

Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000

CHAPTER II

PROFESSIONAL ORGANISATIONS

SECTION III

Extension of rules

Article 22

Extension of rules of producer organisations

1 A Member State may make the rules agreed within a producer organisation binding on producers who are not members of the organisation and who market any of the products within the area in which the producer organisation is representative, provided that:

- a the producer organisation has been established for a period of at least one year and is considered to be representative of production and marketing, including, where relevant, the small-scale and artisanal sector, in one Member State and makes an application to the competent national authorities;
- b the rules to be extended concern any of the measures for producer organisations laid down in points (a), (b) and (c) of Article 8(1), points (a) and (b) of Article 8(2) and points (a) to (e) of Article 8(3);
- c the competition rules referred to in Chapter V are complied with.

2 For the purposes of point (a) of paragraph 1, a fishery producer organisation is considered to be representative where it accounts for at least 55 % of the quantities marketed of the relevant product during the previous year in the area in which it is proposed to extend the rules.

3 For the purposes of point (a) of paragraph 1, an aquaculture producer organisation is considered to be representative where it accounts for at least 40 % of the quantities marketed of the relevant product during the previous year in the area in which it is proposed to extend the rules.

4 The rules to be extended to non-members shall apply for a period of between 60 days and 12 months.

Article 23

Extension of the rules of inter-branch organisations

1 A Member State may make some of the agreements, decisions or concerted practices agreed on within an inter-branch organisation binding in the specific area or areas on other operators who do not belong to that organisation, provided that:

- a the inter-branch organisation covers at least 65 % of each of at least two of the following activities: production, processing or marketing of the relevant product during the previous year in the area or areas concerned of a Member State, and makes an application to the competent national authorities; and
- b the rules to be extended to other operators concern any of the measures for inter-branch organisations laid down in points (a) to (g) of Article 13 and do not cause any damage to other operators in the Member State concerned or the Union.

2 The extension of rules may be made binding for no more than three years, without prejudice to Article 25(4).

Article 24

Liability

When rules are extended to non-members in accordance with Articles 22 and 23, the Member State concerned may decide that non-members are liable to the producer organisation or the inter-branch organisation for the equivalent of all or part of the costs paid by members as a result of the application of the rules that have been extended to non-members.

Article 25

Authorisation by the Commission

1 Member States shall notify the Commission of the rules which they intend to make binding on all producers or operators in the specific area or areas pursuant to Articles 22 and 23.

2 The Commission shall adopt a decision authorising the extension of the rules referred to in paragraph 1, provided that:

- a the provisions of Articles 22 and 23 are complied with;
- b the competition rules referred to in Chapter V are complied with;
- c the extension does not jeopardise free trade; and
- d the achievement of the objectives of Article 39 TFEU is not endangered.

3 Within one month of receipt of the notification, the Commission shall take a decision authorising or refusing to authorise the extension of rules and shall inform the Member States thereof. Where the Commission has not taken a decision within one month of receipt of the notification, the extension of rules shall be deemed to have been authorised by the Commission.

4 An authorised extension of rules may continue to apply after the expiry of the initial period of time, including by tacit agreement, without an explicit renewal of the authorisation, provided that the Member State concerned has notified the Commission, at least one month before the expiry of such initial period, of the additional period of application and the Commission has either authorised such further application, or not objected to it within one month of receipt of such notification.

Article 26

Withdrawal of authorisation

The Commission may carry out checks and may withdraw the authorisation of extension of rules where it establishes that any of the requirements for the authorisation is not met. The Commission shall inform the Member States of such withdrawal.

Article 27

Implementing acts

The Commission shall adopt implementing acts concerning the format and procedure of the notification provided for in Article 25(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43(2).