

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(EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96 (repealed)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 IV

INTERBRANCH ORGANISATIONS AND AGREEMENTS

CHAPTER I

Requirements and recognition

Article 20

Requirements

For the purposes of this Regulation, an ‘interbranch organisation’ shall be any legal entity which:

- (a) is made up of representatives of economic activities linked to the production of and/or trade in and/or processing of the products listed in Article 1(2) of Regulation (EC) No 2200/96;
- (b) is established at the initiative of all or some of the organisations or associations which constitute it;
- (c) carries out two or more of the following activities in one or more regions of the Community, taking into account the interests of consumers:
 - (i) improving knowledge and the transparency of production and the market;
 - (ii) helping to coordinate better the way fruit and vegetables 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 to a fuller extent the potential of the fruit and vegetables produced;
 - (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) seeking ways of restricting the use of plant-health products and other inputs and ensuring product quality and soil and water conservation;
 - (vii) developing methods and instruments for improving product quality;
 - (viii) exploiting the potential of and protecting organic farming as well as designations of origin, quality labels and geographical indications;

- (ix) promoting integrated production or other environmentally sound production methods;
 - (x) laying down rules, as regards the production and marketing rules referred to in points 2 and 3 of Annex I, which are stricter than Community or national rules;
- (d) has been recognised by the Member State concerned in accordance with Article 21.

Article 21

Recognition

1 If warranted by the Member State's structures, Member States may recognise as interbranch organisations all organisations established on their territory which make an appropriate application, on condition that:

- a they carry out their activity in one or more regions in the Member State concerned;
- b they represent a significant share of the production of and/or trade in and/or processing of fruit and vegetables and products processed from fruit and vegetables in the region or regions in question and, where more than one region is involved, they can demonstrate a minimum level of representativeness in each region for each of the branches that they group;
- c they carry out two or more of the activities referred to in Article 20(c);
- d they are not themselves engaged in the production or processing or marketing of fruit and vegetables or products processed from fruit and vegetables;
- e they do not engage in any of the agreements, decisions and concerted practices referred to in Article 22(4).

2 Before granting recognition Member States shall notify the Commission of the interbranch organisations which have applied for recognition, providing all relevant information about their representativeness and their various activities, together with all other information needed for an assessment.

The Commission may object to recognition within a time limit of two months after notification.

3 Member States shall:

- a decide whether to grant recognition within three months of the lodging of an application with all relevant supporting documents;
- b carry out checks at regular intervals to ascertain that interbranch organisations comply with the terms and conditions for recognition, impose penalties on such organisations in the event of non-compliance or irregularities concerning the provisions of this Regulation and decide, where necessary, to withdraw recognition;
- c withdraw recognition if:
 - (i) the requirements and conditions for recognition laid down in this Chapter are no longer met;
 - (ii) the interbranch organisation engages in any of the agreements, decisions and concerted practices referred to in Article 22(3), without prejudice to any other penalties to be imposed pursuant to national law;

- (iii) the interbranch organisation fails to comply with the notification obligation referred to in Article 22(2);
- d notify the Commission, within two months, of any decision to grant, refuse or withdraw recognition.

4 The terms and conditions on which and the frequency with which Member States are to report to the Commission on the activities of interbranch organisations shall be drawn up in accordance with the procedure referred to in Article 46(2) of Regulation (EC) No 2200/96.

The Commission may, as a result of checks, request a Member State to withdraw recognition.

5 Recognition shall constitute an authorisation to carry out the activities listed in Article 20(c), subject to the other provisions of this Regulation.

6 The Commission shall make publicly available a list of recognised interbranch organisations, using the methods it considers appropriate, indicating the economic sphere or the area of their activities and the activities carried out within the meaning of Article 23. Withdrawals of recognition shall also be made publicly available.

CHAPTER II

Competition rules

Article 22

Application of competition rules

1 Notwithstanding Article 1 of Council Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of, and trade in, agricultural products⁽¹⁾, Article 81(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of recognised interbranch organisations where the object is to carry out the activities referred to in Article 20(c) of this Regulation.

2 Paragraph 1 shall apply only provided that:

- a the agreements, decisions and concerted practices have been notified to the Commission;
- b within two months of receipt of all the details required the Commission has not found that the agreements, decisions or concerted practices are incompatible with Community rules.

3 The agreements, decisions and concerted practices may not be put into effect before the lapse of the period referred to in paragraph 2(b).

4 The following agreements, decisions and concerted practices shall in any case be considered incompatible with Community rules:

- a agreements, decisions and concerted practices which may lead to the partitioning of markets in any form within the Community;
- b agreements, decisions and concerted practices which may affect the sound operation of the market organisation;

- c agreements, decisions and concerted practices which may create distortions of competition which are not essential to achieving the objectives of the common agricultural policy pursued by the interbranch organisation activity;
- d agreements, decisions and concerted practices which entail the fixing of prices, without prejudice to activities carried out by interbranch organisations in the application of specific Community rules;
- e agreements, decisions and concerted practices which may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.

5 If, following expiry of the two-month period referred to in paragraph 2(b), the Commission finds that the conditions for the application of paragraph 1 have not been met, it shall take a Decision declaring that Article 81(1) of the Treaty applies to the agreement, decision or concerted practice in question.

The Commission's Decision shall not apply earlier than the date of its notification to the interbranch organisation concerned, unless that interbranch organisation has given incorrect information or abused the exemption provided for in paragraph 1.

6 In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement. However, in that event, the Commission may, on its own initiative or at the request of a Member State, issue a finding of incompatibility at any time.

CHAPTER III

Extension of rules

Article 23

Extension of rules

1 In cases where an interbranch organisation operating in a specific region or regions of a Member State is considered to be representative of the production of or trade in or processing of a given product, the Member State concerned may, at the request of that interbranch organisation, make binding some of the agreements, decisions or concerted practices agreed on within that organisation for a limited period on other operators operating in the region or regions in question, whether individuals or groups, who do not belong to the organisation.

2 An interbranch organisation shall be deemed representative within the meaning of paragraph 1 where it accounts for at least two thirds of the production of or trade in or processing of the product or products concerned in the region or regions concerned of a Member State. Where the application for extension of its rules to other operators covers more than one region, the interbranch organisation shall demonstrate a minimum level of representiveness for each of the branches it groups in each of the regions concerned.

3 The rules for which extension to other operators may be requested:

- a shall have one of the following aims:
 - (i) production and market reporting;
 - (ii) stricter production rules than those laid down in Community or national rules;
 - (iii) drawing up of standard contracts which are compatible with Community rules;
 - (iv) rules on marketing;

- (v) rules on protecting the environment;
 - (vi) measures to promote and exploit the potential of products;
 - (vii) measures to protect organic farming as well as designations of origin, quality labels and geographical indications;
- b shall have been in force for at least one marketing year;
 - c may be made binding for no more than three marketing years;
 - d shall not cause any damage to other operators in the Member State concerned or the Community.

However, the condition referred to in point (b) of the first 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.

4 The rules referred to in paragraphs 3(a)(ii), (iv) and (v) shall not be other than those set out in Annex I. The rules referred to in paragraph 3(a)(ii) shall not apply to products which were produced outside the specific region or regions referred to in paragraph 1.

Article 24

Notification and repeal

1 Member States shall notify the Commission forthwith of the rules which they have made binding on all operators in one or more specific regions pursuant to Article 23(1). The Commission shall make those rules publicly available using the methods it considers appropriate.

2 Before the rules are made publicly available, the Commission shall inform the Committee established by Article 46(1) of Regulation (EC) No 2200/96 of any notification of extension of interbranch agreements.

3 The Commission shall decide that a Member State must repeal an extension of the rules decided on by that Member State in the cases referred to in Article 16.

Article 25

Financial contributions of non-members

In cases where rules for one or more products are extended and where one or more of the activities referred to in Article 23(3)(a) are pursued by a recognised interbranch organisation and are in the general economic interest of those persons whose activities relate to one or more of the products concerned, the Member State which has granted recognition may decide that individuals or groups which are not members of the interbranch organisation but which benefit from those activities shall pay the organisation an amount equal to all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs directly incurred as a result of pursuing the activities in question.

Status: This is the original version (as it was originally adopted).

(1) [OJ L 214, 4.8.2006, p. 7.](#)