

Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (repealed)

TITLE III

REGULATORY MEASURES

CHAPTER VII

Producer and inter-branch organisations

Article 64

Producer organisations

- 1 Member States may recognise producer organisations which:
 - a are constituted by producers of products covered by this Regulation;
 - b are formed on the initiative of producers;
 - c pursue a specific aim, which may in particular relate to one or more of the following:
 - (i) adapting production jointly to the requirements of the market and improving the product;
 - (ii) promoting concentration of supply and the placing on the market of the products produced by its members;
 - (iii) promoting the rationalisation and improvement of production and processing;
 - (iv) reducing production costs and market management costs and stabilising producer prices;
 - (v) promoting and providing technical assistance for the use of environmentally respectful cultivation practices and production techniques;
 - (vi) promoting initiatives for the management of by-products of wine making and the management of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;
 - (vii) carrying out research into sustainable production methods and market developments;
 - (viii) contributing to the achievement of support programmes as referred to in Chapter I of Title II;
 - d apply rules of association which require their members, in particular, to:
 - (i) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;

- (ii) provide the information requested by the producer organisation for statistical purposes, in particular on growing areas and market evolution;
 - (iii) pay penalties for infringement of obligations under the rules of association;
 - e have lodged an application for recognition as a producer organisation with the Member State concerned and the application contains the following items:
 - (i) evidence that the entity meets the requirements laid down in (a) to (d);
 - (ii) evidence that it has a minimum number of members, to be laid down by the Member State concerned;
 - (iii) evidence that it covers a minimum volume of marketable production in the area where the organisation operates, to be laid down by the Member State concerned;
 - (iv) evidence that it can carry out its activities properly, both over time and in terms of effectiveness and concentration of supply;
 - (v) evidence that it effectively enables its members to obtain technical assistance in using environmentally sound cultivation practices.
- 2 Producer organisations recognised in accordance with Regulation (EC) No 1493/1999 shall be considered as recognised producer organisations under this Article.

Article 65

Inter-branch organisations

- 1 Member States may recognise inter-branch organisations which:
- a are made up of representatives of economic activities in the production of, trade in, or processing of products covered by this Regulation;
 - b are formed on the initiative of all or some of the representatives referred to in (a);
 - c carry out one or more of the following measures in one or more regions of the Community, taking account of public health and the interests of consumers:
 - (i) improving knowledge and transparency of production and the market;
 - (ii) helping to better coordinate the way products are placed on the market, in particular by means of research and market studies;
 - (iii) drawing up standard forms of contract compatible with Community rules;
 - (iv) exploiting more fully the potential of production;
 - (v) providing the information and carrying out the research necessary to adjust production towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality and protection of the environment;
 - (vi) providing information on particular characteristics of wine with a protected designation of origin or geographical indication;
 - (vii) seeking ways of restricting the use of plant-health products and other inputs and ensuring product quality and soil and water conservation;

- (viii) promoting integrated production or other environmentally sound production methods;
 - (ix) encouraging moderate and responsible consumption of wine and informing on the harm linked to hazardous consumption patterns;
 - (x) carrying out promotion actions for wine, especially in third countries;
 - (xi) developing methods and instruments for improving product quality at all stages of production, vinification and marketing;
 - (xii) exploiting, protecting and promoting the potential of organic farming;
 - (xiii) exploiting, protecting and promoting quality labels and protected designations of origin and geographical indications;
- d have lodged an application for recognition with the Member State concerned and the application contains the following items:
- (i) evidence that the entity meets the requirements laid down in (a) to (c);
 - (ii) evidence that the entity carries out its activities in one or more regions in the territory concerned;
 - (iii) evidence that the entity represents a significant share of the production of or trade in products covered by this Regulation;
 - (iv) evidence that the entity does not engage in the production or processing or marketing of products covered by this Regulation.

2 Organisations meeting the criteria set-out in paragraph 1, which have been recognised by Member States, shall be considered as recognised inter-branch organisations under this Article.

Article 66

Recognition procedure

1 Applications for recognition as a producer organisation or inter-branch organisation shall be lodged with and examined by the Member State where the organisation has its headquarters.

2 Member States shall take the decision whether to grant or refuse recognition of the organisation within four months of the lodging of the application.

Article 67

Marketing rules

1 In order to improve and stabilise the operation of the common market in wines including the grapes, musts and wines from which they derive, producer Member States, particularly by way of implementing decisions taken by inter-branch organisations, may lay down marketing rules to regulate supply.

Such rules shall be proportionate to the objective pursued and shall not:

- a relate to any transaction after the first marketing of the produce concerned;

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- b allow for price fixing, including where prices are set for guidance or recommendation;
- c render unavailable an excessive proportion of the vintage that would otherwise be available;
- d provide scope for refusing to issue the national and Community certificates required for the circulation and marketing of wines where such marketing is in accordance with those rules.

2 The rules referred to in paragraph 1 must be brought to the attention of operators by publication *in extenso* in an official publication of the Member State concerned.

Article 68

Monitoring

Member States shall:

- (a) carry out checks at regular intervals to ascertain that producer organisations and inter-branch organisations comply with the terms and conditions for recognition laid down in Articles 64 and 65;
- (b) withdraw recognition if a producer or inter-branch organisation no longer complies with the relevant requirements and impose penalties on such organisations in the event of non-compliance or irregularities.

Article 69

Communication

By 1 March each year and for the first time by 1 March 2009 Member States shall report to the Commission the decisions or actions they have taken in accordance with Articles 66, 67 and 68 during the previous calendar year.