

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

## TITLE I

### INTRODUCTORY PROVISIONS

#### *F1* Article 1

#### **[<sup>F1</sup>Scope and use of terms]**

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#### **Textual Amendments**

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2018/273](#) of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

## TITLE II

### SUPPORT PROGRAMMES

#### CHAPTER I

#### **Procedure for submission**

#### *F2* Article 2

#### **[<sup>F2</sup>[<sup>F3</sup>Submission of support programmes]**

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#### **Textual Amendments**

- F2** 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.

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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)*

- F3** 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.

*F2* Article 3

**Modifications of support programmes]**

**Textual Amendments**

- F2** 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**

*F2*Section 1

[*F2*][*F4***Promotion]**

*F2*Sub-section 1

[*F5***Promotion in third countries]**

*F2* Article 4

**Eligible operations and markets**

*F2* Article 5

**Selection procedure**

*F2* Article 5a

[*F6***Eligible costs]**

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#### **Textual Amendments**

- F6** 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.

<sup>F2</sup>Sub-section 2

[<sup>F5</sup>Promotion in the Member States

<sup>F2</sup>Article 5b

**Eligible operations**

.....

<sup>F2</sup>Article 5c

**Characteristics of the information**

.....

<sup>F2</sup>Article 5d

**Duration of the support**

.....

<sup>F2</sup>Article 5e

**Advance payments**

.....

<sup>F2</sup>Article 5f

**Demarcation with rural development and promotion of agricultural products**

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<sup>F2</sup>Article 5fa

[<sup>F7</sup>Selection procedure]

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*Status: Point in time view as at 31/01/2020.*

*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

- F7** 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.](#)

<sup>F2</sup>Sub-section 3

#### Common rules

<sup>F2</sup>Article 5g

#### Eligible costs]

#### Textual Amendments

- F4** 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.](#)

<sup>F2</sup>Section 2

#### Restructuring and conversion of vineyards

<sup>F2</sup>Article 6

#### [<sup>F8</sup>Ineligible operations]

#### Textual Amendments

- F8** 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.](#)

<sup>F2</sup>Article 6a

#### [<sup>F5</sup>Replanting for health or phytosanitary reasons]

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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)*

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#### **Textual Amendments**

- F5** 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.](#)

*F2 Article 7*

#### **Procedure and applications**

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*F2 Article 8*

**[<sup>F8</sup>Levels of support]**

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#### **Textual Amendments**

- F8** 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.](#)

*F2 Article 9*

#### **Financial management**

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*F2 Article 10*

**[<sup>F9</sup>Transitional measures]**

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#### **Textual Amendments**

- F9** 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.](#)

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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)*

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*F2*Article 10a

[*F10*Compatibility and consistency]

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**Textual Amendments**

- F10** 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.](#)

*F2*Section 3

**Green harvesting**

*F2*Article 11

**Definition of green harvesting**

.....

*F2*Article 12

**Conditions for the implementation of green harvesting**

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*F2*Article 13

**Application procedure**

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*F2*Article 14

**Compensation**

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*Status: Point in time view as at 31/01/2020.*

*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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<sup>F2</sup>Section 4

**Mutual funds**

<sup>F2</sup>Article 15

**Level of the aid**

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<sup>F2</sup>Section 5

**Harvest insurance**

<sup>F2</sup>Article 16

**Conditions of eligibility**

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<sup>F2</sup>Section 6

**Investments**

<sup>F2</sup>Article 17

**Eligible measures**

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<sup>F2</sup>Article 18

**Eligible measures for the development of new products**

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<sup>F2</sup>Article 19

**[<sup>F11</sup>Financial management]**

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**Textual Amendments**

**F11** 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 \(EC\)](#)

*Status: Point in time view as at 31/01/2020.*

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

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.

<sup>F2</sup>Article 20

[<sup>F12</sup>Compatibility and consistency]

**Textual Amendments**

- F12** 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.

<sup>F2</sup>Section 6a

[<sup>F5</sup>Innovation

<sup>F2</sup>Article 20a

**Eligible operations**

<sup>F2</sup>Article 20b

**Demarcation with rural development and other legal regimes and financial instruments**

<sup>F2</sup>Article 20c

[<sup>F7</sup>Financial management]]]

**Textual Amendments**

- F7** 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.



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## Section 7

### Disposal of by-products

#### <sup>F1</sup>Article 21

#### [<sup>F1</sup>Fixing a minimum percentage of alcohol

##### Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

#### <sup>F1</sup>Article 22

### Disposal of by-products

##### Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

#### <sup>F1</sup>Article 23

### Disposal with by-product distillation]

##### Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification,

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the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

## <sup>F2</sup>Article 24

### [<sup>F2</sup>Purpose of the aid

#### Textual Amendments

- F2** 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.

## <sup>F2</sup>Article 25

### Amount of the aid

#### Textual Amendments

- F2** 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.

## <sup>F2</sup>Article 25a

### [<sup>F10</sup>Verification of conditions]

#### Textual Amendments

- F2** 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.
- F10** 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.

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<sup>F9</sup>Section 8

[<sup>F9</sup>Potable alcohol distillation

<sup>F9</sup>Article 26

**Purpose of the aid**

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<sup>F9</sup>Article 27

**Amount of the aid**

.....

<sup>F9</sup>Section 9

**Crisis distillation**

<sup>F9</sup>Article 28

**Definition of the measure**

.....

<sup>F9</sup>Article 29

**Modalities of the aid**

.....

<sup>F9</sup>Article 30

**Amount of the aid**

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<sup>F9</sup>Article 31

**National aid**

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*Status: Point in time view as at 31/01/2020.*

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

<sup>F9</sup>Section 10

**Use of concentrated grape must**

<sup>F9</sup>Article 32

**Purpose of the aid**

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<sup>F9</sup>Article 33

**Amount of the aid**

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<sup>F9</sup>Article 34

**Checks]**

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<sup>F2</sup>CHAPTER III

**Reporting, evaluation and general provisions**

<sup>F2</sup>Article 35

**Reporting and evaluation**

.....

<sup>F2</sup>Article 36

**Exclusion**

.....

<sup>F2</sup>Article 37

**Payment delay to beneficiaries**

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*Status: Point in time view as at 31/01/2020.*

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

*F2* Article 37a

[<sup>F13</sup>Communication related to State aid]

**Textual Amendments**

- F13** 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.

*F2* Article 37b

[<sup>F14</sup>Communication related to advances]]

**Textual Amendments**

- F14** 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

*F1* Article 38

[<sup>F1</sup>Definition

**Textual Amendments**

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of

*Status: Point in time view as at 31/01/2020.*

*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 Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

### <sup>F1</sup>Article 39

## Verification by consignment

### Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

## <sup>F1</sup>CHAPTER II

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

#### <sup>F1</sup>Section 1

#### General

### <sup>F1</sup>Article 40

#### Documents required

### <sup>F1</sup>Article 41

#### Contents of the analysis report

### <sup>F1</sup>Article 42

#### Exemptions

*Status: Point in time view as at 31/01/2020.*

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

<sup>F1</sup>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**

<sup>F1</sup>Article 43

**V I 1 document**

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<sup>F1</sup>Article 44

**Description of documents**

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<sup>F1</sup>Article 45

**Simplified procedure**

.....

<sup>F1</sup>Article 45a

**[<sup>F14</sup>Electronic document]**

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**Textual Amendments**

**F14** 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.](#)

<sup>F1</sup>Article 46

**Derogations**

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<sup>F1</sup>Article 47

**Use**

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*F1*Article 48

**List of competent bodies**

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*F1*Article 49

**Indirect imports**

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*F1*Article 50

**Special rules for particular wines**

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*F1*Article 51

**Conformity of imported wines**

.....

*F1*CHAPTER III

**Specific provisions on exports**

*F1*Article 52

**Notification of official bodies**

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*F1*CHAPTER IV

**Transitional provisions**

*F1*Article 53

**V I 1 and V I 2 conformity**

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*Status: Point in time view as at 31/01/2020.*

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*<sup>F1</sup>Article 54*

**Release of security]**

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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;
- 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.

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*Status: Point in time view as at 31/01/2020.*

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## 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.

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

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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.

### *]<sup>F15</sup> 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.](#)

### *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

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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

*F2 Article 60*

[*F2*New planting rights]

#### Textual Amendments

- F2** 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.

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.](#)

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*F2* Article 62

**[<sup>F2</sup>Grubbing up without generation of replanting right**

**Textual Amendments**

- F2** 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* Article 63

**Anticipated replanting rights**

**Textual Amendments**

- F2** 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* Article 64

**Transfers of replanting rights]**

**Textual Amendments**

- F2** 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 65

**Reserves of planting rights**

- <sup>F2</sup><sub>1</sub> .....
- <sup>F2</sup><sub>2</sub> .....
- <sup>F2</sup><sub>3</sub> .....
- <sup>F2</sup><sub>4</sub> .....

*Status: Point in time view as at 31/01/2020.*

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

[<sup>F15</sup> 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

- F2** 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.

<sup>F2</sup>Article 66

### [<sup>F2</sup>Maintenance of the planting rights system]

#### Textual Amendments

- F2** 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.

<sup>F9</sup>CHAPTER III

### [<sup>F9</sup>Grubbing-up scheme

<sup>F9</sup>Article 67

#### Eligibility

<sup>F9</sup>Article 68

#### Exemption reasons

*Status: Point in time view as at 31/01/2020.*

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

*F9* Article 69

### Premium level

.....

*F9* Article 70

### Application procedure

.....

*F9* Article 71

### Procedure in case of application of a single percentage for acceptance

.....

*F9* Article 72

### Payment of the premium

.....

*F9* Article 73

### Communications]

.....

## CHAPTER IV

### Inventory and measurement of the area planted

*F1* Article 74

[*F1* [*F15* Inventory]]

.....

#### Textual Amendments

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2018/273](#) of 11 December 2017 supplementing [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council as regards the relevant checks and penalties, amending [Commission Regulations \(EC\) No](#)

*Status: Point in time view as at 31/01/2020.*

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

555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

- 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.

<sup>F2</sup>Article 75

[<sup>F2</sup>Area planted]

#### Textual Amendments

- F2** 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

<sup>F2</sup>Article 76

[<sup>F2</sup>Checks]

#### Textual Amendments

- F2** 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.

<sup>F2</sup>Article 77

#### General principles



*Status: Point in time view as at 31/01/2020.*

*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**

- F2** 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* Article 78

**On-the-spot checks**

**Textual Amendments**

- F2** 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* Article 79

**Selection of the control sample**

**Textual Amendments**

- F2** 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* Article 80

**Control report**

**Textual Amendments**

- F2** 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 31/01/2020.*

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

## <sup>F2</sup>Article 81

### <sup>F16</sup>Control related to the production potential and to the operations of restructuring and conversion of vineyards]

#### Textual Amendments

- F2** 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.

## <sup>F2</sup>Article 82

### Control bodies]

#### Textual Amendments

- F2** 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.

## <sup>F1</sup>Article 83

### <sup>F1</sup>Powers of control officials

#### Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

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*Status: Point in time view as at 31/01/2020.*

*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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## <sup>F1</sup>CHAPTER II

### **Assistance between control bodies**

<sup>F1</sup>Article 84

#### **Assistance on request**

.....

<sup>F1</sup>Article 85

#### **Unsolicited assistance**

.....

<sup>F1</sup>Article 86

#### **Common provisions**

.....

## <sup>F1</sup>CHAPTER III

### **Analytical databank**

<sup>F1</sup>Article 87

#### **Purpose of the databank**

.....

<sup>F1</sup>Article 88

#### **Samples**

.....

<sup>F1</sup>Article 89

.....

<sup>F1</sup>Article 90

#### **Communication of results**

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*Status: Point in time view as at 31/01/2020.*

*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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*F1*Article 91

**Compliance with procedures**

.....

*F1*CHAPTER IV

**Collection of samples for control purposes**

*F1*Article 92

**Request for collection of samples**

.....

*F1*Article 93

**Costs of collection, dispatch and analysis of samples**

.....

*F1*CHAPTER V

**General provisions**

*F1*Article 94

**Conclusive force**

.....

*F1*Article 95

**Persons subject to controls**

.....

*F1*Article 95a

**[*F17*Coordination of controls and access to information]**

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*Status: Point in time view as at 31/01/2020.*

*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**

- F17** 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**

<sup>F2</sup>Article 96

**[<sup>F2</sup>Payments to beneficiaries**

**Textual Amendments**

- F2** 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.](#)

<sup>F2</sup>Article 97

**Recovery of undue payments]**

**Textual Amendments**

- F2** 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.](#)

<sup>F1</sup>Article 98

**[<sup>F1</sup>National sanctions**

**Textual Amendments**

- F1** Deleted by [Commission Delegated Regulation \(EU\) 2018/273 of 11 December 2017 supplementing Regulation \(EU\) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation \(EU\) No 1306/2013 of the European Parliament and of](#)

*Status: Point in time view as at 31/01/2020.*

*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 Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

### *FI* Article 99

#### **Artificially created situations**

##### **Textual Amendments**

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

### *FI* Article 100

#### **[<sup>F18</sup>Communications and notifications]**

##### **Textual Amendments**

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.
- F18** 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.

### *FI* Article 101

#### **Obvious errors**

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*Status: Point in time view as at 31/01/2020.*

*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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#### Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

*<sup>F1</sup>Article 102*

#### **Force majeure and exceptional circumstances]**

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#### Textual Amendments

- F1** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

*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;
- <sup>F12</sup>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.

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*Status: Point in time view as at 31/01/2020.*

*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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#### **Textual Amendments**

- F12** 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.](#)

#### *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 31/01/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 555/2008.