Commission Implementing Regulation (EU) 2019/1746 of 1 October 2019 amending Implementing Regulation (EU) 2017/1185 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1746

of 1 October 2019

amending Implementing Regulation (EU) 2017/1185 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007[(1)], and in particular Article 223(3) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2017/1185[(2)] lays down the rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 as regards the obligations on Member States to notify relevant information and documents to the Commission.

(2) By Resolution dated 7 June 2016 on unfair trading practices in the food supply chain[(3)], the European Parliament called on all stakeholders in the food supply chain management to step up transparency in the overall food supply chain and for increased transparency and provision of information within the supply chain, and for the strengthening of bodies and market information tools to supply farmers and producer organisations with accurate and timely market data.

(3) In December 2016, the Council in its conclusions of 12 December 2016 on strengthening farmers' position in the food supply chain and tackling unfair trading practices called on the Commission to address the issue of lack of transparency and information asymmetry in the food supply chain.

(4) In April 2019, Directive (EU) 2019/633 of the European Parliament and of the Council[(4)] was adopted, following which the European Parliament, the Council and the Commission issued a joint statement[(5)] on 22 March 2019 calling on/encouraging the Commission to enhance agricultural and food market transparency at Union level, including by improving the collection of statistical data necessary for the analysis of

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1746. (See end of Document for details)*

price formation mechanisms along the agricultural and food supply chain, with the aim of facilitating economic operators and public authorities in making more informed choices and to improve the understanding of operators on market developments.

(5) Furthermore, in January 2016, the Commission set up the Agricultural Markets Task Force, an independent expert group, to provide recommendations on how to enhance the position of producers in the agricultural and food supply chain. To that end, it recommended to increase market transparency to foster effective conditions of competition along the chain by introducing or enhancing existing price reporting especially in the meat, fruit and vegetables and dairy sectors. It also recommended the collected data be disseminated in a duly aggregated manner.

(6) An open public consultation was carried out in 2017 and specific questionnaires were addressed to Member States, stakeholders and consumers in 2018. Several dedicated workshops and conferences with stakeholders and meetings of Member States' expert groups and civil dialogue groups on market transparency were organised in 2018 and 2019.

(7) Notification of price, production and market information from Member States is already obligatory under Implementing Regulation (EU) 2017/1185, but only in relation to production prices.

(8) Therefore, whilst on the one hand the Union is currently providing a relatively high level of public information on producer prices and consumer prices, stemming from statistical offices in Member States, on the other hand very little information on the prices along the agricultural and food supply chain is available to the public. An extension of price reporting should address these information gaps, in particular where sectoral food supply chains are complex. Monitoring price transmission along the chain by extending data collection and dissemination should enable market actors to have a better understanding of the functioning of the supply chain, thereby improving its overall functioning and economic efficiency, in particular for weaker operators who do not have readily access to private price information.

(9) The prices currently reported represent production selling prices of operators at the first stage of the agricultural and food supply chain. Monitoring price transmission along the chain will require collecting price data from different operators along the chain (for example wholesalers, traders, food industry, and retailers) in particular for supply chains with highly differentiated stages and products.

(10) Reporting only representative prices (such as prices from main markets and significant operators) should enable Member States to pursue a cost-effective approach for their reporting and contribute to keeping the administrative burden for small and medium-sized enterprises to a minimum. In line with current practices, Member States should describe the methodology for setting representative prices. They should also aim at approximating their methodologies to ensure the best possible comparability of the data across Member States.

(11) In order to offer a time- and cost-effective reporting mechanism, the Commission should make the existing information system available for operators so as to allow operators to

notify information directly to the Commission, under the supervision of Member States. Member States should inform the Commission if they delegate this obligation to notify the information to operators.

(12) The Commission should organise regular meetings with Member States and stakeholders to share best practices, develop synergies and contribute to a common understanding of market dynamics in the agricultural and food supply chain. The Commission should also provide information to the Member States and stakeholders on the application of the Regulation.

(13) Implementing Regulation (EU) 2017/1185 should therefore be amended accordingly.

(14) It is appropriate to provide for a date of application of this Regulation that would give Member States the possibility to adapt to the new reporting obligations.

(15) The Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2017/1185

Implementing Regulation (EU) 2017/1185 is amended as follows:

(1) in Article 1(1), the following subparagraph is added:

> In the case of notifications pursuant to Regulation (EU) No 1308/2013 and the acts adopted on the basis of that Regulation, the information-technology-based system referred in the first subparagraph of this paragraph shall also be available, where relevant, to operators and third countries.;

(2) Article 5 is replaced by the following:

Article 5

Default notification

Save as otherwise provided for in the acts referred to in Article 1, where Member States, and where relevant, third countries or operators, have not notified the required information or documents to the Commission by the deadline (“nil return”), they shall be deemed to have notified the following:

(a) in the case of quantitative information, of a zero value;

(b) in the case of qualitative information, of a “nothing to report” situation.;

(3) the title of Chapter II is replaced by the following:
NOTIFICATIONS AND COORDINATION ON PRICES, PRODUCTION, MARKET INFORMATION AND INFORMATION REQUIRED BY INTERNATIONAL AGREEMENTS;

(4) in Article 7, paragraph 2 is replaced by the following:

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1746. (See end of Document for details)*

2. Member States and, where relevant, third countries and operators shall notify the Commission of any important new information likely to substantially alter information already notified.;

(5) Article 8 is replaced by the following:

Article 8

Additional information

Member States and, where relevant, third countries and operators may notify the Commission of information additional to that required in Annexes I, II and III by means of the information system referred to in Article 1 where such information is considered relevant by the Member States and, where relevant, by third countries and operators concerned. Such notifications shall be made by means of a form made available by the Commission in the information system.;

(6) Article 9 is amended as follows:

(a) the heading of Article 9 is replaced by the following:

Price and quantity definition;

(b) paragraph 1 is replaced by the following:

1. For each price and quantity notification required by this Section, Member States shall notify the source and methodology used to determine the information provided. Such notifications shall include information on the representative markets determined by Member States and the associated weighting coefficients.;

(c) the following paragraph 1a is inserted:

1a. For each price and quantity notification required by this Section, Member States may delegate to operators the direct transmission of the prices and quantities to the information system of the Commission referred to in Article 1. Member States shall inform the Commission of the identity of operators that are subject to such a delegation.;

(7) Articles 10, 11 and 12 are replaced by the following:

Article 10

Reporting of prices in official currency

Unless otherwise specified in Annexes I, II and III, Member States and, where relevant, operators shall notify price information in their official currency, net of VAT.

Article 11

Weekly price notification

Unless otherwise specified in Annex I, Member States and, where relevant, operators shall notify the Commission of the weekly price information referred to in that Annex no later than 12.00 (Brussels' time) each Wednesday for the previous week.

Article 12

Non-weekly pricing, production and market information notification

Member States and, where relevant, operators shall notify the Commission, within the prescribed time limits, of the following:

(a) non-weekly price information referred to in Annex II;

(b) production and market information referred to in Annex III.;

(8) Annexes I, II and III are replaced by the text set out in the Annex to this Regulation.

Article 2

Entry into force and application

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

It shall apply from 1 January 2021.

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

Done at Brussels, 1 October 2019.

For the Commission

The President

Jean-Claude JUNCKER