Commission Regulation (EU) No 173/2011 of 23 February 2011 amending Regulations (EC) No 2095/2005, (EC) No 1557/2006, (EC) No 1741/2006, (EC) No 1850/2006, (EC) No 1359/2007, (EC) No 382/2008, (EC) No 436/2009, (EC) No 612/2009, (EC) No 1122/2009, (EC) No 1187/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets and the direct support schemes for farmers

COMMISSION REGULATION (EU) No 173/2011

of 23 February 2011

amending Regulations (EC) No 2095/2005, (EC) No 1557/2006, (EC) No 1741/2006, (EC) No 1850/2006, (EC) No 1359/2007, (EC) No 382/2008, (EC) No 436/2009, (EC) No 612/2009, (EC) No 1122/2009, (EC) No 1187/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets and the direct support schemes for farmers

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular Article 161(3), Article 170, Article 171(1) and Article 192(2), in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003[(2)], and in particular Article 142(q) thereof,

Whereas:

(1) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands[(3)] lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. In addition, that Regulation sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection.

Changes to legislation: *Commission Regulation (EU) No 173/2011 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Pursuant to Regulation (EC) No 792/2009 the obligation to use the information systems in accordance with that Regulation has to be provided for in the Regulations establishing a specific notification obligation.

(3) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy.

(4) It is considered that several notification obligations can be fulfilled via that system in accordance with Regulation (EC) No 792/2009, in particular those provided for in Commission Regulations (EC) No 2095/2005 of 20 December 2005 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards communication of information on tobacco[(4)], (EC) No 1557/2006 of 18 October 2006 laying down detailed rules for implementing Council Regulation (EC) No 1952/2005 as regards registration of contracts and the communication of data concerning hops[(5)], (EC) No 1741/2006 of 24 November 2006 laying down the conditions for granting the special export refund on boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export[(6)], (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products[(7)], (EC) No 1359/2007 of 21 November 2007 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals[(8)], (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector[(9)], (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept[(10)], (EC) No 612/2009 of 7 July 2009 laying down common detailed rules for the application of the system of export refunds on agricultural products[(11)], (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for in that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector[(12)], (EC) No 1187/2009 of 27 November 2009 laying down special detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products[(13)] and (EU) No 479/2010 of 1 June 2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector[(14)].

(5) In the interest of efficient administration and taking account of the experience, the notifications should be simplified. In particular, it should be established that only Member States producing tobacco and hop respectively should be obliged to send the data required under Regulations (EC) No 2095/2005, (EC) No 1557/2006 and (EC) No 1850/2006. Furthermore, for reasons of clarity, the content of some notifications should be specified in those Regulations.

***Changes to legislation:** Commission Regulation (EU) No 173/2011 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) The information that Member States have to submit to the Commission pursuant to Article 19(1)(b)(ii) and (iii) of Regulation (EC) No 436/2009, are to be sent to Eurostat. For reasons of coherence and good administration, the notifications concerned should be made by electronic means to the single entry point for data at Eurostat, in conformity with the technical specifications provided by the Commission (Eurostat).

(7) The exchange rate to be used should be in coherence with the principle established in Article 11 of Commission Regulation (EC) No 1913/2006 of 20 December 2006 laying down detailed rules for the application of the agrimonetary system for the euro in agriculture and amending certain regulations[15].

(8) Regulations (EC) No 2095/2005, (EC) No 1557/2006, (EC) No 1741/2006, (EC) No 1850/2006, (EC) No 1359/2007, (EC) No 382/2008, (EC) No 436/2009, (EC) No 612/2009, (EC) No 1122/2009, (EC) No 1187/2009 and (EU) No 479/2010 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2095/2005 is amended as follows:

(1) Article 1 is replaced by the following:

Article 1

1 For each harvest, the producing Member States shall notify the Commission, by 31 July of the year following the harvest year, of the following information given as a total and, except for point (a), broken down by the raw tobacco variety groups referred to in paragraph 3:

- a number of first processing enterprises;
- b number of farmers;
- c area in hectares;
- d quantity delivered in tonnes;
- e average price, excluding taxes and other levies, paid to farmers;
- f stocks in tonnes at the end of June of the year following the harvest year concerned, held by the first processor.

The price referred to in point (e) shall be expressed in EUR per kg, using if necessary, the most recent exchange rate set by the European Central Bank prior to 1 January of the year following the harvest year.

2 For each harvest, the producing Member States shall notify the Commission, by 31 July of the ongoing harvest year, of the following information given as a total and broken down by the raw tobacco variety groups referred to in paragraph 3:

- a estimated area in hectares;
- b estimated production in tonnes.

3 The variety groups of raw tobacco are:

Changes to legislation: Commission Regulation (EU) No 173/2011 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(a) Group I: Flue-cured	:	tobacco dried in ovens with controlled air circulation, temperature and humidity, in particular Virginia;
(b) Group II: Light air-cured	:	tobacco dried in the air under cover, not left to ferment, in particular Burley and Maryland;
(c) Group III: Dark air-cured	:	tobacco dried in the air under cover, left to ferment naturally before being marketed, in particular Badischer Geudertheimer, Fermented Burley, Havana, Mocny Skroniowski, Nostrano del Brenta and Pulawski;
(d) Group IV: Fire-cured	:	tobacco dried by fire, in particular Kentucky and Salento;
(e) Group V: Sun-cured	:	tobacco dried in the sun, also called 'Oriental varieties', in particular Basmas, Katerini and Kaba-Koulak.

4 Member States growing less than 3 000 hectares in the preceding harvest year may notify only the information referred to in points (b) and (c) of paragraph 1 and paragraph 2(a) and only given as a total without breakdown by raw tobacco variety groups.

5 The notifications referred to in paragraphs 1, 2 and 4 shall be made in accordance with Commission Regulation (EC) No 792/2009[(16)].;

(2) Article 2 is replaced by the following:

Article 2

Member States shall take the measures necessary to ensure that the economic operators concerned, including producer organisations, provide them with the information required within the relevant time limits.;

(3) Annexes IA, IB, II and III are deleted.

Article 2

Regulation (EC) No 1557/2006 is amended as follows:

(1) Article 5 is replaced by the following:

Article 5

1 For each harvest, the producing Member States shall notify the Commission, by 15 April of the year following the hop harvest concerned, of the following information given as a total and, except for points (a) and (g), broken down by two groups of hops varieties (bitter and aromatic):

***Changes to legislation:** Commission Regulation (EU) No 173/2011 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

a number of farmers growing hops;

b area harvested and area newly sown in the harvest year (in hectares);

c quantity in tonnes and average farm-gate price of hops sold under contracts concluded in advance;

d quantity in tonnes and average farm-gate price of hops sold under other contracts or without contracts;

e quantity of hops in tonnes remaining unsold;

f alpha-acid production in tonnes and average alpha-acid content (in percent);

g quantity of hops in tonnes covered by contracts concluded in advance for the next harvest.

The prices referred to in points (c) and (d) shall be expressed in EUR per kg, using, if necessary, the most recent exchange rate set by the European Central Bank prior to 1 January of the year following the harvest year.

2 The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009[17].

3 Member States shall take the measures necessary to ensure that the economic operators concerned, including producer organisations, provide them with the information required within the relevant time limits.;

(2) the Annex is deleted.

Article 3

Article 13 of Regulation (EC) No 1741/2006 is replaced by the following:

Article 13

Notification to the Commission

1 Member States shall each month notify the Commission of the quantities of boned meat of adult male bovine animals placed under the customs warehousing procedure prior to export in accordance with this Regulation, with a breakdown of those quantities by 12-figure code of the agricultural product nomenclature for export refunds established by Regulation (EEC) No 3846/87.

Member States shall notify the Commission of the information referred to in the first subparagraph no later than the second month following the month in which the declaration of entry into storage is accepted.

2 The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009[18]..

Article 4

Article 23 of Regulation (EC) No 1850/2006 is replaced by the following: