Commission Delegated Regulation (EU) 2015/1369 of 7 August 2015 amending Delegated Regulation (EU) No 1031/2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables

COMMISSION DELEGATED REGULATION (EU) 2015/1369

of 7 August 2015

amending Delegated Regulation (EU) No 1031/2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables

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 219(1) in conjunction with Article 228 thereof,

Whereas:

(1) On 7 August 2014 the Russian government introduced a ban on imports of certain products from the Union to Russia, including fruit and vegetables. In response, the Commission adopted a series of exceptional support measures, in particular by Commission Delegated Regulation (EU) No 913/2014[(2)] for peaches and nectarines and by Commission Delegated Regulations (EU) No 932/2014[(3)] and (EU) No 1031/2014[(4)] for other fruit and vegetables.

(2) On 24 June 2015 that ban was extended until August 2016. Owing to the continuation of the ban a serious threat of market disturbances persists and could cause significant price falls due to the fact that an important export market continues to be unavailable. For such a market situation, the normal measures available under Regulation (EU) No 1308/2013 appear to be insufficient. The mechanism based on support for certain quantities of products under Delegated Regulation (EU) No 1031/2014 should therefore be prolonged.

(3) To establish an effective safety net, the Union financial assistance should be prolonged for all the products covered by Delegated Regulation (EU) No 1031/2014 for a year. Furthermore, due to their seasonal exports, peaches and nectarines of CN code 0809 30, which were eligible for support last year under Delegated Regulation (EU) No 913/2014, should now be added to the list of products eligible for support under Delegated Regulation (EU) No 1031/2014.

(4) The calculation of the quantities allocated to each Member State should be made on the basis of the level of exports to Russia of the products concerned during the three years preceeding the announcement of the ban, adjusted by the level of uptake by the

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/1369. (See end of Document for details)*

producers in each Member State of the exceptional support measures made available to them for those products in the last year.

(5) Where the uptake of these exceptional support measures within a Member State has been very low for a particular product and the administrative costs of providing support therefore disproportionately high, that Member State should have the option to choose not to continue to implement these measures for the extended period.

(6) It is likely to be expected that the products concerned, which would normally have been exported to Russia, will be diverted to the markets of other Member States. Producers of the same products within those Member States, which do not traditionally export their products to Russia, may accordingly be faced with significant market disturbance and a fall in prices.

(7) Therefore, in order to further stabilise the market, Union financial assistance should again also be available for producers in all Member States in respect of one or more of the products covered by Delegated Regulation (EU) No 1031/2014 for a quantity not exceeding 3 000 tonnes per Member State.

(8) Delegated Regulation (EU) No 1031/2014 should therefore be amended accordingly.

(9) In order to have an immediate impact on the market and to contribute to stabilise prices, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Delegated Regulation (EU) No 1031/2014

Delegated Regulation (EU) No 1031/2014 is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 2, the following point (s) is added:

(s) peaches and nectarines of CN code 0809 30.;

(b) in paragraph 3, the following point (c) is added:

(c) a period from 8 August 2015 until the date on which the quantities referred to in Article 2(1) have been exhausted in each Member State concerned or 30 June 2016, whichever is earlier.;

(2) Article 2 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in the first subparagraph, the following point (c) is added:

(c) for the period referred to in Article 1(3)(c), the quantities set out in Annex Ib.;

(ii) the second subparagraph is replaced by the following:

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For each of the periods referred to in Article 1(3)(a) and (c), that support shall also be available in all Member States for withdrawal, green harvesting or non-harvesting operations, with respect to one or more of the products referred to in Article 1(2) as determined by the Member State, provided that the additional quantity involved does not exceed 3 000 tonnes per Member State in each of those periods.;

(b) paragraph 3 is replaced by the following:

3. Where the quantities actually withdrawn, in a Member State between 30 September 2014 and 30 June 2015 for a category of products as defined in Annex I and Annex Ia, were less than 5 % of the total quantities allocated to that Member State for that category of products, the Member State may decide not to make use of the quantity allocated in Annex Ib. In that event, the Member State concerned shall notify the Commission of its decision by 31 October 2015. As from the moment of notification, operations carried out in that Member State shall not be eligible for support under this Regulation.

Member States may decide not to make use of the quantity of 3 000 tonnes referred to in the second subparagraph of paragraph 1, or part thereof, by the following dates:

— by 31 October 2014 for the period referred to in Article 1(3)(a);

— by 31 October 2015 for the period referred to in Article 1(3)(c).

By the same date, the Member State concerned shall notify the Commission of any quantities not used. As from the moment of notification, operations carried out in that Member State shall not be eligible for support under this Regulation.;

(3) In Article 9, paragraphs 1 and 2 are replaced by the following:

1. Producer organisations shall apply for the payment of the Union financial assistance referred to in Articles 4, 5 and 6 by 31 January 2015 in respect of operations carried out during the period referred to in Article 1(3)(a), by 31 July 2015 in respect of operations carried out during the period referred to in Article 1(3)(b) and by 31 July 2016 in respect of operations carried out during the period referred to in Article 1(3)(c).

2 Producer organisations shall apply for the payment of the total Union financial assistance referred to in Articles 4 and 6 of this Regulation in accordance with the procedure referred to in Article 72 of Implementing Regulation (EU) No 543/2011 by 31 January 2015 in respect of operations carried out during the period referred to in Article 1(3)(a) of this Regulation, by 31 July 2015 in respect of operations carried out during the period referred to in Article 1(3)(b) of this Regulation and by 31 July 2016 in respect of operations carried out during the period referred to in Article 1(3)(c) of this Regulation.;

(4) Article 10 is amended as follows:

(a) in paragraph 1, the introductory part of the first subparagraph is replaced by the following:

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By 30 September 2014, 15 October 2014, 31 October 2014, 15 November 2014, 30 November 2014, 15 December 2014, 31 December 2014, 15 January 2015, 31 January 2015 and 15 February 2015 in respect of the period referred to in Article 1(3)(a), by the 15th and the last day of each month until 30 September 2015 in respect of the period referred to in Article 1(3)(b) and by the 15th and the last day of each month until 30 September 2016 in respect of the period referred to in Article 1(3)(c), Member States shall notify the Commission of the following information for each product:;

(b) paragraph 2 is replaced by the following:

2. When making their first notification, Member States shall notify the Commission of the amounts of support fixed by them in accordance with Article 79(1) or 85(4) of Implementing Regulation (EU) No 543/2011 and Article 4, 5 or 6 of this Regulation, using the templates set out in Annex IV.;

(5) In Article 11, the following point (c) is added:

(c) 30 September 2016 in respect of operations carried out during the period referred to in Article 1(3)(c).;

(6) Annex Ib is inserted, the text of which is set out in Annex I to this Regulation;

(7) Annexes III and IV are replaced by the text set out in Annex II to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the day of 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.

Done at Brussels, 7 August 2015.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/1369. (See end of Document for details)*

ANNEX I

ANNEX Ib

Maximum quantities of products allocated per Member State as referred to in Article 2(1)(c)

(tonnes)

	Apples and pears	**Plums, table grapes and kiwifruit**	**Tomatoes, carrots, sweet peppers, cucumbers and gherkins**	**Oranges, clementines, mandarins and lemons**	**Peaches and nectarines**
Bulgaria	0	0	0	0	950
Belgium	85 650	0	16 750	0	0
Germany	6 200	0	0	0	0
Greece	2 500	16 300	1 350	7 950	20 900
Spain	7 600	5 000	22 900	55 450	38 400
France	12 150	0	3 250	0	450
Croatia	2 150	0	0	3 200	0
Italy	17 550	15 300	650	3 300	9 250
Cyprus	0	0	0	11 850	0
Latvia	500	0	1 250	0	0
Lithuania	0	0	3 000	0	0
Hungary	0	300	0	0	0
Netherlands	22 950	0	22 800	0	0
Austria	2 050	0	0	0	0
Poland	296 200	1 750	31 500	0	1 900
Portugal	3 600	0	0	0	0

ANNEX II

ANNEX III

Templates for notifications as referred to in Article 10

NOTIFICATION ON WITHDRAWALS — FREE DISTRIBUTION