Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector

COMMISSION DELEGATED REGULATION (EU) No 611/2014

of 11 March 2014

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector

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 30 thereof,

Whereas:

(1) Article 29 of Regulation (EU) No 1308/2013 lays down rules relating to the work programmes to support the olive-oil and table-olives sector. Those rules should be supplemented in order to guarantee that Union aid is utilised efficiently and effectively. The new rules should replace those laid down by Commission Regulation (EC) No 867/2008[(2)], which should be repealed as a result.

(2) So that the work programmes can be implemented effectively, it should be laid down that Union funding will be allocated in proportion to their duration, while ensuring that the annual expenditure for implementing approved work programmes does not exceed the amount laid down in Article 29(2) of Regulation (EU) No 1308/2013.

(3) In order to ensure the overall consistency of the activities of recognised producer organisations, recognised associations of producer organisations and recognised interbranch organisations (hereinafter ‘the recipient organisations’), the types of measure eligible for Union funding and the types of activity not eligible should be specified. The procedure for submitting the work programmes and the criteria for selecting them should also be specified. The Member States concerned should be allowed to lay down additional eligibility requirements so that the measures can be better adapted to national conditions in the olive sector.

(4) In the light of experience, the Union funding thresholds should be set at least for the areas of improving the environmental impact of olive cultivation, improving the competitiveness of olive cultivation through modernisation and traceability, certification and protection of the quality of olive oil and table olives by means of, in particular, quality control of the olive oils sold to end consumers, so as to ensure that at least a minimum number of measures are implemented in sensitive priority areas.

Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) No 611/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) In order to ensure that the work programmes are implemented in accordance with Article 29 of Regulation (EU) No 1308/2013 and that the system of support for the recipient organisations is subject to effective administrative management, procedures should be laid down for processing approval applications and selecting and approving work programmes.

(6) Article 231 of Regulation (EU) No 1308/2013 stipulates that all multiannual programmes adopted before 1 January 2014 must continue to be governed by the relevant provisions of Council Regulation (EC) No 1234/2007[3] until those programmes come to an end. It should therefore be laid down that Regulation (EC) No 867/2008 will continue to apply to the work programmes which are ongoing when this Regulation enters into force,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 as regards the measures eligible for Union funding, the minimum allocation by the Member States of Union funding to specific areas and the criteria and procedures for approving work programmes in the olive-oil and table-olives sector.

Article 2

Union funding

The Member States shall ensure that the Union funding provided for in Article 29 of Regulation (EU) No 1308/2013 is allocated in proportion to the work programmes' duration provided for in that Article, while ensuring that the annual expenditure on implementing the approved work programmes does not exceed the amount stipulated in paragraph 2 of that Article.

[F1 Article 2a

Prohibition of double funding

Member States shall lay down clear demarcation criteria to ensure that no support is granted under Article 29 of Regulation (EU) No 1308/2013 for operations or actions that are supported under any other Union instruments.**]**

Textual Amendments

F1 Inserted by Commission Delegated Regulation (EU) 2017/1962 of 9 August 2017 amending Delegated Regulation (EU) No 611/2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector.

***Changes to legislation:** There are outstanding changes not yet made to Commission Delegated Regulation (EU) No 611/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 3

Measures eligible for Union funding

1 The measures eligible for the Union funding provided for in Article 29(1) of Regulation (EU) No 1308/2013 shall be the following:

a in the area of market follow-up and management in the olive-oil and table-olives sector:

(i) collecting data on the sector and the market, in accordance with the specifications relating to method, geographical representativeness and accuracy laid down by the competent national authority;

(ii) carrying out studies on subjects related to the other measures provided for in the work programmes of the recipient organisations concerned;

b in the area of improving the environmental impact of olive cultivation:

(i) collective operations to maintain olive groves which are of high environmental value and risk being abandoned, in accordance with the requirements laid down on the basis of objective criteria by the competent national authority, in particular as regards the regional areas which may be eligible and the area and minimum number of olive producers who must be involved in order to make the operations in question effective;

(ii) developing good agricultural practices for olive cultivation, based on environmental criteria adapted to local conditions, as well as disseminating those practices among olive growers and following up their practical application;

(iii) practical demonstrations of alternatives to chemical products for combating olive fly, as well as seasonal measures to monitor its development;

(iv) practical demonstrations of olive cultivation techniques aimed at protecting the environment and maintaining the landscape, such as organic farming, low-input farming, protecting the soils by limiting erosion, and integrated farming;

(v) measures to protect rustic and endangered varieties;

c in the area of improving the competitiveness of olive cultivation through modernisation:

(i) improving irrigation systems and cultivation techniques;

(ii) replacing unproductive olive trees by new olive trees;

(iii) training producers in new cultivation techniques;

(iv) training and communication measures;

d in the area of improving the production quality of olive oil and table olives:

(i) improving conditions for growing, harvesting, delivering and storing olives prior to processing, in accordance with the technical specifications laid down by the competent national authority;

(ii) varietal improvement of olive groves on individual holdings, provided that they contribute to the objectives of the work programmes;

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(iii) improving conditions for storing olive oil and table olives, use of the residues from olive-oil and table-olive production and improving conditions for bottling olive oil;

(iv) technical assistance for production, the olive-processing industry, businesses producing table olives, mills and packaging relating to aspects linked to product quality;

(v) setting up and improving laboratories for the analysis of virgin olive oils;

(vi) training panels of tasters to carry out organoleptic assessments of virgin olive oils and table olives;

e in the area of traceability, certification and protection of the quality of olive oil and table olives by means of, in particular, quality control of the olive oils sold to end consumers:

(i) setting up and managing systems which make it possible to trace products from the olive grower through to packaging and labelling, in accordance with the specifications laid down by the competent national authority;

(ii) setting up and managing quality certification systems, based on a system of risk analysis and checks on critical points, the specification for which satisfies the technical criteria adopted by the competent national authority;

(iii) setting up and managing systems to monitor compliance with standards regarding the authenticity, quality and marketing of the olive oil and table olives placed on the market, in accordance with the technical specifications laid down by the competent national authority;

f in the area of disseminating information on the measures carried out by recipient organisations to improve the quality of olive oil and table olives:

(i) disseminating information on the measures carried out by recipient organisations in the areas referred to in points (a) to (e);

(ii) setting up and maintaining a website on the measures carried out by recipient organisations in the areas referred to in points (a) to (e).

2 As regards the measures provided for in paragraph 1 points (c)(ii) and (d)(ii), Member States shall ensure that appropriate steps are taken to recover the investment or its residual value if the member who owns the specific holding leaves the producer organisation.

3 Member States may adopt additional conditions specifying the eligible measures, provided that these do not render their presentation or implementation impossible.

4 **[**[F2]Outsourcing the measures of a producer organisation or an association of producer organisations in accordance with Article 155 of Regulation (EU) No 1308/2013 may be authorised for the measures referred to in paragraph 1, subject to the following conditions:**]**

a the conclusion of a written contract between the producer organisation or the association of producer organisations and another entity for carrying out the measure concerned. The producer organisation or the association of producer organisations shall nevertheless remain responsible for the carrying-out of that measure, as well as for the overall managerial control and general supervision of the said written contract;

b in order to enable effective managerial control and supervision, the contract referred to at point (a):

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(i) shall allow the producer organisation or the association of producer organisations to issue binding instructions and shall contain provisions allowing the organisation or association to terminate the contract if the service provider does not comply with the terms and conditions of the said contract;

(ii) shall lay down detailed terms and conditions, including the declaration requirements and the time limits which enable the producer organisation or the association of producer organisations to evaluate and properly monitor the outsourced measures.

Textual Amendments

F2 Substituted by Commission Delegated Regulation (EU) 2017/1962 of 9 August 2017 amending Delegated Regulation (EU) No 611/2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector.

Article 4

Activities and costs not eligible for Union funding

1 The following activities shall not be eligible for Union funding under Article 29 of Regulation (EU) No 1308/2013:

[F3(a)**]** **F3**. . . . . .

b activities aimed directly at increasing production and enhancing storage or processing capacity;

c activities related to the purchase or storage of olive oil or table olives or having an impact on their prices;

d activities related to the commercial promotion of olive oil or table olives;

e activities related to scientific research, except for the dissemination of research results to olive businesses;

f activities that could distort competition in the other economic activities of the recipient organisations;

g activities related to combating olive fly, except for the measures provided for in Article 3(1) point (b)(iii).

2 In order to ensure compliance with the rule laid down in paragraph 1 point (a), recipient organisations shall undertake in writing, on their own behalf and that of their members, to forgo any funding under another Union support scheme for measures which are in fact funded under Article 29 of Regulation (EU) No 1308/2013.

3 In carrying out the measures referred to in Article 3, costs arising from the following shall not be eligible for Union funding:

a repayments of loans, in particular in the form of annual instalments, taken out for a measure carried out in full or in part before the beginning of the work programme;

b payments to recipient organisations participating in meetings and training programmes to compensate for loss of income;

c expenditure on administrative and staff costs borne by Member States and organisations receiving EAGF support under Regulation (EU) No 1306/2013 of the European Parliament and of the Council[(4)];