

SUBSIDIARY LEGISLATION 447.03**WINE SECTOR PRODUCER ORGANISATIONS
REGULATIONS**

1st May, 2008

*LEGAL NOTICE 148 of 2008.***Part I****Preliminary**

- 1.** The title of these regulations is the Wine Sector Producer Organisations Regulations. Title.
- 2.** Unless the context otherwise requires, words and phrases used in these regulations shall have the same meaning as is assigned to them in article 2 of the Producer Organisations Act. Interpretation.
Cap. 447.

Part II**Establishment and recognition of producer organisations
in the Wine Sector**

- 3.** For the purposes of these regulations a producer organisation is any legal entity which satisfies the following conditions: Characteristics of producer organizations.
- (a) it is constituted by producers of products covered by Council Regulation (EC) 1493 of 1999 and subsequent modifications;
 - (b) it is formed on the initiative of producers;
 - (c) it pursues a specific aim, which may in particular relate to one or more of the following:
 - (i) adapting production jointly to the requirements of the market and improving the product;
 - (ii) promoting concentration of supply and the placing on the market of the products produced by its members;
 - (iii) promoting the rationalisation and improvement of production and processing;
 - (iv) reducing production costs and market management costs and stabilizing producer prices;
 - (v) promoting and providing technical assistance for the use of environmentally respectful cultivation practices and production techniques;
 - (vi) promoting initiatives for the management of by-products of wine making and the management of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;
 - (vii) carrying out research into sustainable production

methods and market developments;

- (d) it applies rules of association which shall be in conformity with regulation 5 and which require its members, in particular, to:
 - (i) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;
 - (ii) provide the information requested by the producer organisation for statistical purposes, in particular on growing areas and market evolution;
 - (iii) pay penalties for infringement of obligations under the rules of association;
- (e) it has lodged an application for recognition as a producer organisation under these regulations and the application contains the following items:
 - (i) evidence that the entity meets the requirements laid down in paragraphs (a) to (d);
 - (ii) evidence that it has a minimum of fifty members;
 - (iii) evidence that it covers a minimum volume of marketable production in the area where the organisation operates and which shall not be less than 200 tonnes of wine grapes;
 - (iv) evidence that it can carry out its activities properly, both over time and in terms of effectiveness and concentration of supply;
 - (v) evidence that it effectively enables its members to obtain technical assistance in using environmentally sound cultivation practices.

Recognition of producer organisations.

4. The Director shall recognise as producer organisations for the purposes of these regulations any legal entity applying for such recognition, on condition that:

- (a) they meet all the requirements laid down in regulation 3;
- (b) with regard to the categories of products referred to in regulation 3(a) they indicate any specific product they will be producing;
- (c) they effectively provide their members, where necessary, with the technical means for storing, packaging and marketing their produce and ensure proper commercial and budgetary management of their activities.

Rules of Association.

5. The Rules of Association of applicant organisations shall provide for:

- (a) procedures for determining, adopting and amending the said rules of association;

- (b) public scrutiny by members of the producer organisation and its decisions;
- (c) the payment by members of the financial contributions provided for in their Rules of Association;
- (d) the provision by members of the information requested by the producer organisation for statistical purposes, in particular on growing areas, cultivation details, yield and direct sales;
- (e) the imposition of penalties for infringement by members of the obligations arising from the Rules of Association or of other rules laid down by the producer organisation;
- (f) the admission of new members, particularly concerning a minimum membership period;
- (g) the accounting and budgetary rules necessary for the operation of the producer organisation.

6. (1) The minimum membership period of a producer shall be not less than two years. Membership requirements.

(2) Resignation of membership shall be notified to the producer organisation and such resignation will become effective six months after notification.

7. The Director shall: Powers of the Director.
- (a) within three months of the lodging of an application with all the supporting documents, decide whether to grant recognition to a producer organisation; and
 - (b) cause to be carried out checks at regular intervals to ascertain that producer organisations comply with the terms and conditions for recognition, impose in the event of non-compliance the applicable penalties and decide, where necessary, to withdraw recognition.

Part III

Penalties

8. Any producer organisation which fails to comply with or contravenes any of the provisions of these regulations shall be liable to an administrative fine, which shall be imposed by the Director, of not less than two hundred and fifty euro and not more than two thousand and five hundred euro for each offence, and to an additional fine of one hundred euro for each day during which the said failure to comply or contravention persists. Penalties.
