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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:

		Official Journal		
		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
► <u>M16</u>	Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016	L 190	1	15.7.2016
► <u>M17</u>	Commission Delegated Regulation (EU) 2018/273 of 11 December 2017	L 58	1	28.2.2018

Corrected by:

- C1 Corrigendum, OJ L 139, 5.6.2010, p. 3 (555/2008)

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laying down detailed rules for implementing Council Regulation (EC)
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TITLE IV
PRODUCTION POTENTIAL

CHAPTER I

Unlawful plantings

Article 55

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

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

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

- (a) basic financial penalty to be imposed shall be at least EUR 12 000/ha;
 - (b) Member States may increase the penalty based on the commercial value of the wines produced in the vineyards concerned.
2. Member States shall impose the penalty referred to in Article 85(3) of Regulation (EC) No 479/2008:
- (a) for unlawful plantings existing at the time of the entry into force of this Regulation for the first time on 1 January 2009;
 - (b) for unlawful plantings from after the entry into force of this Regulation for the first time with effect of the date of those plantings.

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

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

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

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.

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2. The penalties referred to in paragraph 1 shall be imposed if a producer concerned, having more than 0.1 hectares of vineyard area, and according to the appropriate case:
- (a) does not submit the distillation contract by the deadline specified in the second subparagraph of Article 57(1) or these contracts do not cover the entire production concerned, as declared in the harvest or production declaration; or
 - (b) does not inform the competent authority about the intended green harvesting by the deadline specified in the third subparagraph of Article 57(1) or does not carry out the green harvesting in a satisfactory manner.
3. Member States shall impose the penalties referred to in paragraph 1:
- (a) in case of non-submission of the distillation contract, one month after the expiry of the deadline laid down in the second subparagraph of Article 57(1);
 - (b) in case of failure to comply with the rules about green harvesting, on 1 September of the calendar year concerned.
4. Penalties collected within the meaning of this Article shall be retained by the Member State concerned.

*Article 57***Non-circulation or distillation**

1. In case of Article 87(1) of Regulation (EC) No 479/2008, the grapes or products made from grapes may only have one the following destinations:
- (a) distillation at the exclusive expense of the producer;
 - (b) green harvesting in accordance with the definition of Article 12(1) of Regulation (EC) No 479/2008, at the expense of the producer concerned;
 - (c) family consumption; this possibility is only acceptable if the producer's vineyard area does not exceed 0,1 ha.

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

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

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

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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.

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.

▼ **B***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.

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.

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▼ B*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;

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(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;

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

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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.

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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