

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(EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (repealed)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 VI

GENERAL PROVISIONS

Article 108

Vineyard register

- 1 Member States shall maintain a vineyard register which contains updated information on the production potential.
- 2 Member States in which the total area planted with vines of wine grape varieties classifiable according to Article 24(1) is less than 500 hectares shall not be subject to the obligation laid down in paragraph 1.

Article 109

Inventory

Member States, which provide for the measure ‘restructuring and conversion of vineyards’ in their support programmes in accordance with Article 11, shall, on the basis of the vineyard register referred to in Article 108, submit to the Commission, by 1 March each year and for the first time by 1 March 2009, an updated inventory of their production potential.

Article 110

Duration of vineyard register and inventory

It may be decided, in accordance with the procedure referred to in Article 113(1), that Articles 108 and 109 no longer apply any time after 1 January 2016.

Article 111

Compulsory declarations

- 1 Producers of grapes for wine-making and producers of must and wine shall declare to the competent national authorities each year the quantities produced from the last harvest.
- 2 Member States may require merchants of grapes for wine-making to declare each year the quantities marketed from the last harvest.
- 3 Producers of must and wine, and merchants other than retailers, shall declare to the competent national authorities each year their stocks of must and wine, whether from the harvest

of the current year or from the harvest of preceding years. Must and wine imported from third countries shall be stated separately.

Article 112

Accompanying documents and register

1 The products covered by this Regulation shall be put into circulation within the Community only with an officially authorised accompanying document.

2 Natural or legal persons or groups of persons who hold products covered by this Regulation in the exercise of their trade, in particular producers, bottlers and processors, as well as merchants to be determined in accordance with the procedure referred to in Article 113(1), shall keep inwards and outwards registers in respect of those products.

Article 113

Committee procedure

1 Where reference is made to this paragraph, Article 195(2) of Regulation (EC) No 1234/2007 shall apply.

2 Where reference is made to this paragraph:

- a the Commission shall be assisted by a Regulatory Committee;
- b Articles 5 and 7 of Decision 1999/468/EC shall apply;
- c the period referred to in Article 5(6) of Decision 1999/468/EC shall be three months.

Article 114

Financial resources

The measures provided for in Chapter I of Title II, with the exception of the measure referred to in Article 7(1)(a), and Chapter III of Title V shall constitute intervention to regulate agricultural markets as referred to in Article 3(1)(b) of Regulation (EC) No 1290/2005.

Article 115

Exchange of information between the Member States and the Commission

1 Member States and the Commission shall provide each other with any information necessary for the application of this Regulation, notably for market monitoring and analysis and for complying with the international obligations concerning the products covered by this Regulation.

2 Detailed rules shall be adopted in accordance with the procedure referred to in Article 113(1) to determine what information is necessary for the application of paragraph 1 of this Article, as well as its form, content, timing and deadlines and the arrangements for transmitting or making information and documents available.

Article 116

Monitoring

For the purposes of applying this Regulation, Member States shall ensure that those administration and control procedures which relate to areas are compatible with the integrated administration control system (IACS) as regards the following elements:

- (a) the computerised data base;
- (b) the identification systems for agricultural parcels referred to in Article 20(1) of Regulation (EC) No 1782/2003;
- (c) the administrative checks.

Those procedures shall allow, without any problems or conflicts, a common functioning or the exchange of data with the IACS.

Article 117

Controls and administrative penalties and their reporting

With the exception of the matter covered by Article 145(n)(a) of Regulation (EC) No 1782/2003, the following shall be adopted in accordance with the procedure referred to in Article 113(1) of this Regulation:

- (a) the rules ensuring uniform application of Community provisions in the wine sector, in particular as regards controls, and rules governing the specific financial procedures for the improvement of controls;
- (b) the rules concerning administrative and physical controls to be conducted by the Member States with regard to the respect of obligations resulting from the application of this Regulation;
- (c) a system for applying administrative penalties where non-compliances with any of the obligations resulting from the application of this Regulation is found, taking into account the severity, extent, permanence and repetition of the non-compliance found;
- (d) the rules regarding recovery of undue payments resulting from the application of this Regulation;
- (e) the rules on reporting of the controls carried out as well as their results.

Article 118

Designation of responsible national authorities

1 Without prejudice to Article 47, Member States shall designate one or more authorities which shall be responsible for ensuring compliance with Community rules in the wine sector. In particular, Member States shall designate the laboratories authorised to carry out official analyses in the wine sector. The designated laboratories shall meet the general criteria for the operation of testing laboratories set out in ISO/IEC 17025.

2 Member States shall inform the Commission of the names and addresses of the authorities and laboratories referred to in paragraph 1. The Commission shall make this information public.

Article 119

National aid for distillation in case of crisis

1 From 1 August 2012 Member States may grant national aid to wine producers for the voluntary or mandatory distillation of wine in justified cases of crisis.

2 The aid referred to in paragraph 1 shall be proportionate and allow this crisis to be addressed.

3 The overall amount of aid available in a Member State in any given year for such aid shall not exceed 15 % of the globally available funds per Member State laid down in annex II for that year.

4 Member States who wish to make use of the aid referred to in paragraph 1 shall submit a duly substantiated notification to the Commission. The decision on whether the measure is approved and aid may be granted shall be adopted in accordance with the procedure referred to in Article 113(1).

5 The alcohol resulting from distillation referred to in paragraph 1 shall be used exclusively for industrial or energy purposes so as to avoid distortion of competition.

Article 120

Report from the Commission

The Commission shall produce a report by the end of 2012, in particular taking into account the experience gained with the implementation of the reform.

Article 121

Implementing measures

The measures necessary for the implementation of this Title shall be adopted in accordance with the procedure referred to in Article 113(1).

Those measures may in particular include:

- (a) details of the vineyard register provided for in Article 108 and in particular of its use concerning monitoring and control of the production potential;
- (b) details of the inventory provided for in Article 109 and in particular of its use concerning monitoring and control of the production potential;
- (c) details concerning the measurement of areas;
- (d) penalties in case of non-compliance with the communication requirements;
- (e) the compulsory declarations provided for in Article 111;
- (f) the accompanying documents and the register provided for in Article 112;

- (g) details on the national aid referred to in Article 119.