Commission Regulation (EC) No 1299/2007 of 6 November 2007 on the recognition of producer groups for hops (Codified version)

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(Codified version)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community;

Having regard to Council Regulation (EC) No 1952/2005 of 23 November 2005 concerning the common organisation of the market in hops and repealing Regulations (EEC) No 1696/71, (EEC) No 1037/72, (EEC) No 879/73 and (EEC) No 1981/82[(1)], and in particular Article 17 thereof,

Whereas:

(1) Commission Regulation (EEC) No 1351/72 of 28 June 1972 on the recognition of producer groups for hops[(2)] has been substantially amended several times[(3)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) The conditions laid down in Article 7(2) of Regulation (EC) No 1952/2005 for the recognition of producer groups for hops include, in particular, the application of common rules for production and placing on the market at the first stage of marketing in addition to proof of economically viable activity. Those conditions must be specified.

(3) In order to ensure a certain uniformity in administrative procedure, detailed rules should be laid down for the application, granting and withdrawal of recognition.

(4) For the information of Member States and parties concerned, a list should be published at the beginning of each calendar year, of groups which were recognised during the previous calendar year and of those from whom recognition was withdrawn.

(5) The measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for hops,

HAS ADOPTED THIS REGULATION:

I[F1] Article 1

1 The authority competent to recognise producer organisations as provided for in Article 122 of Council Regulation (EC) No 1234/2007[(4)], hereinafter referred to as 'producer groups', shall be the Member State within whose territory the producer group has its registered office.

2 Member States shall recognise producer groups which request recognition and fulfil the following general conditions:

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1299/2007. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

a they have legal personality or sufficient legal capacity to be subject, under national legislation, to rights and obligations;

b they apply common rules for production and the first marketing stage within the meaning of the second subparagraph;

c their statutes include an obligation for producers who are members of groups to:

(i) comply with the common rules on production and decisions on the varieties to be grown;

(ii) market all their produce through the group;

d they provide proof of economically viable activity;

e they exclude throughout their field of activity any discrimination between Community producers or groups in respect of, in particular, their nationality or place of establishment;

f they guarantee all producers who undertake to comply with the statutes, without discrimination, the right to belong to a group;

g their statutes include provisions aimed at ensuring that the members of a group who wish to give up their membership may do so after having been a member for at least three years and provided that they inform the group of their intention at least one year before they leave, without prejudice to the national laws or regulations designed to protect, in specific cases, the group or creditors thereof against the financial consequences which might arise from a member leaving, or to prevent a member from leaving during the financial year;

h their statutes include the obligation to keep separate accounts for the activities in respect of which they have been recognised;

i they do not hold a dominant position in the Community.

The first marketing stage means the sale of hops by the producer himself or, in the case of a producer group, the sale of hops by its members to the wholesale trade or to the user industries.

3 The obligation provided for in paragraph 2(c) shall not apply to products covered by sales contracts concluded by producers before they joined the producer group, provided that the latter was informed of and approved such contracts.

4 By way of derogation from paragraph 2(c)(ii), where the producer group so authorises and under the conditions it lays down, members of a producer group may:

a replace the obligation to have all their production marketed by the producer group provided for in paragraph 2(c)(ii) by the obligation to market in accordance with common rules incorporated in the statutes, in order to ensure that the producer group has the right to monitor selling prices, which it must approve, failure to do so requiring the group to buy back the hops concerned at a higher price;

b market, through the offices of another producer group chosen by their own group, products which by virtue of their characteristics are not necessarily covered by them commercial activities of the latter.

5 The common rules referred to in paragraph 2, points (b) and (c)(i) shall be laid down in writing. These rules shall comprise at least:

a as regards production:

(i) provisions concerning the use of one or more specified varieties when renewing plantations or creating new ones;

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(ii) provisions concerning compliance with certain methods of cultivation and plant protection;

(iii) provisions concerning harvesting, drying and, where appropriate, preparation for marketing;

b as regards placing on the market, particularly where concentration and conditions of supply are concerned:

(i) general provisions governing sales by the group;

(ii) provisions relating to the quantities which the producers are authorised to sell themselves and the rules governing these sales.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 753/2008 of 31 July 2008 amending Regulation (EC) No 1299/2007 on the recognition of producer groups for hops.

Article 2

1 If it is to be recognised, a producer group must include areas of at least 60 hectares and at least seven producers.

In the case of Greece, the minimum number of hectares shall be reduced to 30.

[F1 2 In accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007, a Member State may be authorised, on request, to recognise a group whose registered areas comprise less than 60 hectares, if the areas are situated in a recognised production region covering less than 100 hectares.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 753/2008 of 31 July 2008 amending Regulation (EC) No 1299/2007 on the recognition of producer groups for hops.

Article 3

The following documents and information shall accompany any application for recognition:

(a) the statute;

(b) the names of persons authorised to act on behalf of the group;

(c) a list of the activities justifying the request for recognition;

(d) evidence that the provisions of Article 2 have been complied with.

Article 4

1 Member States shall take a decision on the application for recognition within three months of its receipt.

2 Recognition of a group shall be withdrawn if the conditions laid down for recognition are no longer fulfilled or if such recognition is based on incorrect information.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 1299/2007. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Recognition shall be withdrawn with retroactive effect if it has been obtained or used fraudulently.

3 Member States shall exercise continuous supervision over the observance by recognised groups of the conditions for their recognition.

[F2 Article 5

1 The producing Member States shall notify the Commission by 31 January each year of a list of the recognized producer groups for hops in their Member State. The notification shall specify for each group:

a the name of the group,

b the legal address,

c the date of recognition,

d number of members, and

e the area of hops cultivated by the members of the group in the year preceding the notification.

2 The notification to the Commission referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009[(5)].

3 The list of recognized producer groups containing the names and the addresses of the groups shall be made available to the Member States and to the public by every appropriate means via the information systems put in place by the Commission, including publication on the Internet.**]**

Textual Amendments

F2 Substituted by Commission Regulation (EU) No 557/2010 of 24 June 2010 amending Regulations (EC) No 1518/2003, (EC) No 596/2004, (EC) No 633/2004, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 239/2007, (EC) No 1299/2007, (EC) No 543/2008, (EC) No 589/2008, (EC) No 617/2008 and (EC) No 826/2008 as regards the notification obligations within the common organisation of agricultural markets.

Article 6

Regulation (EEC) No 1351/72 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 7

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.