

Fruit and vegetables

Extension of rules of interbranch organisations to other operators

As for recognised producer organisations, at the request of a recognised interbranch organisation (IBO), a Member State may make binding, for a limited period of time, some rules (e.g. agreements, decisions or concerted practices) agreed on within that organisation on other operators in the region or regions where the OIB is operating.

The rules for which extension to other operators may be requested:

(a) must have one of the following aims:

- (i) production and market reporting;
- (ii) stricter production rules than those laid down in Union or national rules;
- (iii) drawing up of standard contracts which are compatible with Union rules;
- (iv) rules on marketing;
- (v) rules on protecting the environment;
- (vi) measures to promote and exploit the potential of products;
- (vii) measures to protect organic farming as well as designations of origin, quality labels and geographical indications;

(b) must have been in force for at least one marketing year;

(c) may be made binding for no more than three marketing years;

(d) must not cause any damage to other operators in the Member State concerned or the Union.

However, the condition referred to in point (b) shall not apply if the rules concerned are those relating to production information, marketing and promotion and communication in the context of crisis prevention and management as referred to in the list of rules that may be extended to non-producer members. In this case, the extension of rules may not apply for more than one marketing year.

The rules referred to in points (a)(ii), (iv) and (v) above shall not be other than those set out in the list of rules that may be extended to non-producer members. The rules referred to in point (a)(ii) shall not apply to products which were produced outside the specific region or regions where the IBO is operating.

Member States must notify the Commission forthwith of the [rules that they have made binding on all operators in one or more specific regions](#). The Commission must make those rules publicly available.

The Commission must decide that a Member State must repeal an extension of the rules decided on in the following cases:

(a) where it finds that the extension in question to other producers excludes competition in a substantial part of the internal market or jeopardises free trade, or that the objectives of Article 39 of the Treaty are endangered;

(b) where it finds that Article 101(1) of the Treaty on the functioning of the European Union (TFEU) applies to the rules extended to other producers. The Commission's decision with regard to those rules shall apply only from the date of such a finding;

(c) where it finds after checks that it has not been complied with the provisions of this chapter.

Exhaustive list of rules that may be extended to other operators

1. Rules on production information

- (a) notification of growing intentions, by product and where appropriate by variety;
- (b) notification of sowings and plantings;
- (c) notification of total areas grown, by product and if possible variety;
- (d) notification of anticipated tonnages and probable cropping dates by product and if possible variety;
- (e) periodic notification of quantities cropped and available stocks, by variety;
- (f) information on storage capacities.

2. Production rules

- (a) choice of seed to be used according to intended destination (fresh market/industrial processing);
- (b) thinning in orchards.

3. Marketing rules

- (a) specified dates for commencement of cropping, staggering of marketing;
- (b) minimum quality and size requirements;
- (c) preparation, presentation, packaging and marking at first marketing stage;
- (d) indication of product origin.

4. Rules on the protection of the environment

- (a) use of fertiliser and manure;
- (b) use of plant-health products and other crop protection methods;
- (c) maximum residue content in fruit and vegetables of plant-health products and fertilisers;
- (d) rules on disposal of by-products and used material;
- (e) rules concerning products withdrawn from the market.

5. Rules on promotion and communication in the context of crisis prevention and management.