

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

COMMISSION REGULATION (EC) No 555/2008

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, and in particular Articles 22, 84, 89, 97, 107, 117, 121(b) and (c) thereof,

Whereas:

- (1) Regulation (EC) No 479/2008 has modified the previous regime for the wine sector as laid down in Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾ and has repealed that Regulation as from 1 August 2008.
- (2) The existing implementing rules covering the wine sector are contained in several regulations which have been amended frequently. These implementing rules as regards market mechanisms, trade with third countries, production potential and controls in the wine sector need to be changed as a result of the modifications made to the wine regime by Regulation (EC) No 479/2008, as well as in the light of experience. Detailed rules for the implementation of Regulation (EC) No 479/2008 should be adopted.
- (3) The following Commission Regulations should therefore be repealed and replaced by a new Regulation:
 - (EC) No 1227/2000 of 31 May 2000 laying down details rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential⁽³⁾,
 - (EC) No 1623/2000 of 25 July 2000 laying down detailed rules Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms⁽⁴⁾,
 - (EC) No 2729/2000 of 14 December 2000 laying down detailed implementing rules on controls in the wine sector⁽⁵⁾,

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- (EC) No 883/2001 of 24 April 2001 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽⁶⁾.
- (4) Title II of Regulation (EC) No 479/2008 contains provisions on a new support programme to be decided at Member States level to finance specific support measures to assist the wine sector. It is appropriate to fill out that framework by enacting implementing rules.
- (5) There should be a procedure for the first submission of the support programme. There should be as well a procedure for annually amending support programmes for the following year, so that they can be adjusted to take account of any new conditions which could not have been foreseen when they were initially presented. All such changes should be subject to certain limits and conditions to ensure the approved support programmes maintain their overall objectives.
- (6) By virtue of Article 5(1) of Regulation (EC) No 479/2008, Member States may choose to draw up the support programmes at the geographic level deemed most appropriate. Since Member States are responsible for the approval of plans, they should in this case lay down rules on the submission and approval of plans and the minimum content of the plans concerned.
- (7) Article 10 of Regulation (EC) No 479/2008 provides for a new support measure for promotion on third-country markets. It is necessary to lay down detailed rules concerning the setting up of this new measure.
- (8) In order to prevent any risk of distortion of competition, rules should be drawn up on the way the specific origin of products covered by information and promotion campaigns is to be referred to.
- (9) In the interests of legal certainty, the messages disseminated under the promotion campaign should comply with the legislation of the third countries targeted.
- (10) Criteria governing the selection of applications and their scrutiny by the Member States should be established with a view to ensuring that the Community rules are complied with and that the supported measures to be implemented are effective.
- (11) With a view to ensuring that the Community measures are effective, the Member States must ensure that the promotion campaign approved are consistent with, and complement, their national and regional promotion programmes. In order to build synergies, Member States may draw up collective promotion campaign and provision should be made to allow cooperation between the Member States concerned. Preference should be given to micro, small and medium-sized enterprises who are more in need of Community support than bigger ones.
- (12) To avoid any double payment with the promotion measures funded under Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries⁽⁷⁾ or Council Regulation (EC) No 1698/2005 of 20 September 2005 on support

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for rural development by the European Agricultural Fund for Rural Development (EAFRD)⁽⁸⁾, mutual exclusion should be set.

- (13) Article 11 of Regulation (EC) No 479/2008 provides for a support measure for restructuring and conversion of vineyards. In particular, the second subparagraph of Article 11(3) of that Regulation provides that the support for the restructuring and conversion of vineyards shall not cover the normal renewal of vineyards which have come to the end of their natural life.
- (14) In addition, Member States may adopt rules on the minimum size of the parcel involved so as to ensure that the system has a genuine effect on production potential.
- (15) In applying Article 11 of Regulation (EC) No 479/2008, Member States have a wide margin of discretion in deciding on the detailed scope and levels of support, including notably the payment of flat-rate amounts, the setting of maximum levels of support per hectare and the modulation of support on the basis of objective criteria, within the constraints laid down in Chapter I of Title II of that Regulation and the provisions adopted in pursuance thereof. Nevertheless, common rules should be laid down. Measures should be defined, with time limits, for their execution and appropriate monitoring. The rules should also cover the use of replanting rights which arise from grubbing-up if provided for in the project, so as to allow for higher levels of support to be granted on account of the higher costs involved.
- (16) In the interest of verification, payment of the support should normally be made after a specific measure or the complete set of measures, has been executed. However, payment may be made in advance of execution of a measure or the complete set of measures, provided that a security is lodged to ensure that execution of the measure takes place.
- (17) Detailed provisions should be established as to participation in the financing of the system for restructuring and conversion. Measures have to be taken to ensure the effective spending of funds reserved for the system, provision being made in particular for advance payments.
- (18) Article 12 of Regulation (EC) No 479/2008 provides for a new support measure for green harvesting. In view of subsidiarity, Member States should be made responsible for the administrative arrangements concerning the application procedure for green harvesting. They should be free to determine the date until which they request producers to complete the operations, so as to have sufficient time, in view of the time constraints and proximity of harvesting period, for the necessary control before payments.
- (19) Taking into account the funds involved in the green harvesting scheme, systematic on-the-spot verification of the areas concerned should be foreseen after the execution. This verification must ensure that total destruction of grapes has been carried out. They should also ensure that phytosanitary and environmental requirements are duly respected. In the interests of verification, payment of the premium should be made after having controlled that green harvesting took place.
- (20) In addition, maximum levels of support should be fixed in order to ensure that support does not become a permanent alternative outlet for products compared to placing them on the market.

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- (21) Article 13 of Regulation (EC) No 479/2008 provides for a new support measure for the setting-up of mutual funds. It is necessary to lay down detailed rules concerning this new measure. As far as possible these rules should provide for flexibility and for rapid application in crises and therefore should allow decisions to be taken by Member States and producer organisations themselves. Nevertheless the rules should prevent abuses and provide for limits, including in financial terms. As producers in the new Member States have in general a lower degree of organisation than in other Member States, a higher ceiling of support should be provided in the former.
- (22) Article 14 of Regulation (EC) No 479/2008 provides for a new support measure for harvest insurance. It is necessary to lay down detailed rules concerning the setting up of this new measure. As far as possible these rules should provide for flexibility. Nevertheless the rules should prevent abuses and provide for limits, including in financial terms.
- (23) Article 15 of Regulation (EC) No 479/2008 provides for a new support measure for tangible and intangible investments in enterprises. It is necessary to lay down detailed rules concerning the setting up of this new measure in coherence with the same measure available in the Rural Development menu. The types of eligible investments should be set out, including those for the development of new products, processes and technologies, indicative eligible costs should be defined.
- (24) Article 16 of Regulation (EC) No 479/2008 provides for a support measure for by-product distillation. It is necessary to lay down detailed rules concerning the setting up of this new measure in particular conditions of disposal of by-products as well as the purpose and the level of the maximum amount of the aid for distillation of marcs, wine and lees.
- (25) Article 17 of Regulation (EC) No 479/2008 provides for a transitional support measure for potable alcohol distillation. It is necessary to lay down detailed rules concerning the setting up of this new measure in particular the purpose and the possible adjustments of the aid.
- (26) Article 18 of Regulation (EC) No 479/2008 provides for a transitional support measure for crisis distillation. It is necessary to lay down detailed rules concerning the setting up of this measure in particular the procedure and the modalities of the aid as well as criteria to be taken into account when fixing the amount of the aid.
- (27) Article 19 of Regulation (EC) No 479/2008 provides for a transitional support measure for must utilisation for enrichment. It is necessary to lay down detailed rules concerning the setting up of this measure in particular the purpose and the level of the maximum amount of the aid as well as to provide for specific checks to be done on the product used to increase the alcoholic strength.
- (28) It is imperative, for the purpose of monitoring the implementation of Title II of Regulation (EC) No 479/2008 and of the proper management of the market, that the Commission has the appropriate data available as to the execution of the support programmes. In this context, it is necessary to lay down the details of the information

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to be set out on the reporting and evaluation of support programmes in order to assess their effectiveness and efficiency.

- (29) The general rules concerning budgetary discipline, and in particular those relating to incomplete or incorrect declarations on the part of Member States, should apply in addition to the specific rules established by this Regulation.
- (30) Details of the financial administration of the system should be governed by the rules adopted for the implementation of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy⁽⁹⁾.
- (31) Article 76(1) of Regulation (EC) No 479/2008 lays down that, for juices and musts for which the application of customs duties depends on the import price of the product, the actual amount of this price is verified either by checking every consignment or by using a flat-rate import value. The current features of the arrangements for importing grape juices and musts into the Community, in particular the irregularity of such imports, in terms of both volume and frequency and the places of import and the origin of these products, do not permit the calculation of representative flat-rate import values to reflect the actual amount of the import price. Under these circumstances, this price should be verified by checking every consignment.
- (32) The import price on the basis of which imported products are classed in the Common Customs Tariff should be equal to the fob price of those products plus the cost of insurance and transport to the place of entry into Community customs territory.
- (33) Article 82(3) of Regulation (EC) No 479/2008 provides that the imported products covered by that Article should be accompanied by a certificate and an analysis report issued by a body or service designated by the third country from which the products are exported. The requirements which the analysis report should meet should be laid down.
- (34) To simplify controls provision should be made for dispensing with the certificate and analysis report in the case of products which are imported from third countries in limited quantities and packed in small containers.
- (35) For the sake of harmonisation, the exemption from the requirement to present a certificate and analysis report for wine products being imported into the Community should be in line with the customs rules on exemption and the arrangements applicable to documents accompanying consignments of wine products within the Community.
- (36) The use of computerised procedures is gradually replacing the manual input of data in the different areas of administrative activity. It should therefore also be possible to use computerised and electronic procedures when issuing and using V I 1 and V I 2.
- (37) Some third countries, having established an effective system for inspecting their wine producers, implemented by their bodies or services, referred to in Article 82(3) of Regulation (EC) No 479/2008, have expressed an interest in the possibility of authorising the producers themselves to issue certificates and analysis reports. With a view to facilitating trade with those third countries, provided that they have concluded undertakings with the Community which include clauses concerning closer cooperation on the prevention of fraud and that they maintain good trade relations with the

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Community, it is appropriate to authorise those concerned to consider documents issued by the producers themselves as documents issued by the said bodies or services of the third countries, in a manner similar to that already allowed for wines of Community origin. In those cases, appropriate assurances should be given and proper control over the issue of such documents should be exerted.

- (38) Lists containing the names and addresses of the agencies and laboratories authorised in third countries to draw up certificates and analysis reports should be made public so that the authorities in the Community which supervise the import of wine products can, where necessary, carry out the requisite checks.
- (39) In order to facilitate controls by the competent authorities of Member States, the form and, where necessary, the content of the certificate and analysis report provided for, and the requirements for their use should be laid down.
- (40) The certificate and, where appropriate, the analysis report relating to each consignment of an imported product should be checked in order to prevent fraud. To this end, the document(s) must accompany each consignment until it is placed under Community control.
- (41) To take commercial practice into account, where a consignment of wine is split up, the competent authorities should be empowered to have extracts of the certificate and the analysis report drawn up under their supervision to accompany each new consignment resulting from the splitting.
- (42) In view of the need to ensure swift and effective protection of consumers, it is essential to provide for the possibility of suspending the new arrangements in the event of fraud or a health risk to consumers.
- (43) Simple rules should also be laid down regarding the documents to be produced for imports from a third country other than the country of origin of the wine product, where that product has not undergone substantial processing.
- (44) The task of the exporters and the authorities should be simplified by requiring a statement that the alcohol added to liqueur wines and wines fortified for distillation is of vinous origin to be included in the V I 1 document without requiring a separate document for this statement. For the same reason, the V I 1 document should be permitted to serve as the certificate testifying to the designation of origin required for imports of wines eligible for a tariff reduction. However, no certificate or analysis report is required in the case of some wines, provided a certificate of designation of origin is presented. It should be permitted to use the V I 1 document to certify the designation of origin of the said liqueur wines and the section relating to the analysis report need not be completed.
- (45) Wine imports under concessions provided for in agreements with certain third countries are subject to the presentation of attestations, issued by official bodies or bodies officially recognised by both contracting parties and appearing on lists drawn up jointly, to the effect that the wine in question meets the conditions for access to the concessions.

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- (46) The Member States should send the Commission the lists of official or officially recognised bodies that they propose should issue such attestations, so that the Commission can draw up and exchange those lists with the third countries concerned. To facilitate the tasks of such bodies, the lists should be provided in a suitable form and on a suitable medium.
- (47) Articles 85 and 86 of Regulation (EC) No 479/2008 provide for the treatment of unlawful plantings. It is necessary to lay down detailed rules concerning the penalties applicable to producers who do not comply with the new regularisation or grubbing-up obligation concerning vineyards planted without a corresponding planting right before 1 September 1998 and the communications to be transmitted by Member States to the Commission in this context. Without prejudice to earlier penalties imposed by the Member States, the penalty applicable in case of failure to comply with the obligation to grub up the unlawful area should be sufficiently high so as to incite producers to comply with the obligation. Therefore, the penalty should be at least the equivalent of twice the average value of the grubbing-up premium.
- (48) Article 87(1) of Regulation (EC) No 479/2008 foresees that proofs of non-circulation should be required whenever products of an unlawful vineyard may be put into circulation only for the purpose of distillation. In order to strengthen control, the possible ways of non-circulation should be limited to three cases, namely to delivery for distillation or green harvesting at the expense of the producer concerned or family consumption, if the total vineyard area of a producer does not exceed 0.1 hectare. It is appropriate to fix a deadline for the submission of the distillation contracts foreseen in that Article. To be able to effectively organise control, producers carrying out green harvesting should inform the competent authorities about their intention in due time. In the interest of better controllability, Member States should have the possibility to foresee obligatory advance notification from the part of the producers as to which of the three ways of non-circulation they intend to use and also to further limit the choices of the producers concerning the possible ways of non-circulation.
- (49) To ensure fair and controllable use of Community budget, penalties with financial consequences should be foreseen in case Member States do not comply with communication obligations related to unlawful plantings.
- (50) Article 91(1) of Regulation (EC) No 479/2008 provides for the grant of new planting rights in the case of measures for land consolidation or measures concerning compulsory purchase in the public interest. These new planting rights should not exceed those necessary to plant an area equivalent to 105 % of that lost to producers as a result of those measures, so as to avoid undermining the prohibition on planting contained in Article 90(1) of that Regulation.
- (51) Article 91(1) of Regulation (EC) No 479/2008 also provides for the grant of new planting rights in the case of experiments and graft nurseries. The areas planted in pursuance of such grants of new planting rights should only be used for the specified purposes, and wine-sector products made from grapes coming from such areas should not be marketed. Existing wine-growing experiments and graft nurseries should be allowed to continue, subject to the existing rules.

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- (52) Article 91(1) of Regulation (EC) No 479/2008 also provides for the grant of new planting rights in the case of areas whose wine or vine products are intended solely for the consumption of the vine grower's family. However, this could sometimes lead to an excessive administrative burden being imposed due to the large number of such cases in certain Member States. Accordingly, Member States should be permitted to also allow such areas to exist even if no planting rights have been granted in respect of them, provided that, in order to prevent disturbance of the market balance, the areas concerned are small and that the vine grower is not engaged in commercial wine production. The areas and producers concerned should be subject to appropriate monitoring and sanctions, including the grubbing up of such areas, in cases where the provisions are not observed.
- (53) No replanting rights should be granted in respect of areas which have been compulsorily grubbed up owing to a breach of the requirements of Regulation (EC) No 479/2008. To the same end, no replanting rights should be granted in respect of the grubbing-up of areas for which new planting rights have been granted for purposes other than the commercial production of wine.
- (54) Article 92(2) of Regulation (EC) No 479/2008 provides for the grant of replanting rights to producers who undertake to grub up an area of vines in the future. Such a grant should only be made if the producer concerned does not possess sufficient planting rights to plant an area corresponding to the surface he intends to grub up. Any such grant of replanting rights on the basis of such an undertaking should be accompanied by the lodging of a security to ensure that the undertaking to grub up is carried out. During the period of coexistence of the newly planted area and the area to be grubbed up, in order to avoid disturbance of market balance, only one such area should be permitted to produce wine to be marketed.
- (55) Article 93 of Regulation (EC) No 479/2008 provides for the creation or maintenance of national and/or regional reserves in order to improve the management of production potential. In order to avoid disturbance of the market balance, the transfer of rights via a reserve system should not lead to an overall increase in production potential on the territory of the Member States. A similar prohibition of increasing the production potential has already been provided for in the case of transfer of rights between holdings in Article 92(5) of that Regulation. In these situations, Member States may apply a reduction coefficient in respect of transfers of rights.
- (56) Article 93(5) of Regulation (EC) No 479/2008 provides that Member States are not to implement the reserve system if they can show that an effective system for managing planting rights exists throughout their territory. In this situation a Member State may provide for the implementation of the reserve system in parts of its territory and another effective system in other parts of its territory. Member States wishing to use the option under that Article should be able to prove that such a system exists and to demonstrate the need for any derogation from the provisions of Chapter I of Title V of that Regulation.
- (57) Article 90(6) of Regulation (EC) No 479/2008 provides that Member States may decide to maintain the prohibition of planting of vines of wine grape varieties until 31

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- December 2018 at the latest. It is appropriate to foresee that Member States intending to avail themselves of this possibility communicate this to the Commission in due time.
- (58) Article 100 of Regulation (EC) No 479/2008 foresees that grubbing-up premium may only be granted to areas which are tended. To enable authorities to verify whether an area is properly tended, beyond the obligatory on-the-spot checks, proofs about the production of the given vineyard should be foreseen. This should be done through the presentation of harvest declarations of the preceding years, or, if the harvest declaration is not available due to well justifiable reasons, by other means foreseen by the Member States for this purpose, the trustworthiness of which has to be thoroughly verified by the Member States.
- (59) According to Article 104(4) of Regulation (EC) No 479/2008, Member States may exempt mountain or steep slope areas from the grubbing-up scheme. This exemption should cover terraces established for reasons of steepness of the slope which would make cultivation without terraces too difficult or would lead to serious erosion problems. It is appropriate to lay down criteria for areas that may be subject to such exclusions, based on generally accepted professional standards. Furthermore, according to Article 104(5) and (6) of that Regulation, Member States may also exempt areas based on environmental concerns and Greece may exempt areas planted with vines on the Aegean islands and the Greek Ionian islands, with the exception of Crete and Eubia. These exemptions should be well founded and regularly communicated to the Commission.
- (60) In view of the experience gained under the application of the former permanent abandonment measure, the system of the scales of the premium should be retained. The new scales of the grubbing-up premium are related to the scales of the premium valid under the scheme before the entry into force of Regulation (EC) No 479/2008, by adding +20 % to them in 2009, +10 % in 2010 and 0 % in 2011.
- (61) In view of subsidiarity, Member States should be made responsible for the administrative arrangements concerning the application procedure for the grubbing-up premium. They should be free to determine the date until which they request producers to complete the grubbing-up measure, so as to have sufficient time for the necessary control before payments, which have to take place by 15 October.
- (62) In order to allow for efficient use of the funds reserved for the grubbing-up measure, Member States should foresee a system that permits verification whether the applications for the premium are well founded, including, if appropriate, a written undertaking to be made by the producer and the obligation to bear the costs incurred concerning the treatment of its request in case the application is withdrawn without duly justified reason.
- (63) In the interests of verification, payment of the premium should be made only once grubbing up has been carried out.
- (64) Article 104(1) of Regulation (EC) No 479/2008 provides for the possibility for Member States to reject any further application of the grubbing-up scheme on its territory or in a given region if the accumulated grubbing-up area reaches 8 % or 10 %, respectively.

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It is appropriate to request Member States to communicate such a decision to the Commission.

- (65) It is imperative, for the purpose of monitoring the implementation of Title II and V of Regulation (EC) No 479/2008 and the proper management of the market, that the Commission receives the appropriate data as to production potential. In this context, it is necessary to lay down the details of the information to be set out in the inventory referred to in Article 109 of that Regulation.
- (66) To create a more uniform basis for payments of the support of restructuring and conversion of vineyards, the green harvesting and the grubbing-up premium, it is appropriate to define, on Community level, rules on the measurement of areas, namely to determine what corresponds to the area planted with vines.
- (67) Measures should be laid down for the checks necessary in order to ensure proper application of Regulation (EC) No 479/2008 and of this Regulation, and the appropriate sanctions applicable to irregularities found. Those measures should involve both specific checks and sanctions laid down at the Community level as well as additional national checks and sanctions. The checks and sanctions should be dissuasive, effective and proportionate.
- (68) Any control related to the production potential should be based primarily on the vineyard register.
- (69) Taking into account the importance of controlling the production potential and the funds involved in the grubbing-up scheme, systematic on-the spot verification of the areas concerned should be foreseen both before and after the execution of the grubbing-up. However, for Member States disposing of a reliable graphical tool and updated information about the area concerned, it should be possible to do the control before the grubbing-up administratively. As for the control after grubbing-up, remote sensing can be used to verify that vines have actually been grubbed up and therefore its use should be permitted for this (ex post) stage of control. In view of the difficulties in calculating area through remote sensing, this method should be authorised only in cases of grubbing up of entire vineyard parcels or if the resolution of the remote sensing is equal or better than 1 m². In any case, at least either the control before or the one after the grubbing up should be carried out actually on the spot.
- (70) For the purpose of the uniform application of wine-sector provisions, rules should be adopted with the aim of specifying the control procedures already in force at national and Community level, on the one hand, and ensuring direct collaboration between the bodies responsible for wine-sector controls, on the other.
- (71) There should be rules governing the way in which the national bodies and the Commission assist each other in ensuring the correct application of wine-sector rules. Such rules should not hinder the application of specific provisions on Community expenditure, on criminal matters or on national administrative penalties.
- (72) Member States should ensure the effectiveness of the work of the bodies responsible for wine-sector controls. To that end, they should designate a body responsible for liaison between them and with the Commission. It is also vital that control operations

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are coordinated between the competent bodies in all Member States where wine-sector controls have been split up between several competent bodies.

- (73) To help the uniform application of the rules throughout the Community, Member States should take the necessary steps to ensure that the staff of the competent bodies has adequate powers of investigation to guarantee compliance with the rules.
- (74) The interdependence of wine-sector markets is reflected in the evolution of trade between Member States, in particular the constant increase in the number of international companies active in the sector, and the possibilities offered by the sector's management rules to have operations, whether aided or not, carried out in or transferred to, a location other than that from which the product originates. Such a situation calls for a greater harmonisation of control methods and closer collaboration between the various bodies responsible for controls.
- (75) For the purpose of effective collaboration between the Member States in applying wine-sector rules, Member States' competent bodies should be able on request to liaise with competent bodies in another Member State. The rules governing that liaison and assistance must be drawn up.
- (76) In view of the complex nature of certain matters and the urgent need to settle them, it is vital that a competent body requesting assistance can, in agreement with the other competent body, have authorised agents designated by it present when investigations are carried out.
- (77) In the event of a serious risk of fraud or of fraud affecting one or several Member States, the various bodies concerned must be able to implement automatically an unsolicited assistance procedure.
- (78) In view of the nature of the information exchanged under this Regulation, it should be covered by professional confidentiality.
- (79) Regulation (EC) No 2729/2000 establishes an analysis databank at the Joint Research Centre (JRC) for the purpose of contributing to the harmonisation of analytical controls throughout the Community and bringing together analysis samples and reports from Member States.
- (80) The use of reference isotopic analysis methods will ensure more effective control of wine product enrichment or the discovery of the addition of water to such products or, used with the results of the analysis of other isotopic characteristics of such products, it will help to verify conformity with the origin indicated in their name. With a view to making interpretation of the results of such analysis easier, it should be possible to compare those results with results obtained previously using the same methods during the analysis of products with similar characteristics and authenticated origin and production.
- (81) Isotopic analysis of wine or wine-derived products is carried out using the reference analytical methods referred to in Article 31 of Regulation (EC) No 479/2008.
- (82) In order to facilitate interpretation of the results obtained from such analyses carried out in Community laboratories equipped for the purpose and to guarantee that the results

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obtained in such laboratories are comparable, uniform rules should be drawn up for taking grape samples and for the vinification and storage of such samples.

- (83) To guarantee the quality and comparability of analytical data, a system of recognised quality standards should be applied to the laboratories designated by Member States to carry out the isotopic analysis of samples for the databank.
- (84) Isotopic analysis is an analytical method used for the control and for combating fraud in the wine sector requiring highly special scientific knowledge and technical equipment. Most of the Member States that acceded to the Community in 2004 or 2007 are not equipped to carry out this method. In order to ensure a uniform application of control procedures, the Joint Research Centre should carry out the analysis for those Member States for a period until they are fully equipped and competent to execute the task.
- (85) Isotopic analysis of wine-sector products and interpretation of the results are delicate procedures and, in order to permit uniform interpretation of such analysis results, the JRC databank should be made accessible to official laboratories using that analytical method and, on request, to other official bodies in the Member States while respecting the principles of the protection of private data.
- (86) Regulation (EC) No 2729/2000 contains rules on the taking of samples for dispatch to an official laboratory in another Member State and common rules for the taking of samples which are to be analysed by isotopic methods. Those rules should be taken over and the taking of samples for the Community databank should be deemed to be an instance of the taking of samples of a wine-sector product as part of the system of direct liaison between bodies.
- (87) To guarantee the objective nature of the controls, the officials of a Member State's competent body should be able to ask the competent body in another Member State to carry out sampling. The requesting official should have access to the samples taken and be able to specify the laboratory where they are to be analysed.
- (88) Detailed rules should be drawn up for the official taking of samples as part of the collaboration between Member States' competent bodies and for the use of such samples. Such rules should guarantee representativeness and the possibility of verifying the results of official analyses throughout the Community.
- (89) To simplify the administration of expenditure relating to the taking and dispatch of samples, analysis and organoleptic testing and employing the services of an expert, the principle should be established that such expenditure is to be borne by the body ordering the sampling or the services of the expert.
- (90) The conclusive force of the findings from controls carried out pursuant to this Regulation should be specified.
- (91) To guarantee the smooth operation of controls and grape sampling in vineyards provisions should be adopted to prevent interested parties from obstructing controls concerning them and to oblige them to facilitate sampling and provide the information required pursuant to this Regulation.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

- (92) Provisions should be laid down concerning the type, format and means of communications necessary to implement this Regulation. These should include communications from Member States to the Commission.
- (93) To ensure fair and controllable use of Community budget, penalties with financial consequences are to be foreseen in case Member States do not comply with communication obligations.
- (94) Information necessary for the verification and auditing of the implementation of the provisions of this Regulation should be retained by Member States for inspection for an appropriate period.
- (95) The payments made under Title II and Title V of Regulation (EC) No 479/2008 should be made in full to the beneficiaries. In order to avoid undue administrative burden, Member States should be allowed to pay the insurance support to producers through insurance companies in accordance with certain conditions.
- (96) Provisions should be made for resolving cases of obvious error, *force majeure* and other exceptional circumstances to ensure fair treatment of producers. Rules for artificially created situations should be provided for in order to avoid any benefit being derived from such situations.
- (97) Provisions should be made for a smooth transition from the previous system to the new system set out in this Regulation and the implementation of the transitional provisions set out in Article 128 of Regulation (EC) No 479/2008.
- (98) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

TITLE I

INTRODUCTORY PROVISIONS

Article 1

Scope and use of terms

1 This Regulation lays down implementing rules concerning the application of the following provisions of Regulation (EC) No 479/2008:

- [^{F1}(a)] ^{F1}
- b trade with third countries (Title IV);
- c production potential (Title V);
- [^{F1}(d)] ^{F1}
- e controls in the wine sector (Article 117); and
- [^{F1}(f)] ^{F1}

This Regulation shall not affect the application of:

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

- a specific provisions governing relations between Member States in combating fraud in the wine sector in so far as they are such as to facilitate the application of this Regulation;
- b rules relating to:
- (i) criminal proceedings or mutual assistance among Member States at judicial level in criminal matters;
 - (ii) the administrative penalties procedure.
- 2 Terms used in Regulation (EC) No 479/2008 shall have the same meaning when used in this Regulation.

^{F13}

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.

TITLE II

SUPPORT PROGRAMMES

CHAPTER I

Procedure for submission

^{F1}Article 2

[^{F1}[^{F2}Submission of support programmes]

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.
- F2** Substituted by Commission Implementing Regulation (EU) No 568/2012 of 28 June 2012 amending Regulation (EC) No 555/2008 as regards the submission of support programmes in the wine sector.

^{F1}Article 3

Modifications of support programmes]

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.

CHAPTER II

Eligible measures

^{F1}Section 1

[^{F1}[^{F3}Promotion]

^{F1}Sub-section 1

[^{F4}Promotion in third countries]

^{F1}Article 4

Eligible operations and markets

.....
^{F1}Article 5

Selection procedure

.....
^{F1}Article 5a

[^{F5}Eligible costs]

Textual Amendments

- F5** Deleted by Commission Delegated Regulation (EU) No 612/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 555/2008 as regards new measures under the national support programmes in the wine sector.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F1}Sub-section 2

^{F4}**Promotion in the Member States**

^{F1}Article 5b

Eligible operations

.....

^{F1}Article 5c

Characteristics of the information

.....

^{F1}Article 5d

Duration of the support

.....

^{F1}Article 5e

Advance payments

.....

^{F1}Article 5f

Demarcation with rural development and promotion of agricultural products

.....

^{F1}Article 5fa

^{F6}**Selection procedure]**

.....

Textual Amendments

- F6** Inserted by [Commission Implementing Regulation \(EU\) No 614/2014 of 6 June 2014 amending Regulation \(EC\) No 555/2008 as regards the application of certain support measures in the wine sector.](#)

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F1}Sub-section 3

Common rules

^{F1}Article 5g

Eligible costs]

Textual Amendments

- F3** Substituted by [Commission Delegated Regulation \(EU\) No 612/2014 of 11 March 2014 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation \(EC\) No 555/2008 as regards new measures under the national support programmes in the wine sector.](#)

^{F1}Section 2

Restructuring and conversion of vineyards

^{F1}Article 6

[^{F7}Ineligible operations]

Textual Amendments

- F7** Substituted by [Commission Implementing Regulation \(EU\) No 202/2013 of 8 March 2013 amending Regulation \(EC\) No 555/2008 as regards the submission of support programmes in the wine sector and trade with third countries.](#)

^{F1}Article 6a

[^{F4}Replanting for health or phytosanitary reasons]

Textual Amendments

- F4** Inserted by [Commission Delegated Regulation \(EU\) No 612/2014 of 11 March 2014 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation \(EC\) No 555/2008 as regards new measures under the national support programmes in the wine sector.](#)

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

F^I Article 7

Procedure and applications

F^I Article 8

[^{F7}Levels of support]

Textual Amendments

- F7** Substituted by [Commission Implementing Regulation \(EU\) No 202/2013 of 8 March 2013 amending Regulation \(EC\) No 555/2008 as regards the submission of support programmes in the wine sector and trade with third countries.](#)

F^I Article 9

Financial management

F^I Article 10

[^{F8}Transitional measures]

Textual Amendments

- F8** Deleted by [Commission Implementing Regulation \(EU\) No 202/2013 of 8 March 2013 amending Regulation \(EC\) No 555/2008 as regards the submission of support programmes in the wine sector and trade with third countries.](#)

F^I Article 10a

[^{F9}Compatibility and consistency]

Textual Amendments

- F9** Inserted by [Commission Regulation \(EC\) No 42/2009 of 20 January 2009 amending Regulation \(EC\) No 555/2008 laying down detailed rules for implementing Council Regulation \(EC\) No 479/2008](#)

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

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.

^{F1}Section 3

Green harvesting

^{F1}Article 11

Definition of green harvesting

.....

^{F1}Article 12

Conditions for the implementation of green harvesting

.....

^{F1}Article 13

Application procedure

.....

^{F1}Article 14

Compensation

.....

^{F1}Section 4

Mutual funds

^{F1}Article 15

Level of the aid

.....

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F1}Section 5

Harvest insurance

^{F1}Article 16

Conditions of eligibility

.....

^{F1}Section 6

Investments

^{F1}Article 17

Eligible measures

.....

^{F1}Article 18

Eligible measures for the development of new products

.....

^{F1}Article 19

[^{F10}Financial management]

.....

Textual Amendments

F10 Substituted by [Commission Regulation \(EC\) No 702/2009 of 3 August 2009 amending and correcting Regulation \(EC\) No 555/2008 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.](#)

^{F1}Article 20

[^{F11}Compatibility and consistency]

.....

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Textual Amendments

- F11** Substituted by Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 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.

^{F1}Section 6a

[^{F4}**Innovation**

^{F1}Article 20a

Eligible operations

^{F1}Article 20b

Demarcation with rural development and other legal regimes and financial instruments

^{F1}Article 20c

[^{F6}**Financial management**]]

Textual Amendments

- F6** Inserted by Commission Implementing Regulation (EU) No 614/2014 of 6 June 2014 amending Regulation (EC) No 555/2008 as regards the application of certain support measures in the wine sector.

Section 7

Disposal of by-products

Article 21

Fixing a minimum percentage of alcohol

1 Subject to point 1 of Annex VI.D to Regulation (EC) No 479/2008, Member States shall establish the volume of alcohol that must be contained in the by-products in relation to that contained in the wine produced. Member States may modulate the minimum percentage of alcohol on the basis of objective and non-discriminatory criteria.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

2 Should the relevant percentage fixed by Member States in application of the first paragraph not be reached, those subject to the obligation shall deliver a quantity of wine from their own production, thus ensuring attainment of that percentage.

3 For the purpose of determining the volume of alcohol contained in the by-products in relation to that contained in the wine produced, the standard wine natural alcoholic strengths by volume to be applied in the different wine-growing zones shall be:

- a 8,0 % for zone A;
- b 8,5 % for zone B;
- c 9,0 % for zone C I;
- d 9,5 % for zone C II;
- e 10,0 % for zone C III.

Article 22

Disposal of by-products

Producers shall be required to withdraw the by-products of wine-making, or any other processing of grapes, under supervision subject to the following conditions:

- (a) the by-products shall be withdrawn without delay and no later than the end of the wine year in which they were obtained; Member States may fix an earlier deadline; withdrawal, together with an indication of the estimated quantities, shall be either entered in the registers kept in accordance with Article 112(2) of Regulation (EC) No 479/2008, or certified by the competent authority;
- (b) withdrawal shall respect applicable Community legislation, in particular as regards the environment.

The withdrawal of the wine lees in question shall be regarded as having taken place once the lees have been denatured to make their use in winemaking impossible and where the delivery of the denatured lees to third parties has been entered in the registers kept in accordance with Article 112(2) of Regulation (EC) No 479/2008. Member States shall take the measures necessary to ensure that such transactions are checked. They may have a system of prior recognition of the concerned third parties.

Member States may decide that producers who, during the wine year in question, do not produce more than 25 hectolitres of wine or must themselves on their own premises are not required to withdraw their by-products.

Article 23

Disposal with by-product distillation

1 Producers may fulfil the obligation of disposal for a part or for the entirety of the by-products of wine-making or any other processing of grapes, by delivering the by-products to distillation.

2 Member States may require that the delivery to distillation of a part or of the entirety of the by-products of wine making or of any other processing of grapes is made compulsory for a part or for the entirety of their producers, on the basis of objective and non-discriminatory criteria. This obligation can be also fulfilled by the delivery of wine to the vinegar industry.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F1}3

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.

^{F1}Article 24

[^{F1}Purpose of the aid

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.

^{F1}Article 25

Amount of the aid

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.

^{F1}Article 25a

[^{F9}Verification of conditions]]

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.
- F9** Inserted by Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 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.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F8}Section 8

^{F1}^{F8}**Potable alcohol distillation**

^{F8}Article 26

Purpose of the aid

.....

^{F8}Article 27

Amount of the aid

.....

^{F8}Section 9

Crisis distillation

^{F8}Article 28

Definition of the measure

.....

^{F8}Article 29

Modalities of the aid

.....

^{F8}Article 30

Amount of the aid

.....

^{F8}Article 31

National aid

.....

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F8}Section 10

Use of concentrated grape must

^{F8}Article 32

Purpose of the aid

.....

^{F8}Article 33

Amount of the aid

.....

^{F8}Article 34

Checks]

.....

^{F1}CHAPTER III

Reporting, evaluation and general provisions

^{F1}Article 35

Reporting and evaluation

.....

^{F1}Article 36

Exclusion

.....

^{F1}Article 37

Payment delay to beneficiaries

.....

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

FI Article 37a

[^{F12}Communication related to State aid]

Textual Amendments

- F12** Inserted by [Commission Regulation \(EC\) No 702/2009 of 3 August 2009 amending and correcting Regulation \(EC\) No 555/2008 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.](#)

FI Article 37b

[^{F13}Communication related to advances]]

Textual Amendments

- F13** Inserted by [Commission Implementing Regulation \(EU\) No 752/2013 of 31 July 2013 amending Regulation \(EC\) No 555/2008 as regards national support programmes and trade with third countries in the wine sector.](#)

TITLE III

TRADE WITH THIRD COUNTRIES

CHAPTER I

Entry price arrangements for grape juice and must

Article 38

Definition

For the purposes of this title ‘consignment’ means the quantity of a product consigned by one consignor to one consignee, presented under a single custom declaration for release for free circulation. Each declaration may cover only goods of one and the same origin, as defined in Articles 23 and 24 of Regulation (EEC) No 2913/92⁽¹⁰⁾, falling within a single Combined Nomenclature code.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Article 39

Verification by consignment

1 For products falling within CN codes 2009 61, 2009 69 and 2204 30 listed in Annex I, Part Three, Section I, Annex 2 to the Common Customs Tariff and subject to entry price arrangements, the actual customs value shall be verified by checking every consignment.

2 The entry price in Annex 2 of the Regulation (EEC) No 2658/87⁽¹¹⁾ for the products indicated in paragraph 1 shall be determined on the basis of the customs value.

CHAPTER II

Certificates and analysis reports for wine, grape juice and must on import

Section 1

General

Article 40

Documents required

The certificate and the analysis report referred to in Article 82(3)(a) and (b), respectively, of Regulation (EC) No 479/2008 shall form a single document:

- (a) the 'certificate' part of which shall be made out by a body of the third country from which the products comes;
- (b) the 'analysis report' part of which shall be made out by an official laboratory recognised by the third country from which the products comes.

Article 41

Contents of the analysis report

The analysis report shall include the following information:

- (a) in the case of wines and grape must in fermentation:
 - (i) the total alcoholic strength by volume;
 - (ii) the actual alcoholic strength by volume;
- (b) in the case of grape must and grape juice, the density;
- (c) in the case of wines, grape must and grape juice:
 - (i) the total dry extract;
 - (ii) the total acidity;

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

- (iii) the volatile acid content;
- (iv) the citric acid content;
- (v) the total sulphur dioxide content^[F11.]
- (vi) ^[F14.]

Textual Amendments

- F11** Substituted by Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 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.
- F14** Deleted by Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 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.

Article 42

Exemptions

- 1 No certificate or analysis report need be presented for products originating in and exported from third countries in labelled containers of not more than five litres fitted with a non-reusable closing device where the total quantity transported, whether or not made up of separate consignments, does not exceed 100 litres.
- 2 Where products do not fulfil the conditions set out in paragraph 1, no certificate and analysis report needs to be presented for:
 - a wine, grape must and grape juice contained in the personal luggage of travellers within the meaning of Article 45 of Council Regulation (EEC) No 918/83⁽¹²⁾ up to a maximum of 30 litres per traveller;
 - b wine sent in consignments from one private individual to another, within the meaning of Article 29 of Regulation (EEC) No 918/83 up to a maximum of 30 litres per consignment;
 - c wine and grape juice forming part of the personal property of private individuals transferring their normal place of residence from a third country to the Community within the meaning of Article 2 of Regulation (EEC) No 918/83;
 - d wine and grape juice for trade fairs as defined in Article 95 of Regulation (EEC) No 918/83, provided that the products in question are put up in labelled containers of not more than two litres fitted with a non-reusable closing device;
 - e quantities of wine, grape must and grape juice in other containers, imported for the purpose of scientific and technical experiments up to a maximum of 100 litres;
 - f wines and grape juice imported in accordance with the provisions of the Vienna Convention on diplomatic relations of 18 April 1961, the Vienna Convention on consular relations of 24 April 1963 or other consular conventions, or the New York Convention of 16 December 1969 on special missions;
 - g wines and grape juice held in stores on board of vessels and aircraft operating in international transport;

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

- h wines and grape juice originating and bottled in the European Community, exported to a third country and returned to the customs territory of the Community and released for free circulation.

Section 2

Requirements to be met and detailed rules for drawing up and using the certificate and analysis report for imports of wine, grape juice and grape must

Article 43

V I 1 document

1 The certificate and analysis report for each consignment intended for import into the Community shall be drawn up on a single V I 1 document.

The document referred to in the first subparagraph shall be drawn up on a V I 1 form corresponding to the specimen shown in Annex IX. It shall be signed by an officer of an official body and by an official of a recognised laboratory as referred to in Article 48.

2 Where the product concerned is not intended for direct human consumption, the analysis report section of the V I 1 form need not be completed.

[^{F7}In the case of wine put up in labelled containers of a capacity not exceeding 60 litres, fitted with non-reusable closing devices, and provided that the wine originates in a country appearing in Annex XII, part A, which has offered special guarantees accepted by the Community, the analysis report section of the V I 1 form need be completed only in respect of:]

- a the actual alcoholic strength by volume;
- b the total acidity;
- c the total sulphur dioxide content.

Textual Amendments

- F7** Substituted by [Commission Implementing Regulation \(EU\) No 202/2013 of 8 March 2013 amending Regulation \(EC\) No 555/2008 as regards the submission of support programmes in the wine sector and trade with third countries.](#)

Article 44

Description of documents

1 V I 1 forms shall comprise a typed or handwritten original and a simultaneously produced copy, in that order.

2 The V I 2 form shall be an extract made out in accordance with the specimen shown in Annex X, containing the data appearing on a V I 1 document or another V I 2 extract and stamped by a Community customs office. V I 2 forms shall comprise an original and two copies, in that order.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

3 V I 1 documents and V I 2 extracts shall comply with the technical rules set out in Annex XI.

4 Both the original and the copy shall accompany the product. V I 1 and V I 2 forms must be completed either in typescript or by hand, or by equivalent technical means recognised by an official body. Handwritten forms shall be completed in ink and in capital letters. No erasures or overwriting shall be permitted. Any alterations shall be made by crossing out the incorrect particulars and, where appropriate, adding those required. Any change made in this way must be approved by its author and stamped, as the case may be, by the official agency, the laboratory or the customs authorities.

5 V I 1 documents and V I 2 extracts shall bear a serial number allocated, in the case of V I 1 documents, by the official agency whose officer signs the certificate and, in the case of V I 2 extracts, by the customs office which stamps them in accordance with Article 47(2) and (3).

6 Without prejudice to paragraphs 2, 3, 4 and 5, V I 1 and V I 2 may be issued and used using computerised systems in accordance with detailed rules laid down by the competent authorities of the Member States. The content of an electronic V I 1 and V I 2 must be identical to that one on paper.

Article 45

Simplified procedure

[^{F7}1 V I 1 documents made out by wine producers in the third countries listed in Annex XII, Part B, which have offered special guarantees accepted by the Community shall be considered as certificates or analysis reports drawn up by agencies and laboratories included in the list provided for in Article 48 provided that the producers have received individual approval from the competent authorities of those third countries and are subject to inspection by the latter.]

2 Approved producers as referred to in paragraph 1 shall use V I 1 forms giving in box 9 the name and address of the official agency of the third country which approved them. Producers shall complete the form, entering in addition:

- [^{F7}a in box 1, their names and addresses and their registration numbers in the third countries listed in Annex XII, Part B;]
- b in box 10, at least the particulars provided for in Article 43(2).

The producers shall sign in the space provided in boxes 9 and 10, after striking out the words 'name and title of official'.

Neither stamps nor the name and address of the laboratory shall be required.

Textual Amendments

- F7** Substituted by [Commission Implementing Regulation \(EU\) No 202/2013 of 8 March 2013 amending Regulation \(EC\) No 555/2008 as regards the submission of support programmes in the wine sector and trade with third countries.](#)

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F13} Article 45a

Electronic document

1 V I I documents established in accordance with Articles 43 and 45 may be replaced by an electronic document for the import in the Union of wine products from third countries which have in place a system of controls accepted by the Union as equivalent to that set up for the same products by the Union legislation.

A system of controls in a third country may be accepted as equivalent to that set up for the same products by the Union if it fulfils at least the following conditions:

- a it offers sufficient guarantees as to the nature, the origin and the traceability of the wine products produced or traded on the territory of the third country concerned;
- b it guarantees access to the data held in the electronic system used, in particular with regard to the registration and the identification of operators, control bodies and the analysis laboratories;
- c it guarantees the possibility to check the data referred to in point (b) within the framework of a mutual administrative cooperation.

Third countries having in place a system of controls accepted by the Union as equivalent in accordance with the second subparagraph shall be included in the list set out in Annex XII, Part C.

2 The electronic document provided for in paragraph 1 shall contain at least the information necessary for the establishment of the V I I document.

A unique administrative reference code is assigned to the electronic document by, or under the control of the competent authorities of the third country of export. This code is included on the commercial documents required for the import in the territory of the Union.

3 Access to the electronic document or to the data necessary for its establishment shall be given at any request of the competent authorities of the Member State of destination.

The data referred to in the first subparagraph may be requested in the form of a paper document in which the data shall be displayed in the form of data elements, expressed in the same manner as in the electronic document.]

Textual Amendments

- F13** Inserted by [Commission Implementing Regulation \(EU\) No 752/2013 of 31 July 2013 amending Regulation \(EC\) No 555/2008 as regards national support programmes and trade with third countries in the wine sector.](#)

Article 46

Derogations

Application of Articles 43(2) and 45 of this Regulation may be suspended if it is found that the products to which these measures apply have been the subject of falsification

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

likely to result in a health risk to consumers or uses of oenological practices others than the ones referred to in Article 82(2) of Regulation (EC) No 479/2008.

Article 47

Use

1 The original and the copy of V I 1 documents or V I 2 extracts shall be handed over to the competent authorities of the Member State in which the customs formalities required for putting into free circulation the consignment to which they relate are carried out, on completion of those formalities.

The authorities shall, where necessary, endorse the back of the V I 1 document or the V I 2 extract. They shall return the original to the person concerned and keep the copy for at least five years.

2 Where a consignment is to be reconsigned complete before entry into free circulation, the new consignor shall give the customs authorities supervising the consignment the V I 1 document or the V I 2 extract relating to that consignment as well as, if appropriate, a V I 2 form completed consecutively.

The authorities shall verify that the particulars entered on the V I 1 document agree with those entered on the V I 2 form or that the particulars entered on the V I 2 extract agree with those entered on the V I 2 form completed consecutively, and shall then stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse the document or previous extract accordingly. They shall return the extract and the original of the V I 1 document or the previous V I 2 extract to the new consignor and keep the copy of the document or previous extract for at least five years.

However, a V I 2 form need not be completed where a consignment of a product is re-exported to a third country.

3 Where a consignment is split before it enters into free circulation, the person concerned shall give the original and the copy of the V I 1 document or the V I 2 extract relating to the consignment to be split to the customs authorities supervising that consignment, together with a V I 2 form and two copies completed consecutively for each new consignment.

The authorities shall verify that the particulars entered on the V I 1 document or on the V I 2 extract correspond to those on the V I 2 form completed consecutively for each new consignment, and shall then stamp the latter, which shall then be equivalent to the V I 2 extract, and endorse accordingly the back of the V I 1 document or the V I 2 extract on which it was based. They shall return the V I 2 extract together with the V I 1 document or the V I 2 extract previously completed to the person concerned and keep a copy of each of these documents for at least five years.

Article 48

List of competent bodies

1 The Commission shall draw up and update lists containing the names and addresses of the agencies and laboratories, and of the wine producers authorised to draw up V I 1 document, on the basis of notifications from the competent authorities of third countries. The Commission shall make the names and addresses of these agencies and laboratories public on the internet.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

2 The notifications from the competent authorities of third countries referred to in paragraph 1 shall contain:

- a the names and addresses of the official agencies and laboratories approved or appointed for the purpose of drawing up V I 1 documents;
- b the names, addresses and official registration numbers of the wine producers authorised to draw up V I 1 documents.

The lists referred to in paragraph 1 shall contain only agencies and laboratories as referred to in point (a) of the first subparagraph of this paragraph which have been authorised by the competent authorities of the third country concerned to provide the Commission and the Member States, on request, with any information required to evaluate the data appearing on the document.

3 The lists shall be updated, in particular to take account of changes of address and/or name of agencies or laboratories.

Article 49

Indirect imports

In cases where a wine is exported from a third country in whose territory it was produced (hereinafter referred to as ‘the country of origin’) to another third country (hereinafter referred to as ‘the exporting country’), from which it is then exported to the Community, the competent authorities of the exporting country may draw up the V I 1 document for the wine concerned on the basis of a V I 1 document or equivalent drawn up by the competent authorities of the country of origin, without having to perform further analyses on the wine, if that wine:

- (a) has already been bottled and labelled in the country of origin and remains so; or
- (b) is exported in bulk from the country of origin and bottled and labelled in the exporting country without any further processing.

The competent authority of the exporting country shall certify on the V I 1 document that the wine in question is a wine to which the first paragraph refers and that it fulfils the conditions set out therein.

The original or a certified copy of the V I 1 document or equivalent of the country of origin shall be attached to the V I 1 document of the exporting country.

The only countries of origin for the purposes of this Article shall be those appearing on the list, published in accordance with Article 48(1), of agencies and laboratories that are appointed by third countries to complete the documents that must accompany each consignment of imported wine.

Article 50

Special rules for particular wines

1 In the case of liqueur wines and wines fortified for distillation, the V I 1 documents shall be recognised as valid only where the official agency as referred to in Article 48 has entered the following in box 14:

the alcohol added to this wine is certified as being wine alcohol.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

The entry shall be accompanied by the following information:

- a the full name and address of the issuing agency;
- b the signature of an official of the agency;
- c the agency's stamp.

2 The V I 1 document may be used as certifying that an imported wine bears a geographical indication in conformity with either the agreement on Trade-Related Intellectual Property Rights (TRIPS) of the World Trade Organisation (WTO), or the Community legislation on geographical indications or an agreement on recognition and protection of geographical indications between the European Community and the third country from which the wine originates.

In such a case, box 14 shall indicate the following:

the wine covered by this document is certified as having been produced in the ... wine-growing region and was given the geographical indication shown in box 6 in accordance with the provisions of the country of origin.

The entry shall be accompanied by the information provided for in the second subparagraph of paragraph 1.

Article 51

Conformity of imported wines

Where the competent authorities of a Member State suspect that a product originating in a third country does not comply with Article 82(1) and (2) of Regulation (EC) No 479/2008, they shall inform the Commission thereof without delay.

CHAPTER III

Specific provisions on exports

Article 52

Notification of official bodies

1 Member States shall send the Commission the lists of official or officially recognised bodies that they propose should issue attestations proving that the wine in question meets the conditions for access to the concessions provided for in the agreements with third countries.

2 The Commission shall act on behalf of the Community in drawing up and exchanging, jointly with the third country concerned, the list of official bodies authorised to draw up the attestations referred to in paragraph 1 and the equivalent certificate issued by the third country concerned.

3 The Commission shall make the list provided for in paragraph 2 public and update it periodically.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

CHAPTER IV

Transitional provisions

Article 53

VI 1 and VI 2 conformity

VI 1 and VI 2 documents which were in conformity with the provisions applicable when they were put into circulation but which no longer conform to those provisions from the date of application of this Regulation may continue to be used until 31 December 2008.

Article 54

Release of security

At the request of the interested parties, the securities lodged for the issuing of import and export licenses, shall be released from 1 August 2008, if the validity of the licenses has not expired before that date.

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;

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

- 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.

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.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

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.

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.

F¹⁵ 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.]

Textual Amendments

- F15** Substituted by [Commission Implementing Regulation \(EU\) 2015/1991 of 5 November 2015 amending Regulation \(EC\) No 555/2008 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.](#)

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

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.

CHAPTER II

Transitional planting right regime

^{F1}Article 60

[^{F1}New planting rights]

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

^{F15}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.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Member States may decide whether or not to include details related to regions in the communication.]

Textual Amendments

- F15** Substituted by [Commission Implementing Regulation \(EU\) 2015/1991 of 5 November 2015 amending Regulation \(EC\) No 555/2008 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.](#)

^{F1}Article 62

[^{F1}Grubbing up without generation of replanting right

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

^{F1}Article 63

Anticipated replanting rights

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

^{F1}Article 64

Transfers of replanting rights]

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Article 65

Reserves of planting rights

^{F1}1

^{F1}2

^{F1}3

^{F1}4

[^{F15} 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.]

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)
- F15** Substituted by [Commission Implementing Regulation \(EU\) 2015/1991 of 5 November 2015 amending Regulation \(EC\) No 555/2008 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.](#)

^{F1}Article 66

[^{F1}Maintenance of the planting rights system]

.....

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

^{F8}CHAPTER III

[^{F8}Grubbing-up scheme

^{F8}Article 67

Eligibility

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Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

F8 Article 68

Exemption reasons

.....

F8 Article 69

Premium level

.....

F8 Article 70

Application procedure

.....

F8 Article 71

Procedure in case of application of a single percentage for acceptance

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F8 Article 72

Payment of the premium

.....

F8 Article 73

Communications]

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CHAPTER IV

Inventory and measurement of the area planted

[F15 Article 74

Inventory

The data communicated in the inventory in accordance with Article 145(3) of Regulation (EU) No 1308/2013 by 1 March 2016 shall refer to 31 December 2015.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

It shall contain the information specified in Tables 15 and 16 of Annex XIII to this Regulation. Member States may decide whether or not to include details related to regions in the communication.]

Textual Amendments

- F15** Substituted by [Commission Implementing Regulation \(EU\) 2015/1991 of 5 November 2015 amending Regulation \(EC\) No 555/2008 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.](#)

^{F1}Article 75

[^{F1}Area planted]

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

TITLE V

CONTROLS IN THE WINE SECTOR

CHAPTER I

Principles of control

^{F1}Article 76

[^{F1}Checks

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F1}Article 77

General principles

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

^{F1}Article 78

On-the-spot checks

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

^{F1}Article 79

Selection of the control sample

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

^{F1}Article 80

Control report

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.

^{F1}Article 81

[^{F16}Control related to the production potential and to the operations of restructuring and conversion of vineyards]

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.
- F16** Substituted by Commission Regulation (EU) No 772/2010 of 1 September 2010 amending Regulation (EC) No 555/2008 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.

^{F1}Article 82

Control bodies]

Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008.

Article 83

Powers of control officials

Each Member State shall take all appropriate measures to facilitate the work of the officials of its competent bodies. It shall ensure in particular that such officials, where appropriate in conjunction with officials of other departments which it authorises for the purpose:

- (a) have access to vineyards, wine-making and storage installations, installations for processing wine-sector products and vehicles for transporting those products;

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

- (b) have access to the commercial premises (or warehouses) and vehicles of anyone holding with a view to sale, marketing or transporting wine-sector products or products which may be intended for use in the wine sector;
- (c) may undertake an inventory of wine-sector products and substances or products which may be used for the preparation of such products;
- (d) may take samples of wine-sector products, substances or products which may be used for the preparation of such products and products held with a view to sale, marketing or transport;
- (e) may study accounting data and other documents of use in control procedures, and make copies or extracts thereof;
- (f) may take appropriate protective measures regarding the preparation, holding, transport, description, presentation and marketing of a wine-sector product or a product intended for use in the preparation of such a product, if there is reason to believe that there has been a serious infringement of Community provisions, in particular in the case of fraudulent treatment or risks to health.

CHAPTER II

Assistance between control bodies

Article 84

Assistance on request

1 Where a competent body of a Member State undertakes control activities on its territory, it may appeal for information from a competent body of any other Member State liable to be affected directly or indirectly. Where such a request is made the assistance shall be provided in a timely manner.

The Commission shall be notified whenever the product which is the subject of the controls referred to in the first subparagraph originates in a third country, and if the marketing of this product may be of specific interest to other Member States.

The body appealed to shall provide all such information as may enable the applicant body to carry out its duties.

2 Where reasoned application is made by the applicant body, the body appealed to shall perform special supervision or checks with a view to achieving the aims pursued, or shall take the necessary steps to ensure that such supervision or checks are performed.

3 The body appealed to shall act as though on its own behalf.

4 In agreement with the body appealed to, the applicant body may designate officials:

- a either to obtain, on the premises of the administrative authorities coming under the Member State in which the body appealed to is established, information relating to the application of the rules in the wine sector or to control activities, including the making of copies of transport and other documents or extracts from registers;
- b or to be present during operations requested under paragraph 2, after advising the body appealed to in good time before the start of those operations.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

The copies referred to in point (a) of the first subparagraph may be made only with the agreement of the body appealed to.

5 The officials of the body appealed to shall remain in charge of the control operations at all times.

6 The officials of the applicant body shall:

- a produce a written order indicating their identity and official position;
- b be accorded, without prejudice to the limits imposed by the Member State of the body appealed to on its own officials in carrying out the controls in question:
 - (i) the rights of access provided for in points (a) and (b) of Article 83;
 - (ii) the right to be informed of the results of controls carried out by the officials of the body appealed to under points (c) and (e) of Article 83;
- c in the course of checks, conduct themselves in a way compatible with the rules and professional practices which officials of the Member State are expected to follow, and observe professional confidentiality.

7 The requests referred to in this Article shall be forwarded to the body appealed to in the Member State in question via the liaison body of that Member State. The same procedure shall apply to:

- a replies to such requests;
- b communications concerning the application of paragraphs 2 and 4.

Notwithstanding the first subparagraph and in the interests of quicker and more effective cooperation between them, Member States may permit a competent body to:

- a make its request or communication directly to a competent body of another Member State;
- b reply directly to requests or communications received from a competent body of another Member State.

Article 85

Unsolicited assistance

A competent body of a Member State shall, via the liaison body under which it comes, notify the liaison body of the Member State concerned without delay, where it has grounds for suspicion or becomes aware that:

- (a) a product referred to in Article 1(1) of Regulation (EC) No 479/2008 does not comply with the wine-sector rules or has been the subject of fraudulent action to obtain or market such a product; and
- (b) this failure to comply with the rules is of specific interest to one or more other Member States and such as to lead to administrative measures or legal action.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Article 86

Common provisions

- 1 The information referred to in Article 84(1) and Article 85 shall be accompanied and supplemented as soon as possible by relevant documents and other evidence and a reference to any administrative measures or legal proceedings, and shall specifically cover:
 - a the composition and organoleptic characteristics of the product in question;
 - b the description and presentation of the product;
 - c compliance or not with the rules laid down for producing and marketing the product.
- 2 The liaison bodies involved in a case for which the assistance procedure is initiated shall inform each other without delay of:
 - a the progress of investigations;
 - b any administrative or legal action taken subsequent to the operations concerned.
- 3 Travel costs incurred when implementing Article 84(2) and (4) shall be borne by:
 - a the Member State which has appointed an official for the measures referred to in these paragraphs; or
 - b the Community budget at the request of the liaison body of that Member State if the Commission has formally recognised in advance the Community interest of the control activity in question.

CHAPTER III

Analytical databank

Article 87

Purpose of the databank

- 1 An analytical databank for wine products shall be managed by the Joint Research Centre (JRC).
- 2 The databank shall contain data obtained from isotopic analysis of the components of ethanol and water in wine products according to the reference methods of analysis referred to in Article 31 of Regulation (EC) No 479/2008.
- 3 The databank is to help harmonise the interpretation of the results obtained by the official laboratories of the Member States in applying the reference methods of analysis referred to in Article 31 of Regulation (EC) No 479/2008.

Article 88

Samples

- 1 For the establishment of the analytical databank, Member States shall ensure the taking of samples of fresh grapes for analysis as well as their treatment and processing into wine in accordance with the instructions in Annex XVI.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

2 The samples of fresh grapes shall be taken from vineyards situated in a wine-growing area of clearly defined soil type, situation, vine training system, variety, age and cultural practices.

3 The number of samples to be taken each year for the databank is set out in Annex XVII. The selection of samples must take account of the geographical situation of vineyards in the Member States listed in Annex XVII. Each year at least 25 % of the samples shall be taken from the same plots as in the previous year.

4 The samples shall be analysed by the methods referred to in Article 31 of Regulation (EC) No 479/2008 by laboratories designated by the Member States. The designated laboratories must meet the general criteria for the operation of testing laboratories set out in ISO/IEC 17025, and in particular must take part in a system of proficiency tests covering methods of isotopic analysis. The evidence of compliance with these criteria will be provided in writing to the JRC for the purpose of quality control and validation of the data provided.

5 An analysis report shall be drawn up in accordance with Annex XIX. A description sheet shall be drawn up for each sample in accordance with the questionnaire in Annex XVIII.

6 A copy of the report with the results and interpretation of the analyses along with a copy of the description sheet shall be sent to the JRC.

7 Member States and the JRC shall ensure that:

- a data in the analytical databank are preserved;
- b each of the samples is kept for at least three years from the date the sample is taken;
- c the databank is used only for monitoring the application of Community and national wine legislation or for statistical or scientific purposes;
- d measures are applied to safeguard the data, in particular against theft and interference;
- f files are made available, without undue delay or cost, to those to whom they relate so that any inaccuracies can be rectified.

F17 Article 89

For a period ending on 30 June 2015, pending the setting up of the adequate analytical equipment, Croatia shall send its wine samples to the JRC for analysis.

Croatia may designate a competent body authorised to have access to the information on samples on its territory.]

Textual Amendments

- F17** Substituted by [Commission Implementing Regulation \(EU\) No 600/2013 of 24 June 2013 amending Regulation \(EC\) No 555/2008 as regards the carrying out of isotopic analyses of wine products in Croatia during a transitional period.](#)

Article 90

Communication of results

1 The information contained in the databank shall be made available on request to the laboratories designated by the Member States for that purpose.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

2 The JRC shall draw up and update on a yearly basis the list of the Member States laboratories designated for the preparation of samples and the measurements for the analytical databank.

3 In duly substantiated cases, the information referred to in paragraph 1, when representative, may be made available on request to other official bodies in the Member States.

4 Communication of information shall relate only to the relevant analytical data required to interpret an analysis carried out on a sample of comparable characteristics and origin. Any communication of information shall be accompanied by a reminder of the minimum requirements for the use of the databank.

Article 91

Compliance with procedures

Member States shall ensure that the results of isotopic analyses contained in their own databanks are obtained by analyzing samples taken and treated in accordance with this Chapter.

CHAPTER IV

Collection of samples for control purposes

Article 92

Request for collection of samples

1 In the context of the application of Chapter II, the officials of a competent body of a Member State may request a competent body of another Member State to collect samples in accordance with the relevant provisions of that Member State.

2 The applicant body shall hold the samples collected and shall determine inter alia the laboratory where they are to be analysed.

3 Samples shall be taken and treated in accordance with the instructions in Annex XX.

Article 93

Costs of collection, dispatch and analysis of samples

1 The costs incurred in taking, treating and dispatching a sample and in carrying out analytical and organoleptic tests shall be borne by the competent body of the Member State which asked for the sample to be taken. Such costs shall be calculated according to the rates applicable in the Member State in the territory of which the operations are carried out.

2 The costs incurred in sending the samples referred to in Article 89 shall be borne by the Community.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

CHAPTER V

General provisions

Article 94

Conclusive force

The findings of the officials of a competent body of a Member State in the course of application of this Chapter may be invoked by the competent bodies of the other Member States. In such cases, they shall have no less value because of the fact that they do not come from the Member State in question.

Article 95

Persons subject to controls

- 1 Natural or legal persons and groups of such persons whose professional activities may be the subject of the controls referred to in this Regulation shall not obstruct such controls and shall be required to facilitate them at all times.
- 2 Cultivators of vines from which grapes are taken by officials of a competent body:
 - a may not impede such collection in any way; and
 - b shall provide these officials with all the information required under this Regulation.

^{F18}Article 95a

Coordination of controls and access to information

With respect to controls relating to consignments carried out under cover of the accompanying documents indicated in Article 24(1)(a)(i) of Commission Regulation (EC) No 436/2009⁽¹³⁾, Member States, shall, not later than 1 March 2014, adopt the measures required to give the competent bodies designated under Article 82(1) of this Regulation access to the information held in the computerised system referred to in Article 21 of Council Directive 2008/118/EC⁽¹⁴⁾ and on the movements of wine products circulating under the arrangements laid down in Chapter IV of that Directive.

With respect to controls on consignments carried out under cover of the accompanying documents indicated in Article 24(1)(a)(ii) and (iii) of Regulation (EC) No 436/2009, Member States, shall, not later than 1 March 2014, adopt the measures required to give the competent bodies designated under Article 82(1) of this Regulation access to the information held in the information systems set up to control the movements of wine products other than those referred to in the first paragraph of this Article.

The information held pursuant to the first and second subparagraphs may only be used, for the purposes of this Regulation, in relation to the specific controls laid down in the rules on the wine sector.]

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Textual Amendments

- F18** Inserted by [Commission Implementing Regulation \(EU\) No 314/2012 of 12 April 2012 amending Commission Regulations \(EC\) No 555/2008 and \(EC\) No 436/2009 as regards the documents accompanying consignments of wine products and wine sector registers to be kept.](#)

TITLE VI

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

^{F1}Article 96

[^{F1}Payments to beneficiaries

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

^{F1}Article 97

Recovery of undue payments]

Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2016/1149 of 15 April 2016 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation \(EC\) No 555/2008.](#)

Article 98

National sanctions

Without prejudice to any sanctions set out in Regulation (EC) No 479/2008 or in this Regulation, Member States shall provide for the application of sanctions at national level in relation to irregularities committed in respect of requirements set out in Regulation (EC) No 479/2008 and in this Regulation which are effective, proportionate and dissuasive so that they provide adequate protection for the Communities' financial interests.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Article 99

Artificially created situations

Without prejudice to any specific measures set out in Regulation (EC) No 479/2008 or in this Regulation, no payment shall be made in favour of beneficiaries for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of the measure concerned.

Article 100

[^{F19}Communications and notifications]

[^{F19}1 The communications and notifications to the Commission referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009⁽¹⁵⁾.]

^{F20}2

3 Without prejudice to any specific provisions of this Regulation, Member States shall take all measures necessary to ensure that they are able to meet the deadlines for communications set out in this Regulation.

4 If a Member State fails to make a communication as required under Regulation (EC) No 479/2008 or this Regulation or if the communication appears incorrect in the light of objective facts in the Commission's possession, the Commission may suspend part or all of the monthly payments referred to in Article 14 of Regulation (EC) No 1290/2005 as regards the wine sector until the communication is correctly made.

5 Member States shall retain the information recorded under this Regulation for at least 10 wine years following the one during which it was recorded.

6 The communications requested in this Regulation shall not prejudice the Member States' obligations laid down in Council Regulation (EEC) 357/79 on statistical surveys of areas under vines⁽¹⁶⁾.

Textual Amendments

F19 Substituted by Commission Implementing Regulation (EU) No 994/2013 of 16 October 2013 amending Regulations (EC) No 952/2006, (EC) No 967/2006, (EC) No 555/2008, and (EC) No 1249/2008 as regards the communication and the notification obligations within the common organisation of agricultural markets.

F20 Deleted by Commission Implementing Regulation (EU) No 994/2013 of 16 October 2013 amending Regulations (EC) No 952/2006, (EC) No 967/2006, (EC) No 555/2008, and (EC) No 1249/2008 as regards the communication and the notification obligations within the common organisation of agricultural markets.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Article 101

Obvious errors

Any communication, claim or request made to a Member State under Regulation (EC) No 479/2008 or this Regulation, including an aid application, may be adjusted at any time after its submission in cases of obvious errors recognised by the competent authority.

Article 102

Force majeure and exceptional circumstances

Where, under Regulation (EC) No 479/2008 or this Regulation, a sanction is to be imposed it shall not be imposed in cases of *force majeure* or exceptional circumstances within the meaning of Article 40(4) of Regulation (EC) No 1782/2003.

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;
- ^{F11}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;
- c Annex I to Regulation (EC) No 1623/2000 shall remain in force until 31 July 2012.

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.

Textual Amendments

- F11** Substituted by Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 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.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

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.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F1}ANNEX I

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^{F1}ANNEX II

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^{F1}ANNEX III

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^{F1}ANNEX IV

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^{F1}ANNEX V

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^{F1}ANNEX VI

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^{F1}ANNEX VIII

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^{F1}ANNEX VIIIa

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Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 555/2008. (See end of Document for details)

^{F1}ANNEX VIIIb

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^{F1}ANNEX VIIIc

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Status: Point in time view as at 18/07/2016.**Changes to legislation:** There are currently no known outstanding effects for the
Commission Regulation (EC) No 555/2008. (See end of Document for details)**Attribution** (entry into free circulation and issue of extracts)

Quantity	11. No and date of customs document of release for free circulation and of the extract	12. Full name and address of consignee (extract)	13. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
14. Other remarks			

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Attribution (entry into free circulation and issue of extracts)

Quantity	10. No and date of customs document of release for free circulation and of the extract	11. Full name and address of consignee (extract)	12. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
13. Other remarks			

ANNEX XI

Technical rules on V I 1 and V I 2 forms provided for in Articles 43 and 44

A. Printing of forms

1. The size of the forms is to be approximately 210 by 297 mm.
2. The forms are to be printed in one of the official Community languages; in the case of V I 2 forms, the language of the form is to be designated by the competent authorities of the Member State where the form is to be stamped.

B. Completing the forms

The forms are to be completed in the language in which they are printed.

Each form is to bear a serial number allocated:

- in the case of V I 1 forms, by the official agency signing the 'certificate' part,
- in the case of V I 2 forms, by the customs office stamping them.

1. Exporter:
 - Full name and address in the third country concerned.
2. Consignee:
 - Full name and address in the Community.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

4. Means of transport and transport details:
- Only refer to transport used for delivery to EC port of entry:
 - Specify mode of transport (ship, air, etc); state name of ship, etc.
6. (5 for V I 2) Description of the imported product:
- Sale designation (e.g. as appears on label, such as name of producer and viticultural area; brandname; etc.),
 - Name of the country of origin (e.g. ‘Chile’),
 - Name of the geographical indication, provided the wine qualifies for such a geographical indication,
 - Actual alcohol strength by volume,
 - Colour of the product (state ‘red’, ‘rosé’, ‘pink’ or ‘white’ only),
 - Combined Nomenclature code.

[^{F21}ANNEX XII

List of third countries referred to in Article 43(2), Article 45 and Article 45a

Textual Amendments

F21 Substituted by [Commission Implementing Regulation \(EU\) No 752/2013 of 31 July 2013 amending Regulation \(EC\) No 555/2008 as regards national support programmes and trade with third countries in the wine sector.](#)

- PART A : List of third countries referred to in Article 43(2):
- Australia
 - Chile
- PART B : List of third countries referred to in Article 45:
- Australia
 - Chile
 - United States of America
- PART C : List of third countries referred to in Article 45a:
- -;]

ANNEX XIII

TABLE 1

Penalties imposed by the Member States according to Articles 85(3), 86(4) and 87(2) of Regulation (EC) No 479/2008

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Member State:

Wine year or period:

Date of communication:

(1)	Penalty imposed in the given wine year ^a							
	under national legislation (as referred to in Article 85(3) of Regulation (EC) No 479/2008)		introduced according to Article 85(3) of Regulation (EC) No 479/2008 (penalty to be imposed as from 31.12.2008)		according to Article 86(4) of Regulation (EC) No 479/2008 (penalty to be imposed as from 1.1.2010)		according to Article 87(2) of Regulation (EC) No 479/2008	
	EUR	area concerned(ha)	EUR	area concerned(ha)	EUR	area concerned(ha)	EUR	area concerned(ha)
(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
1								
2								
...								
Total of Member State								

^a For the first communication, due by 1 March 2009, the data refers to the period between 1.8.2008 and 31.12.2008; for all the subsequent communications, to the wine year preceding the communication.

Communication deadline: 1 March.

Communication referred to in Article 58(1) of this Regulation.

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TABLE 3

Yearly communication about areas planted without corresponding planting right after 31 August 1998

Member State:

Wine year or period:

Date of communication:

Region	Area planted without corresponding planting right after 31.8.1998				
	detected in the given wine year ^a (ha)	grubbed up in the given wine year ^a (ha)	area subject to distillation (ha)	volume of wine distilled in the given	area subject to green

^a For the first communication, due by 1 March 2009, the data refers to the period between 1.8.2008 and 31.12.2008; for all the subsequent communications, to the wine year preceding the communication.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Member State:

Wine year or period:

Date of communication:

				wine year^a (hl)	harvesting (ha)
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
...					
Total of Member State					

a For the first communication, due by 1 March 2009, the data refers to the period between 1.8.2008 and 31.12.2008; for all the subsequent communications, to the wine year preceding the communication.

Communication deadline: 1 March.

Communication referred to in Article 85(4) and Article 87(3) of Regulation (EC) No 479/2008 and in Article 58(2) of this Regulation.

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TABLE 7

Yearly communication about areas planted without corresponding planting right before 1 September 1998

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Member State:

Wine year or period:

Date of communication:

Region	Area planted without corresponding planting right before 1.9.1998				
	not regularised until 31.12.2009 (ha)	grubbed up in the given wine year ^a (Regulation (EC) No 479/2008 Art. 86(4)) (ha)	area subject to distillation (ha)	volume of wine distilled in the given wine year ^a (hl)	area subject to green harvesting (ha)
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
...					
Total of Member State					

^a For the first communication, due by 1 March 2011, the data refers to the period between 1.1.2010 and 31.7.2010; for all the subsequent communications, to the wine year preceding the communication.

Communication deadline: 1 March, as from 2011.

Communication referred to in Article 86(5) and in Article 87(3) of Regulation (EC) No 479/2008 and in Article 58(2) of this Regulation.

TABLE 8

Area of new planting rights granted

Member State:

Wine year:

Date of communication:

Region	Area (ha)					
	compulsory purchase	land consolidation	experiments	graft nurseries	family consumption	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1						
2						
3						
...						
Total of Member State						

Communication deadline: 1 March, as from 2009.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Communication referred to in Article 61 of this Regulation.

TABLE 9

Movement of planting rights to and from the reserves

Member State:
Wine year:
Date of communication:

Region	Planting rights allocated to the reserve		Planting right granted from the reserve	
	area concerned (ha)	amount paid for the planting rights (EUR)	area concerned (ha)	amount paid for the planting rights (EUR)
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
...				
Total of Member State				

Communication deadline: 1 March, as from 2009.

Communication referred to in Article 65(5) of this Regulation.

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Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

F8]

[F22]

Textual Amendments

F22 Deleted by Commission Implementing Regulation (EU) 2015/1991 of 5 November 2015 amending Regulation (EC) No 555/2008 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.

Communication deadline: 1 March, as from 2009.

Communication according to Article 109 of Regulation (EC) No 479/2008 and Article 74 of this Regulation.

TABLE 15

Inventory of planting rights

Member State:

Wine year:

Date of communication:

	Area (ha)				
	wine with protected denomination of origin ^a	wine with protected geographical indication ^a	subtotal for wines with PDO/PGI ^a	wines without denomination of origin/ geographical indication ^a	Total
(1)	(2)	(3)	(4)	(5)	(6)
Area actually planted with vines					
Planting rights allocated to producers but not yet used					
Replanting rights held by the producers					

^a For the first communication, due by 1 March 2009, the headings of these columns should read as follows: quality wines psr/table wines with geographical indications/subtotal for quality wines psr and table wines with geographical indications/table wines (without geographical indications). Member States which cannot differentiate between the area under vines for the production of table wines with geographical indication and table wines without geographical indications at this time may send a single figure for all the table wines for the 2007/2008 wine year in their first communication and send an updated table by 31 December 2009 at the latest with the division between these two table wine categories.

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

Member State:

Wine year:

Date of communication:

Existing planting rights in the reserve					
Total of production potential					

a For the first communication, due by 1 March 2009, the headings of these columns should read as follows: quality wines psr/table wines with geographical indications/subtotal for quality wines psr and table wines with geographical indications/table wines (without geographical indications). Member States which cannot differentiate between the area under vines for the production of table wines with geographical indication and table wines without geographical indications at this time may send a single figure for all the table wines for the 2007/2008 wine year in their first communication and send an updated table by 31 December 2009 at the latest with the division between these two table wine categories.

Communication deadline: 1 March, as from 2009.

Communication according to Article 109 of Regulation (EC) No 479/2008 and Article 74 of this Regulation.

TABLE 16

Inventory of main wine grape varieties

Member State:

Wine year:

Date of communication:

Variety	Area actually planted (ha)	Proportion (%)
(1)	(2)	(3)
1		
2		
3		
...		
other		
Total		

Communication deadline: 1 March, as from 2009.

Communication according to Article 109 of Regulation (EC) No 479/2008 and Article 74 of this Regulation.

^{F8} ANNEX XIV

[^{F8} Areas that are declared ineligible for the grubbing-up scheme in accordance with Article 104(4) to (6) of Regulation (EC) No 479/2008]

[^{F8}

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

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F8 ANNEX XV

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ANNEX XVI

Instructions for taking samples of fresh grapes and processing them into wine for analysis by the isotopic methods referred to in Article 88(1)

I. SAMPLING OF GRAPES

- A. Each sample must consist of at least 10 kg of ripe grapes of the same variety. They are to be taken in the condition in which they are found. Sampling must be carried out during the period when the plot in question is harvested. The grapes collected must be representative of the whole plot. The fresh grape samples, or the derived pressed must, may be preserved by freezing until further usage. Only in the case that oxygen-18 measurement of the water of the must is foreseen, an aliquot of must may be taken separately and preserved after pressing the whole grape sample.
- B. When the samples are taken, a description sheet is to be drawn up. This sheet must include a first part concerning the sampling of the grapes and a second part concerning vinification. It must be kept with the sample and must accompany it during all transportation. It must be kept up to date by means of an entry regarding each type of treatment undergone by the sample. The description sheet concerning the sampling is to be drawn up in accordance with Part I of the questionnaire in Annex XVIII.

II. VINIFICATION

- A. Vinification must be carried out by the competent body or by a department authorised to do so by that body, wherever possible under conditions comparable with the normal conditions in the production area of which the sample is representative. Vinification should result in the total transformation of the sugar into alcohol, i.e. in less than 2 g/l of residual sugar. However, in certain cases, e.g. for ensuring a better representativity, higher amounts of residual sugars can be accepted. As soon as the wine has clarified and stabilised by means of SO₂, it must be put in 75 cl bottles and labelled.
- B. The description sheet for vinification is to be drawn up in accordance with Part II of the questionnaire in Annex XVIII.

ANNEX XVII

Number of samples to be taken by Member States each year for the analytical databank as referred in Article 88(3)

— 30 samples in Bulgaria,

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

- 20 samples in the Czech Republic,
- 200 samples in Germany,
- 50 samples in Greece,
- 200 samples in Spain,
- 400 samples in France,
- [^{F23}30 samples in Croatia,]
- 400 samples in Italy,
- 10 samples in Cyprus,
- 4 samples in Luxembourg,
- 50 samples in Hungary,
- 4 samples in Malta,
- 50 samples in Austria,
- 50 samples in Portugal,
- 70 samples in Romania,
- 20 samples in Slovenia,
- 15 samples in Slovakia,
- 4 samples in the United Kingdom.

Textual Amendments

F23 Inserted by Commission Regulation (EU) No 519/2013 of 21 February 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, right of establishment and freedom to provide services, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, fisheries, transport policy, energy, taxation, statistics, social policy and employment, environment, customs union, external relations, and foreign, security and defence policy, by reason of the accession of Croatia.

ANNEX XVIII

Questionnaire on the collection and vinification of samples of grapes intended for analysis by isotopic methods as referred in Article 88(5)

The analytical methods and the expression of results (units) to be used are those of Article 31 of Regulation (EC) No 479/2008 (or proved equivalent by the laboratories involved in the analysis).

PART I 1. General information 1.1.

Sample number:

1.2.

Name and function of the official or authorised person who took the sample:

1.3.

Name and address of the competent body responsible for taking the sample:

1.4.

Name and address of the competent body responsible for vinification and dispatch of the sample, if other than the body referred to at 1.3:

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

2. General description of the samples
 - 2.1. Origin (country, region):
 - 2.2. Year of harvest:
 - 2.3. Vine variety:
 - 2.4. Colour of the grapes:
3. Description of the vineyard
 - 3.1. Name and address of person farming the plot:
 - 3.2. Location of the plot
 - wine village:
 - locality:
 - cadastral reference:
 - latitude and longitude:
 - 3.3. Soil type (e.g. limey, clayey, lime-clay, sandy):
 - 3.4. Situation (e.g. slope, plain, exposed to sun):
 - 3.5. Number of vines per hectare:
 - 3.6. Approximate age of vineyard (less than 10 years/between 10 and 25 years/more than 25 years):
 - 3.7. Altitude:
 - 3.8. Method of training and pruning:
 - 3.9. Type of wine into which the grapes are normally made (see definitions of Regulation (EC) No 479/2008, Annex IV):
4. Crop and must characteristics
 - 4.1. Estimated yield per hectare for the plot harvested: (kg/ha):
 - 4.2. State of health of the grapes (e.g. sound, rotten), specifying whether the grapes were dry or wet when the sample was taken:
 - 4.3. Date on which sample was taken:
5. Weather conditions preceding harvest
 - 5.1. Precipitation in the ten days preceding harvest: yes/no. If yes, additional information where available:

6. Irrigated vineyards:

If the crop is irrigated, date of last watering:

(Stamp of the competent body responsible for taking the sample, and name, position and signature of official taking the sample)

PART II 1. Microvinification 1.1.

Weight of the sample of grapes, in kg:

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

1.2.

Method of pressing:

1.3.

Volume of must obtained:

1.4.Characteristics of the must:

— sugar concentration expressed in g/l by refractometry:

— total acidity expressed in g/l of tartaric acid: (optional):

1.5.

Method of treating the must (e.g. settling, centrifugation):

1.6.

Yeasting (variety of yeast used). Indicate whether or not there was spontaneous fermentation:

1.7.

Temperature during fermentation:

1.8.

Method for determining end of fermentation:

1.9.

Method of treating the wine (e.g. racking.):

1.10.

Addition of sulphur dioxide in mg/l:

1.11.Analysis of the wine obtained

— actual alcoholic strength in % vol:

— total dry extract:

— reducing sugars expressed as g/l of invert sugar:

2. Chronological table of vinification of the sample

Date:

— on which sample was taken: (same date as date of harvest, part I — 4.3)

— of pressing:

— of commencement of fermentation:

— of end of fermentation:

— of bottling:

Date on which Part II was completed:

(Stamp of the competent body which carried out vinification and signature of competent official of that body)

ANNEX XIX

ANALYSIS REPORT

Wine and wine product samples analysed by an isotopic method referred to in Article 31 of Regulation (EC) No 479/2008, to be entered in the JRC isotope databank
I.GENERAL INFORMATION

Status: Point in time view as at 18/07/2016.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008. (See end of Document for details)

1. Country:
 2. Sample number:
 3. Year:
 4. Vine variety:
 5. Type of wine:
 6. Region/district:
 7. Name, address, telephone, fax and e-mail of laboratory responsible for the results:
 8. Sample for control analysis by the JRC: yes/no
- II. METHODS AND RESULTS
1. Wine (carried over from Annex XVIII)
 - 1.1. Alcoholic strength by volume: % vol
 - 1.2. Total dry extract: g/l
 - 1.3. Reducing sugars: g/l
 - 1.4. Total acidity expressed as tartaric acid: g/l
 - 1.5. Total sulphur dioxide: mg/l
 2. Distillation of wine for SNIF-NMR
 - 2.1. Description of distillation apparatus:
 - 2.2. Volume of wine distilled/weight of distillate obtained:
 3. Analysis of distillate
 - 3.1. Alcohol strength of the distillate % (m/m):
 4. Result of deuterium isotope ratios of ethanol measured by NMR
 - 4.1. $(D/H)_I = \text{ppm}$
 - 4.2. $(D/H)_{II} = \text{ppm}$
 - 4.3. 'R' =
 5. NMR parameters

Observed frequency:
 6. Result of isotopic ratio $^{18}\text{O}/^{16}\text{O}$ of wine

$\delta^{18}\text{O} [\text{‰}] = \text{‰ V. SMOW} - \text{SLAP}$
 7. Result of isotopic ratio $^{18}\text{O}/^{16}\text{O}$ of must (when applicable)

$\delta^{18}\text{O} [\text{‰}] = \text{‰ V. SMOW} - \text{SLAP}$
 8. Result of isotopic ratio $^{13}\text{C}/^{12}\text{C}$ of wine ethanol

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$$\delta^{13}\text{C} [\text{‰}] = \text{‰ V-PDB}.$$

ANNEX XX

Collection of samples in the context of assistance between control bodies as referred in Article 92

1. When samples of wine, grape must or another liquid wine product are taken in the context of assistance between control bodies, the competent body shall ensure that:
 - in the case of products in containers of not more than 60 litres warehoused in one lot, the samples are representative of the entire lot,
 - in the case of products in containers with a nominal capacity of more than 60 litres, the samples are representative of the contents of the container from which the samples are taken.
2. Samples shall be taken by pouring the product in question into at least five clean containers each having a nominal capacity of not less than 75 cl. In the case of products as referred to in the first indent of paragraph 1, sampling may also take the form of removing at least five containers having a nominal capacity of not less than 75 cl from the lot to be examined.

Where samples of wine distillate are to be analysed by nuclear magnetic resonance of deuterium, the samples shall be placed in containers having a nominal capacity of 25 cl, or even 5 cl where they are to be sent from one official laboratory to another.

The samples shall be taken, closed where appropriate, and sealed in the presence of a representative of the establishment where the sample is taken or of a representative of the carrier if the sample is taken during transport. If no representative is present, the report referred to in paragraph 4 shall mention this fact.

Each sample shall be fitted with an inert and non-reusable closure.

3. Each sample shall bear a label which complies with part A of Annex XXI.

Where the container is too small for the prescribed label to be attached thereto, the container shall be marked with an indelible number and the required information shall be indicated on a separate sheet.

The representative of the establishment where the sample is taken or the representative of the carrier shall be requested to sign the label or, as applicable, the sheet.

4. The official of the competent body authorised to take samples shall draw up a written report in which he shall note any observations he considers important for assessing the samples. In the report he shall note, where necessary, any statements by the carrier's representative or the representative of the establishment where the sample was taken, and shall request such representative to affix his signature. He shall note the amount of the product from which the sample was taken. If the signatures referred to above and in the third subparagraph of paragraph 3 have been refused, the report shall mention this fact.
5. Wherever samples are taken, one of the samples shall remain as a control sample in the establishment where the sample was taken, and another with the competent body whose official took the sample. Three of the samples shall be sent to an official laboratory, which will carry out the analytical or organoleptic examination. There one

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of the samples shall be analysed. Another shall be kept as a control sample. Control samples shall be kept for a minimum period of three years after sampling.

6. Consignments of samples shall bear on the external packaging a red label complying with the model in part B of Annex XXI. The label shall be 50 mm by 25 mm.

When dispatching samples, the competent body of the Member State from which the samples are sent shall affix its stamp partially on the outer packaging of the parcel and partially on the red label.

ANNEX XXI

A. Label describing the sample, in accordance with paragraph 3 of Annex XX

1. Required information:
 - (a) name, address, including Member State, telephone, fax and e-mail of the competent body on whose instructions sampling was carried out;
 - (b) serial number of the sample;
 - (c) date on which sample was taken;
 - (d) name of the official of the competent body authorised to take the sample;
 - (e) name, address, telephone, fax, e-mail of the undertaking in which the sample was taken;
 - (f) identity of the container from which the sample was taken (e.g. number of the container, number of the lot of bottles, etc.);
 - (g) description of the product, including production area, year of harvest, actual or potential alcoholic strength and, if possible, vine variety;
 - (h) the words: 'The reserved control sample may be examined only by a laboratory authorised to carry out control analyses. Breaking the seal is a punishable offence.'
- .
2. Remarks:
3. Minimum size: 100 mm by 100 mm.

B. Model of the red label referred to in paragraph 6 of Annex XX

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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
Article 11	Article 88

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3.Regulation (EC) No 2729/2000

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

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- (1) OJ L 148, 6.6.2008, p. 1.
- (2) OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1).
- (3) OJ L 143, 16.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1216/2005 (OJ L 199, 29.7.2005, p. 32).
- (4) OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1433/2007 (OJ L 320, 6.12.2007, p. 18).
- (5) OJ L 316, 15.12.2000, p. 16. Regulation as last amended by Regulation (EC) No 2030/2006 (OJ L 414, 30.12.2006, p. 40).
- (6) OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 1211/2007 (OJ L 274, 18.10.2007, p. 5).
- (7) OJ L 3, 5.1.2008, p. 1.
- (8) OJ L 277, 21.10.2005, p. 1. Regulation as last amended by Regulation (EC) No 146/2008 (OJ L 46, 21.2.2008, p. 1).
- (9) OJ L 209, 11.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 1437/2007 (OJ L 322, 7.12.2007, p. 1).
- (10) OJ L 302, 19.10.1992, p. 1.
- (11) OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 275/2008 (OJ L 85, 27.3.2008, p. 3).
- (12) OJ L 105, 23.4.1983, p. 1.
- (13) ^{F18}OJ L 128, 27.5.2009, p. 15.
- (14) OJ L 9, 14.1.2009, p. 12.]
- (15) ^{F19}OJ L 228, 1.9.2009, p. 3.]
- (16) OJ L 54, 5.3.1979, p. 124. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

Textual Amendments

- F18** Inserted by Commission Implementing Regulation (EU) No 314/2012 of 12 April 2012 amending Commission Regulations (EC) No 555/2008 and (EC) No 436/2009 as regards the documents accompanying consignments of wine products and wine sector registers to be kept.
- F19** Substituted by Commission Implementing Regulation (EU) No 994/2013 of 16 October 2013 amending Regulations (EC) No 952/2006, (EC) No 967/2006, (EC) No 555/2008, and (EC) No 1249/2008 as regards the communication and the notification obligations within the common organisation of agricultural markets.

Status:

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Changes to legislation:

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