Commission Delegated Regulation (EU) No 932/2014 of 29 August 2014 laying down temporary exceptional support measures for producers of certain fruit and vegetables and amending Delegated Regulation (EU) No 913/2014

COMMISSION DELEGATED REGULATION (EU) No 932/2014

of 29 August 2014

laying down temporary exceptional support measures for producers of certain fruit and vegetables and amending Delegated Regulation (EU) No 913/2014

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 fruits 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 vegetable 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, urgent action is needed to provide for temporary exceptional support measures for producers of perishable fruit and vegetables which have been affected most by the sudden loss of the export market at this stage of the harvest. Those temporary exceptional support measures should cover the period from 18 August to 30 November 2014 and should take the form of Union financial assistance for tomatoes, carrots, cabbages, sweet peppers, cauliflowers and headed broccoli, cucumbers and gherkins, mushrooms, apples, pears, plums, soft fruit, fresh table grapes and kiwifruit.

(5) Pursuant to the estimated quantities affected by the ban, Union financial assistance should be granted at the maximum amount of EUR 125 million. This total maximum amount should be divided into two sub-amounts, one being allocated to apples and pears, and one to all other products covered by the support measures. This allocation should avoid an unbalanced distribution between producers of different products and

reflect the different time of harvest and the share of product quantities affected by the Russian import ban.

(6) Market withdrawals, non–harvesting and green harvesting are effective crisis management measures in case of surplus of fruit and vegetables due to temporary and unpredictable circumstances.

(7) In order to mitigate the impact of a drop in prices, the existing 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.

(8) 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[(2)] for withdrawals for free distribution and for withdrawals for other destinations, unless no amount has been fixed in this Regulation. 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.

(9) 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.

(10) 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.

(11) 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 or in Annex I to this Regulation 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.

(12) 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.

(13) In order to mitigate the effect of the price falls, Union financial assistance should also be granted in respect of non-harvesting and green harvesting operations.

(14) 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.

(15) 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, non-harvesting and green harvesting to 75 % of the relevant maximum amounts set for the support for withdrawals for other destinations.

(16) 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.

(17) 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.

(18) 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.

(19) 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 withdrawals, green harvesting and non-harvesting operations for tomatoes only concern varieties intended for fresh consumption.

(20) For the sake of sound budgetary management, it is necessary to control the ceiling for the expenditure to be financed by the Union and to set up a notification and monitoring system to avoid that the total amount is exceeded. Member States should inform the Commission about the state of play of the operations notified by producer organisations and producers non-members twice a week. The eligibility of Union financial assistance should be brought to an end when the amounts concerned are reached. If the amounts notified exceed those amounts, an allocation coefficient should be applicable.

(21) In order to have an immediate impact on the market and to contribute to stabilise prices, the temporary exceptional support measures provided for in this Regulation should apply as of the date of the announcement of those measures by the Commission on 18 August 2014.

(22) Commission Delegated Regulation (EU) No 913/2014[(3)] provided for temporary exceptional support measures for producers of peaches and nectarines. While taking into account the pressure put on the peach and nectarine markets by the import ban announced by Russia, the exceptional measures were taken mostly to address the specific situation of the peaches and nectarines sectors. Further developments make it necessary to address the markets for peaches and nectarines in a similar way as the other products covered by this Regulation. In order to improve the effect of the support measure and its potential to stabilise the market, it is appropriate to allow withdrawals for destinations other than free distribution up to 10 % of the value of the marketed production. Furthermore, it is also appropriate to increase the percentage of the Union financial assistance in respect of producers of peaches and nectarines who are not members of producer organisations and allow for withdrawals to be managed by the Member States without the intervention of the producer organisations.

(23) Delegated Regulation (EU) No 913/2014 should be amended accordingly. Those amendments should apply retroactively from the date of application of Delegated Regulation (EU) No 913/2014,

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 932/2014. (See end of Document for details)*

CHAPTER I

TEMPORARY EXCEPTIONAL SUPPORT FOR CERTAIN FRUIT AND VEGETABLES

Article 1

Subject matter and scope

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

These 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 vegetable 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; and
n kiwifruit of CN code 0810 50 00.

3 The support referred to in paragraph 1 shall cover activities carried out in the period from 18 August until 30 November 2014.

Article 2

Maximum amount of Union financial assistance

Total Union expenditure incurred for the purposes of this Chapter shall not exceed EUR 125 000 000. Within this amount, EUR 82 000 000 shall be allocated for Union financial assistance related to products referred to in Article 1(2)(i) and (j) and EUR 43 000 000 for assistance related to other products referred to in Article 1(2).