Commission Delegated Regulation (EU) No 179/2014 of 6 November 2013 supplementing Regulation (EU) No 228/2013 of the European Parliament and of the Council with regard to the register of operators, the amount of aid for the marketing of products outside the region, the logo, the exemption from import duties for certain bovine animals and the financing of certain measures relating to specific measures for agriculture in the outermost regions of the Union

COMMISSION DELEGATED REGULATION (EU) No 179/2014

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006[(1)], and in particular the second subparagraph of Article 12(2), the third subparagraph of Article 19(4), Article 21(3), the second subparagraph of Article 27(2) and Article 30(4) thereof,

Whereas:

(1) Regulation (EU) No 228/2013 has repealed and replaced Council Regulation (EC) No 247/2006[(2)]. Regulation (EU) No 228/2013 empowers the Commission to adopt delegated and implementing acts. In order to ensure the smooth functioning of the scheme in the new legal framework, certain rules have to be adopted by means of such acts. The new rules should replace the implementing rules of Commission Regulation (EC) No 793/2006[(3)].

(2) In order to ensure that operators fully exercise their rights to participate in the specific supply arrangements, the conditions for recording them in the register of operators should be determined. Registered operators should be entitled to benefit from the arrangements provided that they meet the obligations laid down in Union and national rules. Applicants should be entitled to registration provided that they meet a certain number of objective requirements designed to facilitate the administration of the scheme.

(3) In order to support the marketing of products outside the region in which they are produced, the conditions for establishing the amount of aid awarded in respect of such products and, where appropriate, the conditions for establishing the quantities of products subject to that aid should be established. Consequently, additional rules should be laid down relating to the support for the marketing of certain local products

determining the conditions for establishing the maximum amount of aid to be awarded and the maximum quantities of products that can be subject to that aid.

(4) In order to ensure greater awareness and consumption of processed and unprocessed quality agricultural products specific to the outermost regions of the Union, the conditions for the use of the logo, in particular the drafting of the list of natural and processed agricultural products which may bear the logo and the definition of the quality characteristics, methods of production, packaging and manufacture of processed products should be proposed by the trade organisations in the outermost regions. Those conditions should be specified by reference to existing standards in Union rules or, in the absence of those, to international standards, or by reference to traditional methods of cultivation and manufacture.

(5) In order to make the best possible use of the logo available to producers and manufacturers of quality products specific to the outermost regions, and in the interests of simplifying management and control and making them more effective, the right to use the logo should be conferred on operators established in those regions who are directly responsible for the production, packaging, marketing and manufacture of the products concerned and who give an undertaking to fulfill certain obligations.

(6) In order to allow operators to benefit from the exemption from import duties for young male bovine animals originating from third countries and intended for fattening and consumption in the French overseas departments or Madeira, as referred to in Article 27(1) of Regulation (EU) No 228/2013, certain conditions for that exemption need to be established. The exemption should be limited to young male bovine animals intended for fattening during a minimum period of 120 days in the outermost region concerned and should be subject to the lodging of a security.

(7) In order to ensure a reasonable and proportional allocation of the financing with regard to studies, demonstration projects, training and technical assistance measures, the conditions for determining the maximum annual amount which may be allocated to those measures should be established.

(8) For the sake of clarity and legal certainty, Regulation (EC) No 793/2006 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Register of operators

1 Import licences, exemption certificates and aid certificates shall be issued only to operators entered in a Register of operators pursuing an economic activity under the specific supply arrangements kept by the competent authorities (hereinafter referred to as ‘the register’).

2 Any operator established in the Union may apply to be entered in the register.

Entry in the register shall be subject to the following conditions:

a operators shall possess the means, structures and legal authorisations required to carry on their activities and shall, in particular, have duly complied with their obligations regarding business accounting and taxation;

b operators shall be able to prove that their activities are carried out in the outermost region or regions concerned;

c operators remain responsible for the compliance with all requirements subscribed when carrying out an operation of supply arrangements until the sale to the end-user.

Article 2

Amount of aid for marketing outside the production region

1 The amount of aid granted under Chapter IV of Regulation (EU) No 228/2013 for marketing products from the outermost regions elsewhere in the Union shall not exceed 10 % of the value of the production marketed, delivered to destination zone, calculated in accordance with paragraph 2 of this Article.

However, the limit set out in the first subparagraph shall not exceed 13 % of the value of the production marketed where the contractor for the producers is a producer association, union or organisation.

The limits set out in the first and second subparagraph may be increased respectively to 17 % and 20 % of the value of the production marketed for products that are transported by airplane.

2 For the purpose of calculating the aid, the value of the marketed production, delivered to destination zone, shall be evaluated on the basis of the annual contract (where applicable), transport documents and any other supporting documents submitted to justify the application for the aid.

The value of the marketed production to be taken into account shall be that of delivery to the first port or airport of unloading.

The competent authorities may request any information or additional supporting documentation appropriate for calculating the aid.

3 The conditions for granting the aid, the products and the amounts concerned shall be specified in the POSEI programmes referred to in Chapter II of Regulation (EU) No 228/2013.

Article 3

Marketing aid for tomatoes

For tomatoes from the Canary Islands falling within CN code 0702 00 00, the amount of aid granted under Chapter IV of Regulation (EU) No 228/2013 shall not exceed EUR 3,6/100 kg, up to a limit of 250 000 tonnes per year.

Article 4

Marketing aid for rice

The maximum quantity of rice harvested in French Guyana which may be eligible for marketing support in Guadeloupe, Martinique and the rest of the Union, in accordance

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 179/2014. (See end of Document for details)*

with Chapter IV of Regulation (EU) No 228/2013, shall not exceed 12 000 tonnes per year of milled rice equivalent.

For marketing in the rest of the Union outside Guadeloupe and Martinique, that quantity shall not exceed 4 000 tonnes per year.

Article 5

Use of the logo

1 The logo provided for in Article 21(1) of Regulation (EU) No 228/2013 shall be used only with a view to increasing awareness and consumption of processed or unprocessed agricultural products specific to the outermost regions which satisfy conditions laid down by the competent national authority on the initiative of trade organisations representative of operators in those regions.

2 The conditions referred to in paragraph 1 shall concern quality standards or compliance with cultivation, production or manufacturing techniques, and presentation and packaging standards.

The competent national authority shall define those conditions by reference to Union rules or, in the absence of such rules, to international standards or, where necessary, it shall adopt the conditions specifically in respect of products from the outermost region on a proposal from the representative trade organisations.

Article 6

Right to use the logo

1 The right to use the logo shall be granted by the competent authorities in the Member States of production, or by the bodies authorised by them for that purpose.

2 The right to use the logo shall be granted in respect of each product for which the conditions referred to in Article 5 have been fulfilled, depending on the nature of the product, to operators in one of the following categories:

a individual producers or producer organisations or groups;

b traders who package the product with the intention of marketing it;

c manufacturers of processed products who are established in the territory of their outermost region.

3 The right to use the logo shall be conferred by the grant of approval in respect of one or more marketing years.

4 The approval referred to in paragraph 3 shall be granted, on request, to the operators referred to in paragraph 2 who, if need be, have the plant or technical equipment required to produce or manufacture the product in question, in compliance with the conditions referred to in Article 5, and who undertake:

a as relevant, to produce, package or manufacture products which meet those conditions;

b to keep accounts which will make it possible to monitor, in particular, the production, packaging or manufacture of the product which is eligible for the logo;

c to comply with all checks and verifications requested by the competent authorities.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 179/2014. (See end of Document for details)*

5 Approval shall be withdrawn where the competent authority establishes that the approved operator has failed to fulfil the conditions relating to the product or an obligation arising from the undertakings provided for in paragraph 4. Withdrawal of approval shall be temporary or permanent depending on the seriousness of the failure established.

Article 7

Conditions for reproduction and use

The logo shall be reproduced and used in accordance with Annex I.

Article 8

Exemption from import duties for young male bovine animals

1 The exemption from import duties for young male bovine animals originating from third countries and intended for fattening and consumption in the French overseas departments or Madeira falling within CN codes 0102 29 05, 0102 29 29 or 0102 29 49 shall apply under the condition that the imported animals are fattened for at least 120 days in the outermost region which issued the import licence.

2 The exemption from import duties shall be subject to the lodging of a security with the competent authority of the Member State of an amount as laid down for each eligible CN code in Annex II.

The fattening of the imported animals in the French overseas departments or Madeira for at least 120 days from the date of acceptance of the customs declaration of release for free circulation shall be a primary requirement within the meaning of Article 19(2) of Commission Implementing Regulation (EU) No 282/2012[(4)].

3 Except in cases of *force majeure*, the security referred to in paragraph 2 shall be released only if proof is furnished to the competent authority of the Member State that the young male bovine animals have been fattened on the farm or farms indicated pursuant to point (b) of Article [35](1) of Commission Implementing Regulation (EU) No 180/2014[(5)], and

a have not been slaughtered before a period of 120 days from the date of import has elapsed; or

b have been slaughtered for health reasons or have died as a result of sickness or accident before that period has elapsed.

The security shall be released immediately after such proof has been furnished.

Article 9

Financing of studies, demonstration projects, training or technical assistance measures

The amount required to finance studies, demonstration projects, training and technical assistance measures provided for in each POSEI programme for the purpose of implementing the programme concerned, shall not exceed 1 % of the total amount of financing allocated to each programme under Article 30(2) of Regulation (EU) No 228/2013.