concerned.

2. Consignee:

- Full name and address in the Community.

4. Means of transport and transport details:

- Only refer to transport used for delivery to EC port of entry:
- Specify mode of transport (ship, air, etc); state name of ship, etc.

6. (5 for V I 2) Description of the imported product:

- Sale designation (e.g. as appears on label, such as name of producer and viticultural area; brandname; etc.),
- Name of the country of origin (e.g. ‘Chile’),
- Name of the geographical indication, provided the wine qualifies for such a geographical indication,
- Actual alcohol strength by volume,
- Colour of the product (state ‘red’, ‘rosé’, ‘pink’ or ‘white’ only),
- Combined Nomenclature code.

▼ **M9**

ANNEX XII

List of third countries referred to in Article 43(2), Article 45 and Article 45a

PART A: List of third countries referred to in Article 43(2):

- Australia
- Chile

PART B: List of third countries referred to in Article 45:

- Australia
- Chile
- United States of America

PART C: List of third countries referred to in Article 45a:

- -;

▼ B*ANNEX XIII**Table 1***Penalties imposed by the Member States according to Articles 85(3), 86(4) and 87(2) of Regulation (EC) No 479/2008**

Member State:								
Wine year or period:								
Date of communication:								
Region	Penalty imposed in the given wine year (*)							
	under national legislation (as referred to in Article 85(3) of Regulation (EC) No 479/2008)		introduced according to Article 85(3) of Regulation (EC) No 479/2008 (penalty to be imposed as from 31.12.2008)		according to Article 86(4) of Regulation (EC) No 479/2008 (penalty to be imposed as from 1.1.2010)		according to Article 87(2) of Regulation (EC) No 479/2008	
	EUR	area concerned (ha)	EUR	area concerned (ha)	EUR	area concerned (ha)	EUR	area concerned (ha)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1								
2								
...								
Total of Member State								

(*) For the first communication, due by 1 March 2009, the data refers to the period between 1.8.2008 and 31.12.2008; for all the subsequent communications, to the wine year preceding the communication.

Communication deadline: 1 March.

Communication referred to in Article 58(1) of this Regulation.

▼ M6**▼ B***Table 3***Yearly communication about areas planted without corresponding planting right after 31 August 1998**

Member State:					
Wine year or period:					
Date of communication:					
Region	Area planted without corresponding planting right after 31.8.1998				
	detected in the given wine year (*) (ha)	grubbed up in the given wine year (*) (ha)	area subject to distillation (ha)	volume of wine distilled in the given wine year (*) (hl)	area subject to green harvesting (ha)
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					

▼ B

Region	Area planted without corresponding planting right after 31.8.1998				
	detected in the given wine year (*) (ha)	grubbed up in the given wine year (*) (ha)	area subject to distillation (ha)	volume of wine distilled in the given wine year (*) (hl)	area subject to green harvesting (ha)
(1)	(2)	(3)	(4)	(5)	(6)
3					
...					
Total of Member State					

(*) For the first communication, due by 1 March 2009, the data refers to the period between 1.8.2008 and 31.12.2008; for all the subsequent communications, to the wine year preceding the communication.

Communication deadline: 1 March.

Communication referred to in Article 85(4) and Article 87(3) of Regulation (EC) No 479/2008 and in Article 58(2) of this Regulation.

▼ M6**▼ B**

Table 7

Yearly communication about areas planted without corresponding planting right before 1 September 1998

Member State:

Wine year or period:

Date of communication:

Region	Area planted without corresponding planting right before 1.9.1998				
	not regularised until 31.12.2009 (ha)	grubbed up in the given wine year (*) (Regulation (EC) No 479/2008 Art. 86(4)) (ha)	area subject to distillation (ha)	volume of wine distilled in the given wine year (*) (hl)	area subject to green harvesting (ha)
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
...					
Total of Member State					

(*) For the first communication, due by 1 March 2011, the data refers to the period between 1.1.2010 and 31.7.2010; for all the subsequent communications, to the wine year preceding the communication.

Communication deadline: 1 March, as from 2011.

Communication referred to in Article 86(5) and in Article 87(3) of Regulation (EC) No 479/2008 and in Article 58(2) of this Regulation.

▼ B

Table 8

Area of new planting rights granted

Member State:						
Wine year:						
Date of communication:						
Region	Area (ha)					
	compulsory purchase	land consolidation	experiments	graft nurseries	family consumption	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1						
2						
3						
...						
Total of Member State						

Communication deadline: 1 March, as from 2009.

Communication referred to in Article 61 of this Regulation.

Table 9

Movement of planting rights to and from the reserves

Member State:				
Wine year:				
Date of communication:				
Region	Planting rights allocated to the reserve		Planting right granted from the reserve	
	area concerned (ha)	amount paid for the planting rights (EUR)	area concerned (ha)	amount paid for the planting rights (EUR)
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
...				
Total of Member State				

Communication deadline: 1 March, as from 2009.

Communication referred to in Article 65(5) of this Regulation.

▼ M6

▼ **M14**▼ **B**

Communication deadline: 1 March, as from 2009.

Communication according to Article 109 of Regulation (EC) No 479/2008 and Article 74 of this Regulation.

Table 15

Inventory of planting rights

Member State:					
Wine year:					
Date of communication:					
	Area (ha)				
	wine with protected denomination of origin (*)	wine with protected geographical indication (*)	subtotal for wines with PDO/PGI (*)	wines without denomination of origin/geographical indication (*)	Total
(1)	(2)	(3)	(4)	(5)	(6)
Area actually planted with vines					
Planting rights allocated to producers but not yet used					
Replanting rights held by the producers					
Existing planting rights in the reserve					
Total of production potential					

(*) For the first communication, due by 1 March 2009, the headings of these columns should read as follows: quality wines psr/table wines with geographical indications/subtotal for quality wines psr and table wines with geographical indications/table wines (without geographical indications). Member States which cannot differentiate between the area under vines for the production of table wines with geographical indication and table wines without geographical indications at this time may send a single figure for all the table wines for the 2007/2008 wine year in their first communication and send an updated table by 31 December 2009 at the latest with the division between these two table wine categories.

Communication deadline: 1 March, as from 2009.

Communication according to Article 109 of Regulation (EC) No 479/2008 and Article 74 of this Regulation.

Table 16

Inventory of main wine grape varieties

Member State:		
Wine year:		
Date of communication:		
Variety	Area actually planted (ha)	Proportion (%)
(1)	(2)	(3)
1		

▼ B

Variety	Area actually planted (ha)	Proportion (%)
(1)	(2)	(3)
2		
3		
...		
other		
Total		

Communication deadline: 1 March, as from 2009.

Communication according to Article 109 of Regulation (EC) No 479/2008 and Article 74 of this Regulation.

▼ M6

*ANNEX XVI***Instructions for taking samples of fresh grapes and processing them into wine for analysis by the isotopic methods referred to in Article 88(1)**

I. SAMPLING OF GRAPES

A. Each sample must consist of at least 10 kg of ripe grapes of the same variety. They are to be taken in the condition in which they are found. Sampling must be carried out during the period when the plot in question is harvested. The grapes collected must be representative of the whole plot. The fresh grape samples, or the derived pressed must, may be preserved by freezing until further usage. Only in the case that oxygen-18 measurement of the water of the must is foreseen, an aliquot of must may be taken separately and preserved after pressing the whole grape sample.

B. When the samples are taken, a description sheet is to be drawn up. This sheet must include a first part concerning the sampling of the grapes and a second part concerning vinification. It must be kept with the sample and must accompany it during all transportation. It must be kept up to date by means of an entry regarding each type of treatment undergone by the sample. The description sheet concerning the sampling is to be drawn up in accordance with Part I of the questionnaire in Annex XVIII.

II. VINIFICATION

A. Vinification must be carried out by the competent body or by a department authorised to do so by that body, wherever possible under conditions comparable with the normal conditions in the production area of which the sample is representative. Vinification should result in the total transformation of the sugar into alcohol, i.e. in less than 2 g/l of residual sugar. However, in certain cases, e.g. for ensuring a better representativity, higher amounts of residual sugars can be accepted. As soon as the wine has clarified and stabilised by means of SO₂, it must be put in 75 cl bottles and labelled.

B. The description sheet for vinification is to be drawn up in accordance with Part II of the questionnaire in Annex XVIII.

▼B*ANNEX XVII***Number of samples to be taken by Member States each year for the analytical databank as referred in Article 88(3)**

- 30 samples in Bulgaria,
- 20 samples in the Czech Republic,
- 200 samples in Germany,
- 50 samples in Greece,
- 200 samples in Spain,
- 400 samples in France,

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- 30 samples in Croatia,

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- 400 samples in Italy,
- 10 samples in Cyprus,
- 4 samples in Luxembourg,
- 50 samples in Hungary,
- 4 samples in Malta,
- 50 samples in Austria,
- 50 samples in Portugal,
- 70 samples in Romania,
- 20 samples in Slovenia,
- 15 samples in Slovakia,
- 4 samples in the United Kingdom.

*ANNEX XVIII***Questionnaire on the collection and vinification of samples of grapes intended for analysis by isotopic methods as referred in Article 88(5)**

The analytical methods and the expression of results (units) to be used are those of Article 31 of Regulation (EC) No 479/2008 (or proved equivalent by the laboratories involved in the analysis).

PART I

1. *General information*
 - 1.1. Sample number:
 - 1.2. Name and function of the official or authorised person who took the sample:
 - 1.3. Name and address of the competent body responsible for taking the sample:
 - 1.4. Name and address of the competent body responsible for vinification and dispatch of the sample, if other than the body referred to at 1.3:
2. *General description of the samples*
 - 2.1. Origin (country, region):
 - 2.2. Year of harvest:
 - 2.3. Vine variety:
 - 2.4. Colour of the grapes:
3. *Description of the vineyard*
 - 3.1. Name and address of person farming the plot:
 - 3.2. Location of the plot
 - wine village:
 - locality:
 - cadastral reference:
 - latitude and longitude:
 - 3.3. Soil type (e.g. limey, clayey, lime-clay, sandy):
 - 3.4. Situation (e.g. slope, plain, exposed to sun):
 - 3.5. Number of vines per hectare:
 - 3.6. Approximate age of vineyard (less than 10 years/between 10 and 25 years/more than 25 years):
 - 3.7. Altitude:
 - 3.8. Method of training and pruning:
 - 3.9. Type of wine into which the grapes are normally made (see definitions of Regulation (EC) No 479/2008, Annex IV):
4. *Crop and must characteristics*
 - 4.1. Estimated yield per hectare for the plot harvested: (kg/ha):
 - 4.2. State of health of the grapes (e.g. sound, rotten), specifying whether the grapes were dry or wet when the sample was taken:
 - 4.3. Date on which sample was taken:

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5. *Weather conditions preceding harvest*
- 5.1. Precipitation in the ten days preceding harvest: yes/no. If yes, additional information where available:
6. *Irrigated vineyards:*
If the crop is irrigated, date of last watering:
(Stamp of the competent body responsible for taking the sample, and name, position and signature of official taking the sample)

PART II

1. *Microvinification*
- 1.1. Weight of the sample of grapes, in kg:
- 1.2. Method of pressing:
- 1.3. Volume of must obtained:
- 1.4. Characteristics of the must:
 - sugar concentration expressed in g/l by refractometry:
 - total acidity expressed in g/l of tartaric acid: (optional):
- 1.5. Method of treating the must (e.g. settling, centrifugation):
- 1.6. Yeasting (variety of yeast used). Indicate whether or not there was spontaneous fermentation:
- 1.7. Temperature during fermentation:
- 1.8. Method for determining end of fermentation:
- 1.9. Method of treating the wine (e.g. racking):
- 1.10. Addition of sulphur dioxide in mg/l:
- 1.11. Analysis of the wine obtained
 - actual alcoholic strength in % vol:
 - total dry extract:
 - reducing sugars expressed as g/l of invert sugar:
2. *Chronological table of vinification of the sample*
Date:
 - on which sample was taken: (same date as date of harvest, part I — 4.3)
 - of pressing:
 - of commencement of fermentation:
 - of end of fermentation:
 - of bottling:
 Date on which Part II was completed:
(Stamp of the competent body which carried out vinification and signature of competent official of that body)



ANNEX XIX

ANALYSIS REPORT

Wine and wine product samples analysed by an isotopic method referred to in Article 31 of Regulation (EC) No 479/2008, to be entered in the JRC isotope databank

I. GENERAL INFORMATION

1. Country:
2. Sample number:
3. Year:
4. Vine variety:
5. Type of wine:
6. Region/district:
7. Name, address, telephone, fax and e-mail of laboratory responsible for the results:
8. Sample for control analysis by the JRC: yes/no

II. METHODS AND RESULTS

1. *Wine (carried over from Annex XVIII)*
 - 1.1. Alcoholic strength by volume: % vol
 - 1.2. Total dry extract: g/l
 - 1.3. Reducing sugars: g/l
 - 1.4. Total acidity expressed as tartaric acid: g/l
 - 1.5. Total sulphur dioxide: mg/l
2. *Distillation of wine for SNIF-NMR*
 - 2.1. Description of distillation apparatus:
 - 2.2. Volume of wine distilled/weight of distillate obtained:
3. *Analysis of distillate*
 - 3.1. Alcohol strength of the distillate % (m/m):
4. *Result of deuterium isotope ratios of ethanol measured by NMR*
 - 4.1. $(D/H)_I = \text{ppm}$
 - 4.2. $(D/H)_{II} = \text{ppm}$
 - 4.3. 'R' =
5. *NMR parameters*

Observed frequency:
6. *Result of isotopic ratio $^{18}O/^{16}O$ of wine*

$\delta^{18}O [‰] = ‰ \text{ V. SMOW} - \text{SLAP}$
7. *Result of isotopic ratio $^{18}O/^{16}O$ of must (when applicable)*

$\delta^{18}O [‰] = ‰ \text{ V. SMOW} - \text{SLAP}$
8. *Result of isotopic ratio $^{13}C/^{12}C$ of wine ethanol*

$\delta^{13}C [‰] = ‰ \text{ V-PDB.}$

*ANNEX XX***Collection of samples in the context of assistance between control bodies as referred in Article 92**

1. When samples of wine, grape must or another liquid wine product are taken in the context of assistance between control bodies, the competent body shall ensure that:
 - in the case of products in containers of not more than 60 litres warehoused in one lot, the samples are representative of the entire lot,
 - in the case of products in containers with a nominal capacity of more than 60 litres, the samples are representative of the contents of the container from which the samples are taken.
2. Samples shall be taken by pouring the product in question into at least five clean containers each having a nominal capacity of not less than 75 cl. In the case of products as referred to in the first indent of paragraph 1, sampling may also take the form of removing at least five containers having a nominal capacity of not less than 75 cl from the lot to be examined.

Where samples of wine distillate are to be analysed by nuclear magnetic resonance of deuterium, the samples shall be placed in containers having a nominal capacity of 25 cl, or even 5 cl where they are to be sent from one official laboratory to another.

The samples shall be taken, closed where appropriate, and sealed in the presence of a representative of the establishment where the sample is taken or of a representative of the carrier if the sample is taken during transport. If no representative is present, the report referred to in paragraph 4 shall mention this fact.

Each sample shall be fitted with an inert and non-reusable closure.

3. Each sample shall bear a label which complies with part A of Annex XXI.

Where the container is too small for the prescribed label to be attached thereto, the container shall be marked with an indelible number and the required information shall be indicated on a separate sheet.

The representative of the establishment where the sample is taken or the representative of the carrier shall be requested to sign the label or, as applicable, the sheet.

4. The official of the competent body authorised to take samples shall draw up a written report in which he shall note any observations he considers important for assessing the samples. In the report he shall note, where necessary, any statements by the carrier's representative or the representative of the establishment where the sample was taken, and shall request such representative to affix his signature. He shall note the amount of the product from which the sample was taken. If the signatures referred to above and in the third subparagraph of paragraph 3 have been refused, the report shall mention this fact.
5. Wherever samples are taken, one of the samples shall remain as a control sample in the establishment where the sample was taken, and another with the competent body whose official took the sample. Three of the samples shall be sent to an official laboratory, which will carry out the analytical or organoleptic examination. There one of the samples shall be analysed. Another shall be kept as a control sample. Control samples shall be kept for a minimum period of three years after sampling.

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6. Consignments of samples shall bear on the external packaging a red label complying with the model in part B of Annex XXI. The label shall be 50 mm by 25 mm.

When dispatching samples, the competent body of the Member State from which the samples are sent shall affix its stamp partially on the outer packaging of the parcel and partially on the red label.

*ANNEX XXI***A. Label describing the sample, in accordance with paragraph 3 of Annex XX**

1. Required information:

- (a) name, address, including Member State, telephone, fax and e-mail of the competent body on whose instructions sampling was carried out;
- (b) serial number of the sample;
- (c) date on which sample was taken;
- (d) name of the official of the competent body authorised to take the sample;
- (e) name, address, telephone, fax, e-mail of the undertaking in which the sample was taken;
- (f) identity of the container from which the sample was taken (e.g. number of the container, number of the lot of bottles, etc.);
- (g) description of the product, including production area, year of harvest, actual or potential alcoholic strength and, if possible, vine variety;
- (h) the words: ‘The reserved control sample may be examined only by a laboratory authorised to carry out control analyses. Breaking the seal is a punishable offence.’.

2. Remarks:

3. Minimum size: 100 mm by 100 mm.

B. Model of the red label referred to in paragraph 6 of Annex XX

<p>EUROPEAN COMMUNITIES</p> <p>Products for analytical and organoleptic testing under Regulation (EC) No 555/2008</p>



ANNEX XXII

Correlation tables referred to in Article 103(2)

1. Regulation (EC) No 1227/2000

Regulation (EC) No 1227/2000	This Regulation
Article 3	Article 60 and 61
Article 4(1)	Article 62
Article 4(2)-(7)	Article 63
Article 4(8)	Article 64
Article 5(1)	Article 65(1)
Article 5(3)	Article 64
Article 5(4)	Article 65(2)
Article 5(5)	Article 65(3)
Article 5(6)	Article 65(4)
Article 8(1)	Article 70(1)

2. Regulation (EC) No 1623/2000

Regulation (EC) No 1623/2000	This Regulation
Article 12	Article 32
Article 13	Article 33
Article 14a(1)	Article 34
Article 46(2)	Article 21(3)
Article 50(2)	Article 22

3. Regulation (EC) No 2729/2000

Regulation (EC) No 2729/2000	This Regulation
Article 2(3)	Article 76(d)
Article 2(4)	Article 76(e)
Article 3(1)	Article 82(1)
Article 3(2)	Article 82(2)
Article 4	Article 83
Article 5	Article 81
Article 7	Article 84
Article 8	Article 85
Article 9	Article 86
Article 10	Article 87

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Regulation (EC) No 2729/2000	This Regulation
Article 11	Article 88
Article 12	Article 89
Article 13	Article 90
Article 14	Article 91
Article 15	Article 92
Article 16	Article 93
Article 17	Article 94
Article 19	Article 95

4. Regulation (EC) No 883/2001

Regulation (EC) No 883/2001	This Regulation
Article 14(1)	Article 39(1)
Article 20	Article 40
Article 21	Article 41
Article 22	Article 42
Article 24	Article 43
Article 25	Article 44
Article 26	Article 45
Article 27(1)	Article 46
Article 28	Article 47
Article 29	Article 48
Article 30	Article 49
Article 31(2)	Article 51
Article 32	Article 50
Article 34a	Article 52