

Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector, amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96 (repealed)

TITLE III

PRODUCER ORGANISATIONS

CHAPTER III

Extension of rules to producers of an economic area

Article 14

Extension of rules

1 In cases where a producer organisation operating in a specific economic area is considered, in respect of a specific product, to be representative of production and producers in that area, the Member State concerned may, at the request of the producer organisation, make the following rules binding on producers established in that economic area who do not belong to the producer organisation:

- a the rules referred to in Article 3(2)(a);
- b the rules required to implement the measures referred to in Article 9(2)(c).

The first subparagraph shall apply on condition that those rules:

- a have been in force for at least one marketing year;
- b are included in the exhaustive list in Annex I;
- c are made binding for no more than three marketing years.

However, the condition referred to in point (a) of the second subparagraph shall not apply if the rules concerned are those listed in points 1, 3 and 5 of Annex I. In this case, the extension of rules may not apply for more than one marketing year.

2 For the purposes of this Chapter, 'economic area' means a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous.

Member States shall notify a list of economic areas to the Commission.

Within one month of notification, the Commission shall approve the list or shall, after consultation with the Member State concerned, decide on the amendments which the latter is to make to it. The Commission shall make the approved list publicly available using the methods it considers appropriate.

3 A producer organisation shall be deemed representative within the meaning of paragraph 1 where its members account for at least 50 % of the producers in the economic area in which it operates and it covers at least 60 % of the volume of production of that area.

Without prejudice to paragraph 5, in calculating these percentages account shall not be taken of producers or production of organic products covered by Regulation (EEC) No 2092/91.

- 4 The rules which are made binding on all producers in a specific economic area:
- a shall not cause any damage to other producers in the Member State concerned or in the Community;
 - b shall not apply, unless they expressly cover them, to products delivered for processing under a contract signed before the beginning of the marketing year, with the exception of the rules on production reporting referred to in Article 3(2)(a);
 - c shall not be incompatible with Community and national rules in force.

5 Rules may not be made binding on producers of organic products covered by Regulation (EEC) No 2092/91 unless such a measure has been agreed to by at least 50 % of such producers in the economic area in which the producer organisation operates and that organisation covers at least 60 % of such production of that area.

Article 15

Notification

Member States shall forthwith notify the Commission of the rules which they have made binding on all producers in a specific economic area pursuant to Article 14(1). The Commission shall make these rules publicly available using the methods it considers appropriate.

Article 16

Repeal

The Commission shall decide that a Member State shall repeal an extension of the rules decided on by that Member State pursuant to Article 14(1):

- (a) where it finds that the extension in question to other producers excludes competition in a substantial part of the internal market or jeopardises free trade, or that the objectives of Article 33 of the Treaty are endangered;
- (b) where it finds that Article 81(1) of the Treaty applies to the rules extended to other producers. The Commission's decision with regard to those rules shall apply only from the date of such a finding;
- (c) where it finds after checks that this Chapter has not been complied with.

Article 17

Financial contributions of non-member producers

Where Article 14(1) is applied, the Member State concerned may decide, on scrutiny of evidence presented, that non-member producers shall be liable to the producer organisation for the part of the financial contributions paid by the producer members, insofar as these are used to cover:

- (a) administrative costs resulting from application of the rules referred to in Article 14(1);

- (b) the cost of research, market studies and sales promotion undertaken by the organisation or association and benefiting all producers in the area.

Article 18

Extension of rules of associations of producer organisations

For the purposes of this Chapter, any reference to producer organisations shall also be construed as a reference to recognised associations of producer organisations.