Commission Implementing Regulation (EU) No 615/2014 of 6 June 2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors

COMMISSION IMPLEMENTING REGULATION (EU) No 615/2014

of 6 June 2014

laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008[(1)], and in particular, Articles 57(2), 58(4), 62(2), 63(5), 64(7) and 66(4) thereof,

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[(2)], and in particular Article 31 thereof,

Whereas:

(1) Regulation (EU) No 1308/2013 lays down the rules for programmes to support the olive oil and table olives sector. To ensure the smooth operation and uniform application of the new legal framework established by this Regulation, the Commission has been granted the power to adopt implementing acts establishing the measures necessary for its implementation in respect of the relevant work programmes. These implementing acts are to replace the rules laid down by Regulation (EC) No 867/2008, repealed by Commission Delegated Regulation (EU) No 611/2014[(3)].

(2) To enable producer Member States to introduce measures to manage the olive oil and table olive sector aid scheme, procedures need to be established concerning work programmes and amendments to them, the disbursement of EU financing, including advances, the amounts of securities to be lodged, checks, inspection reports, corrections and penalties in the event of irregularities or negligence in the implementation of the work programmes.

(3) To ensure the financing available to each Member State is used appropriately, a procedure should be laid down for the annual amendment of the work programmes

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approved for the following year, so as to take into account any duly justified changes compared with initial conditions. Member States should also be able to stipulate the conditions required to amend the work programmes and redistribute the amounts allocated without exceeding the annual amounts withheld by producer Member States pursuant to Article 29(2) of Regulation (EU) No 1308/2013. In the event of amendments to a work programme and with a view to enabling flexibility in the implementation of the work programmes, the deadline for submission of requests needs to be set.

(4) To enable beneficiary olive oil producer organisations to start implementing the work programmes in a timely fashion, provision should be made for them to receive, subject to the lodging of a security under the conditions laid down in Regulation (EU) No 1306/2013, an advance of a maximum of 90 % of the EU contribution planned for each year concerned by the approved work programme. The arrangements for the payment of this advance need to be laid down.

(5) Provision should be made that requests for financing must be submitted by recognised producer organisations, associations of recognised producer organisations and recognised interbranch organisations (hereinafter, 'beneficiary organisations') to the Member State's paying agency in accordance with a precise time schedule. It should also be stipulated that the request must be drawn up in accordance with a model to be provided by the competent authority and be accompanied by documentary evidence of the implementation of the work programmes and expenditure incurred. It should be established that the Member State paying agency shall disburse the financing and release the security after completion of the entire work programme, verifying the documentary evidence and checks.

(6) In order to ensure sound management of the work programmes, the Member States concerned should establish plans for on-the-spot checks of a sample of beneficiary organisations selected on the basis of a risk analysis and must check that the conditions for granting EU financing have been fulfilled. Provision should be made for a detailed inspection report to be drawn up for each on-the-spot check. In addition, Member States must be required to establish a suitable system of corrections and penalties for irregularities enabling the recovery of any amount unduly paid plus interest, where appropriate.

(7) To ensure the implementation of work programmes and their development is monitored throughout the period of implementation, beneficiary organisations should draw up a report of their activities and forward it to the national authorities of the Member States concerned. Provision should also be made for these reports to be forwarded to the Commission.

(8) In order to increase the overall impact of the work programmes carried out in the area of market follow-up and administrative management in the olive oil and table olives sector, provision should be made for beneficiary organisations and Member States to publish on their internet sites the results of the measures undertaken.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

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HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down implementing rules for Regulation (EU) No 1308/2013 as regards the implementation of work programmes in the olive oil and table olives sector, amendments to these, the disbursement of aid, including advance payments, the procedures to be followed and the amount of the security to be lodged when submitting a request for approval of a work programme and when an advance on aid is paid.

Article 2

Amendments to work programmes

1 Beneficiary organisations may, in accordance with a procedure to be laid down by the Member State, request amendments to the content and budget of their approved work programme, provided that the amendments do not involve an overrun on the amount allocated to the Member State in question pursuant to Article 29(2) of Regulation (EU) No 1308/2013.

2 All requests for amendments to a work programme, including merging different work programmes, shall be accompanied by supporting documents setting out the reasons for and the nature and implications of the proposed changes. Requests shall be submitted by beneficiary organisations to the competent authority of the Member State at the latest by 31 December of the year preceding the year of implementation of the work programme.

3 **[**[F1]In the event of a merger, beneficiary organisations that were previously carrying out separate work programmes shall operate the separate programmes in parallel until 31 March of the year following the merger.**]**

Notwithstanding the first subparagraph, Member States may authorise beneficiary organisations which so request, for duly substantiated reasons, to implement their respective work programmes in parallel without merging them.

4 Amendments to a work programme shall become applicable two months after the request for amendments has been received by the competent authority unless the competent authority considers that the amendments submitted do not meet the applicable conditions. In this case, it shall inform the beneficiary organisation which shall, if necessary, submit a revised its work programme.

5 In the event that the EU financing obtained by the beneficiary organisation is less than the amount in the approved work programme, a beneficiaries may adapt its programme to the financing obtained. The beneficiary shall ask the competent authority to approve such an amendment to the work programme.

6 By way of derogation to paragraphs 2 and 4, the competent authority may, during the implementation of a work programme, accept amendments to a work programme measure provided that:

a the amendment to the measure is notified to the competent authority by the beneficiary organisation two months before the start of implementation of the measure in question;

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b the notification is accompanied by supporting documentation specifying the aim, nature and implications of the proposed amendment and demonstrates that the amendment concerned does not alter the initial objective of the work programme;

[[F1]c the budget allocated to the area concerned as referred to in Article 3(1) of Delegated Regulation (EU) No 611/2014 remains stable;

d the transfer of budget from the measure in question to other measures in the area concerned does not exceed EUR 40 000.**]**

7 If the competent authority does not issue any objections based on non-compliance with the conditions indicated in paragraph 6 within one month of notification of the amendment of the measure, the amendment shall be deemed to have been accepted.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2017/1963 of 9 August 2017 amending Implementing Regulation (EU) No 615/2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors.

[F1 Article 3

Advance payments

1 A beneficiary organisation may submit applications for advance payments by dates to be laid down by the Member State.

2 The total advances paid for a given year of implementation of a work programme may not exceed 90 % of the initially approved amount of aid for that work programme.

3 Member State may set a minimum amount for advances and the deadlines for the payment of advances.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2017/1963 of 9 August 2017 amending Implementing Regulation (EU) No 615/2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors.

Article 4

Securities to be lodged

1 The security referred to in Article 7(3)(g) of Delegated Regulation (EU) No 611/2014 shall be at least 10 % of the Union financing applied for.

2 Advances referred to in Article 3 shall be paid subject to the lodging of a security in accordance with Chapter IV of Commission Delegated Regulation (EU) No 907/2014[(4)]. The amount of the security shall be equal to 110 % of the advance.

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3 Before a date to be stipulated by the Member State and at the latest before the end of each year of implementation of the work programme, beneficiary organisations may lodge with the Member State concerned a request for the release of the security referred to in paragraph 2. In addition to the documents referred to in Article 5(2)(b) and (c), the request shall be accompanied by a detailed description of the stages of the work programme that have been implemented, broken down by areas and measures as detailed in Article 3 of Delegated Regulation (EU) No 611/2014. The Member State shall check those documents and release the security corresponding to the expenditure concerned no later than in the course of the second month following that in which the application is lodged.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2017/1963 of 9 August 2017 amending Implementing Regulation (EU) No 615/2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors.

Article 5

Payment of EU funding

[F1 1 For the purposes of payment of EU financing under Article 29(2) of Regulation (EU) No 1308/2013, a beneficiary organisation shall lodge an application for financing with the paying agency of the Member State in the calendar year in which the year of implementation of the work programme ends and at the latest by a date to be determined by the Member State allowing to comply with paragraph 5.

The paying agency of the Member State may pay beneficiary organisations the balance of EU financing corresponding to each year of implementation of the work programme after checking, on the basis of the annual report referred to in Article 9 or the inspection report referred to in Article 7, that the measures corresponding to each instalment of the advance referred to in Article 3 have actually been carried out.**]**

2 Applications for EU financing shall be drawn up in accordance with a model to be provided by the competent authority of the Member State. To be eligible, an application shall be accompanied by:

a a summary report comprising the following elements:

(i) a detailed description of the stages of the work programme that have been implemented, broken down by areas and measures as detailed in Article 3 of Delegated Regulation (EU) No 611/2014;

(ii) where appropriate, the justification for and the financial repercussions of the gaps between the stages of the work programme approved by the Member State and the stages of the work programme actually implemented;

(iii) an evaluation of the work programme as implemented based on the criteria laid down in Article 6 of Delegated Regulation (EU) No 611/2014;

b invoices and bank documents providing payment of the expenses incurred during the period of implementation of the work programme,

c where appropriate, documentary proof of payment of the financial contributions of beneficiary organisations and of the Member State concerned.