Commission Delegated Regulation (EU) No 1031/2014 of 29 September 2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables

COMMISSION DELEGATED REGULATION (EU) No 1031/2014

of 29 September 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 the Russian government introduced a ban on imports of certain products from the Union to Russia, including fruit and vegetables. This ban has created a serious threat of market disturbances caused by significant price falls due to the fact that an important export market has suddenly become unavailable.

(2) That threat of market disturbances is of particular relevance for the fruit and vegetables sector where large quantities of perishable products are harvested at this time of the year.

(3) Accordingly, a situation has arisen on the market for which the normal measures available under Regulation (EU) No 1308/2013 appear to be insufficient.

(4) In order to prevent the existing market situation from turning into a more severe or prolonged market disturbance, Commission Delegated Regulation (EU) No 932/2014[(2)] was adopted. It provided for maximum amounts of support for withdrawal, non-harvesting and green harvesting operations. However, further support measures are needed. The mechanism introduced in that regulation should therefore be supplemented by measures in the form of additional, targeted support for certain quantities of products, calculated on the basis of traditional exports to Russia.

(5) Further temporary exceptional support measures should be adopted for tomatoes, carrots, cabbages, sweet peppers, cauliflowers and headed broccoli, cucumbers and gherkins, mushrooms, apples, pears, plums, soft fruit, fresh table grapes, kiwifruit, sweet oranges, clementines and mandarins.

(6) Taking the estimated quantities affected by the ban into account, the Union financial assistance should be granted in accordance with the quantities of products concerned. The calculation of those quantities should be made for each Member State in accordance

with the level of its exports to Russia of the products concerned for the previous three years, less the quantities that have already been notified under Delegated Regulation (EU) No 932/2014.

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

(8) Therefore, and in order to further stabilise the market, Union financial assistance should also be available for producers in all Member States in respect of one or more of the products covered by this Regulation, but the quantity involved should not exceed 3 000 tonnes per Member State.

(9) Member States should remain free to decide not to use the quantity of 3 000 tonnes. Where they do so, they should inform the Commission in time to allow the Commission to decide on a re-allocation of the quantities that have not been used.

(10) Market withdrawal, non-harvesting and green harvesting are effective crisis management measures in case of surplus of fruit and vegetables due to temporary and unpredictable circumstances. Member States should have the possibility to allocate the quantities made available to them to one or more of these measures in order to make the most efficient use of the amounts available.

(11) As in Delegated Regulation (EU) No 932/2014, the restriction of 5 % as a proportion of the volume of marketed production for supported market withdrawals should be temporarily lifted. The Union financial assistance should therefore be granted even when withdrawals exceed the 5 % ceiling.

(12) Financial assistance granted for market withdrawals should be based on the respective amounts set out in Annex XI to Commission Implementing Regulation (EU) No 543/2011[(3)] for withdrawals for free distribution and for withdrawals for other destinations. For those products for which no amount is fixed in Annex XI to Implementing Regulation (EU) No 543/2011, maximum amounts should be laid down in this Regulation.

(13) Taking into account that the amounts for tomatoes set out in Annex XI to Implementing Regulation (EU) No 543/2011 refer to the marketing year of tomatoes for processing and tomatoes for fresh consumption, it is adequate to clarify that the maximum amount applicable for tomatoes for fresh consumption for the purpose of this Regulation is the one concerning the period from 1 November until 31 May.

(14) In the light of the exceptional market disturbances and in order to ensure that all producers of fruit and vegetables are supported by the Union, Union financial assistance for market withdrawals should be extended to producers of fruit and vegetables who are not members of a recognised producer organisation.

(15) In order to encourage the free distribution of withdrawn fruit and vegetables to certain organisations, such as charitable organisations and schools and any other equivalent

destinations approved by the Member States, 100 % of the maximum amounts fixed in Annex XI to Implementing Regulation (EU) No 543/2011 should also be applicable to producers who are not members of a recognised producer organisation. In the case of withdrawals for destinations other than free distribution, they should receive 50 % of the maximum amounts fixed. In this context, producers who are not members of a recognised producer organisation should fulfil the same or similar conditions as producer organisations. Therefore, they should be subject, like recognised producer organisations, to the relevant provisions of Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011.

(16) Producer organisations are the basic actors of the fruit and vegetables sector and are the most suited entities to ensure that Union financial assistance for market withdrawals is paid to producers who are not members of a recognised producer organisation. They should ensure that such assistance is paid to the producers who are not members of a recognised producer organisation through the conclusion of a contract. As not all Member States have the same degree of organisation on the supply side of the fruit and vegetables market, it is appropriate to allow the competent authority of the Member States to pay the support directly to the producers where this is duly justified.

(17) The amounts of the support for non-harvesting and green harvesting should be fixed by Member States per hectare at a level to cover not more than 90 % of the maximum amounts for market withdrawals applicable to withdrawals for destinations other than free distribution as set out in Annex XI to Implementing Regulation (EU) No 543/2011 or, for products for which no amount has been fixed in that Annex, in this Regulation. For tomatoes for fresh consumption the amount to be taken into account by Member States should be the one set in Annex XI to Implementing Regulation (EU) No 543/2011 for the period from 1 November until 31 May. Non-harvesting should be supported even where commercial production has been taken from the producing area concerned during the normal production cycle.

(18) Producer organisations concentrate the supply and are able to act faster than producers who are not members of such organisations when having to cope with greater quantities with an immediate impact on the market. Therefore, in order to make the implementation of the exceptional support measures provided for in this Regulation more efficient and to speed up the stabilisation of the market, it is appropriate, in respect of producers who are members of recognised producer organisations to increase the Union financial assistance for withdrawals for destinations other than free distribution to 75 % of the relevant maximum amounts set for the support for withdrawals for other destinations.

(19) As for withdrawals, Union financial assistance for non-harvesting and green harvesting operations should be extended to producers who are not members of a recognised producer organisation. The financial assistance should be 50 % of the maximum amounts of support set for producer organisations.

(20) Given the high number of producers who are not members of a producer organisation and the need to carry out checks that are reliable but feasible, Union financial assistance should not be granted for green harvesting of fruit and vegetables for which the

normal harvest has already begun, and for non-harvesting measures where commercial production has been taken from the producing area concerned during the normal production cycle for producers who are not members of a producer organisation. In this context, producers who are not members of a recognised producer organisation should be subject, like recognised producer organisations, to the relevant provisions of Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011.

(21) For producers who are not members of a producer organisation, the payment of the Union financial assistance for non-harvesting and green harvesting operations should be done directly by the competent authority of the Member State. That competent authority should pay the relevant amounts to the producers in accordance with Implementing Regulation (EU) No 543/2011 and the relevant national rules and procedures.

(22) In order to guarantee that the Union financial assistance to producers of certain fruits and vegetables is used for the intended purposes and to ensure the efficient use of the Union budget, Member States should carry out a reasonable level of checks. In particular, documentary, identity and physical checks as well as on-the-spot checks should be carried that cover a reasonable amount of products, areas, producer organisations and producers not being members of recognised producer organisation. Member States should ensure that withdrawal, green harvesting and non-harvesting operations for tomatoes only concern varieties intended for fresh consumption.

(23) Member States should notify the Commission of the operations that have been implemented by producer organisations and producers non-members at regular intervals.

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

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1 This Regulation lays down rules for temporary exceptional Union support measures to be granted to producer organisations in the fruit and vegetables sector recognised in accordance with Article 154 of Regulation (EU) No 1308/2013 and to producers who are not members of such organisations.

Those temporary exceptional Union support measures shall cover withdrawal, non-harvesting and green harvesting operations.

2 The support referred to in paragraph 1 shall be granted in relation to the following products of the fruit and vegetables sector intended for fresh consumption:

a tomatoes of CN code 0702 00 00;
b carrots of CN code 0706 10 00;
c cabbages of CN code 0704 90 10;
d sweet peppers of CN code 0709 60 10;
e cauliflowers and headed broccoli of CN code 0704 10 00;

f cucumbers of CN code 0707 00 05;
g gherkins of CN code 0707 00 90;
h mushrooms of the genus Agaricus of CN code 0709 51 00;
i apples of CN code 0808 10;
j pears of CN code 0808 30;
k plums of CN code 0809 40 05;
l soft fruit of CN codes 0810 20, 0810 30 and 0810 40;
m fresh table grapes of CN code 0806 10 10;
n kiwifruit of CN code 0810 50 00;
o sweet oranges of CN code 0805 10 20;
p clementines of CN code 0805 20 10;
q mandarins (including tangerines and satsumas), wilking and similar citrus hybrids of CN codes 0805 20 30, 0805 20 50, 0805 20 70 and 0805 20 90**[**F1**;]**
[F2r lemons of CN code 0805 50 10**[**F3**;]]**
[F4s peaches and nectarines of CN code 0809 30.**]**

[F1 3 The support referred to in paragraph 1 shall cover activities carried out in a period which shall be subdivided as follows:

a a period from 30 September 2014 until the date on which the quantities referred to in Article 2(1) have been exhausted in each Member State concerned or 31 December 2014, whichever is earlier;
b a period from 1 January 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 2015, whichever is earlier**[**F3**;]**
[F4c 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.**]]**

Textual Amendments

F1 Substituted by Commission Delegated Regulation (EU) No 1371/2014 of 19 December 2014 amending Delegated Regulation (EU) No 1031/2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables.

F2 Inserted by Commission Delegated Regulation (EU) No 1371/2014 of 19 December 2014 amending Delegated Regulation (EU) No 1031/2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables.

F3 Substituted by 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.

F4 Inserted by 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.

Article 2

Allocation of maximum quantities to Member States

[F1 1 The support referred to in Article 1(1) shall be made available to Member States for the following quantities of products: