

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

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

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<sup>(1)</sup>, 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<sup>(2)</sup> and has repealed that Regulation as from 1 August 2008.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- (3) The following Commission Regulations should therefore be repealed and replaced by a new Regulation: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<sup>(3)</sup>,
  - (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<sup>(4)</sup>,
  - (EC) No 2729/2000 of 14 December 2000 laying down detailed implementing rules on controls in the wine sector<sup>(5)</sup>,

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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<sup>(6)</sup>.
- (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<sup>(7)</sup> 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)<sup>(8)</sup>, 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<sup>(9)</sup>.
- (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 m<sup>2</sup>. 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.

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**Status:** Point in time view as at 05/09/2010.

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

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- (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:

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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.](#)).

**Status:**

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