Commission Regulation (EC) No 686/2004 of 14 April 2004 laying down transitional measures concerning producer organisations in the market of fresh fruit and vegetables by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

COMMISSION REGULATION (EC) No 686/2004

of 14 April 2004

laying down transitional measures concerning producer organisations in the market of fresh fruit and vegetables by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first subparagraph of Article 41 thereof,

Whereas:

(1) Commission Regulation (EC) No 1432/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 regarding the conditions for recognition of producer organisations and preliminary recognition of producer groups[(1)], and Commission Regulation (EC) No 1433/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operating funds, operational programmes and financial assistance[(2)] set certain dates and conditions for the recognition of and aid to producer organisations. Transitional measures should be laid down in order to enable producer organisations and producer groups in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States') to apply for the aid provided for in those Regulations before 1 January 2005.

(2) A number of new Member States have adopted national legislation on the recognition of and aid to producer organisations and producer groups, and a certain number of producer organisations and producer groups exist already.

(3) The new Member States should be given the possibility of temporarily considering producer organisations and producer groups recognised under their respective national legislation as being recognised under Regulation (EC) No 2200/96. Those producer organisations and producer groups may then apply for the available Community aid. The new Member States should verify before the end of 2005 whether the producer organisations and producer groups really meet the recognition criteria provided for in

Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables[3]. The financial responsibility for aid paid to those producer organisations and producer groups falls on the new Member State in question.

(4) Certain new Member States have not provided in their national legislation recognition of producer organisations based on the categories of products referred to in Article 11(1)(a)(ii) to (vii) of Regulation (EC) No 2200/96. For the sake of clarity, the producer organisations or groups which have been recognised before 1 May 2004, in accordance with national legislation, should be considered as belonging to category 'fruit and vegetables' referred to in Article 11(1)(a)(i) of Regulation (EC) No 2200/96.

(5) In order to speed up the process, producer organisations and producer groups recognised before 1 May 2004, in accordance with national legislation, should not be required to submit another application. The new Member States should notify them whether they are recognised for 2004 under Regulation (EC) No 1432/2003 or not.

(6) Neither the producer organisations nor the new Member States have experience with operational programmes. As a transitional measure for producer organisations in the new Member States, an operational programme of a maximum duration of one-and-a-half years may be submitted. The drafting of short, simple programmes should reduce the period required for preparation by the producer organisations and the period required for evaluation by the national authorities. The drafting, evaluation, implementation and control of those programmes should help both producer organisations and national authorities with the handling of operational programmes of normal length after the transitional period.

(7) For recognition plans approved in the new Member States under their respective national legislation before 1 May 2004, the starting date should be deemed to be 1 May 2004.

(8) The new Member States have the obligation to check a certain percentage of the producer organisations and producer groups each year concerning compliance with the recognition criteria, and the conditions for the grant of aid. In view of the administrative burden which this represents for the new Member States, they should be allowed to reduce the percentage of checks of producer organisations and producer groups to no less than half of the normal level in 2005, but if they make use of this possibility, the percentage should be increased by the same rate in 2006, in order to reach the normal level on a two-year average.

(9) Operators in the new Member States are free to choose not to make use of these transitional provisions and apply the normal rules contained in Regulations (EC) No 1432/2003 and (EC) No 1433/2003 in Commission Regulation (EC) No 1943/2003 of 3 November 2003 laying down rules for the application of Council Regulation (EC) No 2200/96 as regards aid to producer groups granted preliminary recognition[4] and in Commission Regulation (EC) No 103/2004 of 21 January 2004 laying down detailed rules for implementing Council Regulation (EC) No 2200/96 as regards intervention arrangements and market withdrawals in the fruit and vegetable sector[5].

(10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Definition

For the purposes of this Regulation, 'new Member States' shall mean the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

Article 2

Recognition and preliminary recognition

1 By way of derogation from Article 1 of Regulation (EC) No 1432/2003 and Article 12 of Regulation (EC) No 2200/96, the new Member States may decide to consider producer organisations or groups which have been recognised before 1 May 2004 in accordance with national legislation, either as recognised producer organisations or producer groups granted preliminary recognition under Regulation (EC) No 2200/96 (hereinafter referred to as 'recognised producer organisations' and 'recognised producer groups').

The new Member States shall notify each producer organisation or group recognised in accordance with national legislation before 1 May 2004 of the decision concerning its recognition, as provided for in the first subparagraph, as soon as possible after 1 May 2004.

2 The decision referred to in paragraph 1 shall apply from the date of its notification until 31 December 2005.

3 The new Member States shall communicate to the Commission, within 30 days following the notification of the decision referred to in paragraph 1, the information referred to in Article 12(1)(c) of Regulation (EC) No 2200/96 and Article 17(5) of Regulation (EC) No 1432/2003 concerning producer organisations and producer groups respectively, which have been recognised or refused recognition in accordance with this Regulation.

Article 3

Categories of producer organisations

If a new Member State has no legislative provisions regarding the categories of producer organisations, provided for in Article 11(1)(a) of Regulation (EC) No 2200/96, the recognised producer organisations in such new Member States shall be considered as belonging to category 'fruit and vegetables', referred to in Article 11(1)(a)(i) of that Regulation.