

FL(14)6138



Brussels, **XXX**
[...](2014) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) No .../..

of **XXX**

laying down temporary exceptional support measures for producers of tomatoes, carrots, white cabbage, sweet peppers, cauliflower, cucumbers and gherkins, mushrooms, apples, pears, red fruits, fresh table grapes and kiwis (or alternatively certain fruits and vegetables - LS to decide what they prefer)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The Delegated Act is proposed as a support measure for the Union's producers of tomatoes, carrots, white cabbage, peppers, cauliflower, cucumbers and gherkins, mushrooms, apples, pears, red fruits, fresh table grapes and kiwis. These sectors have been hit hard by the import ban introduced by Russia on 7 August 2014.

Following the announcement and implementation of the ban one important export market for the Union's producers of fruits and vegetables disappeared. A serious threat for significant price falls appeared in the Union's market. This threat of market disturbances is of particular relevance for those fruits and vegetables for which a high amount of products are harvested at this time of the year and are perishable. It is therefore proposed to act urgently and to mitigate the impact of a sudden drop in prices by temporarily granting exceptional Union financial assistance for market withdrawals, including for free distribution to organisations such as charitable organisations or schools, and for non-harvesting and green harvesting.

In order to ensure that all producers are supported by the Union, Union financial assistance should be extended to producers who are not members of a recognised producer organisation.

For the sake of budgetary discipline, it is necessary to provide for a ceiling for the expenditure to be financed by the Union. This ceiling is fixed at EUR 125 000 000. A notification and monitoring system is set up to enable the Commission's services to ensure that the amount is not exceeded.

In order to have an immediate impact on the market and to help stabilise prices, the temporary exceptional support measures should be adopted as quickly as possible and on the basis of the urgency procedure provided for in Article 219 in conjunction with Article 228 of 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. It is proposed and has already been announced in a press release of 18 August 2014 that the measure should apply as of the date of its announcement by the Commission on 18 August 2014.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

As the measure is an urgency procedure to be adopted on the basis of Article 219 of Regulation (EU) No 1308/2013 no impact assessment was carried out. DG AGRI has carried out internal consultation and convened a fast-track Inter Service Consultation meeting on [XX] August 2014. A technical meeting to discuss the situation with experts from Member States took place on 22 August 2014.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated Act is based on Article 219(1) of Regulation (EU) No 1308/2013. It should be adopted by means of the urgency procedure according to Article 219(1) second subparagraph and Article 228 of Regulation (EU) No 1308/2013. This means that the delegated act enters immediately into force without delay. The proposed delegated act should in addition have retroactive effect since it should apply as of the date of its announcement by the Commission on 18 August 2014.

It will apply as long as no objection is expressed by the European Parliament or the Council within period of two (or - if one of the institutions asks for an extension for two additional months - within a period of 4 months). If objections are expressed, the Commission shall repeal the act without delay.

COMMISSION DELEGATED REGULATION (EU) No .../..

of **XXX**

laying down temporary exceptional support measures for producers of tomatoes, carrots, white cabbage, sweet peppers, cauliflower, cucumbers and gherkins, mushrooms, apples, pears, red fruits, fresh table grapes and kiwis (or alternatively certain fruits and vegetables - LS to decide what they prefer)

THE EUROPEAN COMMISSION,

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

Having regard to Council 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 1234/2007¹, and in particular Article 219(1) in conjunction with Article 228 thereof,

Whereas:

- (1) On 7 August the Russian government announced a ban on imports of certain products from the EU to Russia, including fruits and vegetables. This ban has resulted in a serious threat of market disturbances caused by significant price falls due to the fact that an important export market has suddenly become unavailable.
- (1) This threat of market disturbances is of particular relevance for the fruit and vegetable sector where a high amount of products are harvested at this time of the year and are perishable.
- (2) Accordingly, a situation has arisen on the market which the normal measures available under Regulation (EU) No 1308/2013 appear to be insufficient to address.
- (3) In order to prevent the existing market situation from turning into a more severe or prolonged market disturbance, urgent action is needed to provide for exceptional support measures for producers of perishable fruit and vegetable at this stage of the harvest. Temporary exceptional support measures for the period of 18 August to 30 November 2014 should therefore be adopted for tomatoes, carrots, white cabbage, sweet peppers, cauliflower, cucumbers, gherkins, mushrooms, apples, pears, red fruits, fresh table grapes and kiwis.
- (4) Pursuant to the estimated quantities affected by the ban, the Union financial assistance will be granted at the maximum amount of EUR 125 million.
- (5) Market withdrawals, non-harvesting and green harvesting are effective crisis management measures in case of surplus of fruit and vegetables due to temporary and unpredictable circumstances.
- (6) In order to mitigate the impact of a drop in prices, the existing restriction of 5% as a proportion of the volume of marketed production for supported market withdrawals

shall be temporarily lifted. The Union financial assistance should therefore be granted even when withdrawals exceed the 5 % ceiling.

- (7) The Union financial assistance granted for market withdrawals should be based on the respective amounts set in Annex XI of Implementing Regulation (EU) No 543/2011 for withdrawals of free distribution and for withdrawals for other destinations, unless no amount has been fixed in this Regulation. For those products for which no amount is fixed in Annex XI of Implementing Regulation (EU) No 543/2011², maximum amounts should be laid down in this Regulation.
- (8) Taking into account that amounts for tomatoes set in Annex XI of Implementing Regulation (EU) No 543/2011 refer to the marketing year of tomatoes for processing and tomatoes for fresh consumption, it is adequate to clarify that the maximum amount applicable for tomatoes for fresh consumption in this Regulation is the one concerning the period from 1 November until 31 May.
- (9) In the light of the exceptional market disturbances and in order to ensure that all producers of fruit and vegetables are supported by the Union, Union financial assistance for market withdrawals should be extended to producers of fruit and vegetables who are not members of a recognised producer organisation.
- (10) In order to encourage the free distribution of withdrawn fruit and vegetables to certain organisations, such as charitable organisations and schools and any other equivalent destinations approved by the Member States, 100% of the maximum amounts fixed in Annex XI to Implementing Regulation (EU) No 543/2011 or in Annex I to this Regulation should also be applicable to producers who are not members of a recognised producer organisation. In the case for withdrawals with other destinations than free distribution, they should receive 50% of the maximum amounts fixed. In this context, producers who are not members of a recognised producer organisation should fulfil the same or similar conditions as producer organisations. Therefore, in this context, they should be subject, like recognised producer organisations, to the relevant provisions of Regulation (EU) No 1308/2013 and Commission Implementing Regulation (EU) No 543/2011.
- (11) Producer organisations are the basic actors of the fruit and vegetables sector and are the most suited entities to ensure that Union support for market withdrawals is paid to producers who are not members of a recognised producer organisation. They should ensure that Union support is paid to the producers who are not members of a recognised producer organisation through the conclusion of a contract. As not all Member States have the same degree of organisation at the supply side of the fruit and vegetables market, it is appropriate to allow the competent authority of the Member States to pay the Union support directly to the producers where this is duly justified.
- (12) In order to mitigate the effect of the price falls, Union financial assistance shall also be granted in respect of non-harvesting and green harvesting operations.
- (13) The amounts of Union financial assistance for non-harvesting and green harvesting should be fixed by Member States per hectare at a level to cover not more than 90 % of the amounts fixed for market withdrawals applicable to withdrawals for destination other than free distribution in Annex XI of Implementing Regulation (EU) No

2

Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ L 157, 15.6.2011, p. 1).

543/2011 or in this Regulation for products for which no amount has been fixed in Annex XI of Implementing Regulation (EU) No 543/2011. Non-harvesting should be supported even where commercial production has been taken from the producing area concerned during the normal production cycle.

- (14) As for withdrawals, Union financial assistance for non-harvesting and green harvesting operations should be extended to producers who are not members of a recognised producer organisation. The amounts shall in this case be 50% of the amounts granted to producer organisations. For the sake of feasibility of controls and the high number of producers who are not members of a producer organisation, Union financial assistance should not be granted for green harvesting of fruit and vegetables for which the normal harvest has already begun, and for non-harvesting measures where commercial production has been taken from the producing area concerned during the normal production cycle. In this context, producers who are not members of a recognised producer organisation should be subject, like recognised producer organisations, to the relevant provisions of Regulation (EU) No 1308/2013 and Commission Implementing Regulation (EU) No 543/2011.
- (15) For producers who are not members of a production organisation, the payment of the Union financial assistance for non-harvesting and green harvesting operations should be done directly by the competent authority of the Member State, who shall pay to the producer, in accordance with Implementing Regulation (EU) No 543/2011 and the relevant national legislation.
- (16) To ensure the intended support of producers of certain fruits and vegetables and the efficient use of the Union budget, Member States should carry out a reasonable amount of controls. Documentary, identify and physical checks as well as on the spot checks should be carried out to ensure that a reasonable amount of products, areas, producer organisations and producers not being members of recognised producer organisation are controlled.
- (17) For the sake of sound budgetary management, it is necessary to provide for a ceiling for the expenditure to be financed by the Union and to set up a notification and monitoring system to control that the total amount is not exceeded. Member States should inform the Commission about the state of play of requests twice a week. The granting of Union financial assistance should be brought to an end when the total amount of EUR 125 million is reached. If at the end, all requests received exceed the total amount foreseen, a coefficient should be applicable.
- (18) In order to have immediate impact on the market and to contribute to stabilise prices, the temporary exceptional financial assistance provided for in this Regulation should apply for the operations undertaken as of the date of the announcement of those measures by the Commission on 18 August 2014 and until 30 November 2014.
- (19) In order to have an immediate impact on the market and to contribute to stabilise prices, the temporary exceptional financial assistance provided for in this Regulation should apply as of the date of the announcement of those measures by the Commission on 18 August 2014,

HAS ADOPTED THIS REGULATION:

Article 1
Scope

1. This Regulation lays down rules for temporary exceptional financial assistance measures to be granted to producer organisations in the fruit and vegetable sector recognised in accordance with Article 154 of Regulation (EU) No 1308/2013 and to producers who are not members of such organisations.

This temporary exceptional financial assistance shall cover withdrawal, non-harvesting and green harvesting operations.

(20) The financial assistance referred to in paragraph 1 shall be granted in relation to the following products of the fruit and vegetable sector intended for fresh consumption:

- (a.1.a) tomatoes of CN code ex 0702 00 00;
- (a.1.a) carrots of CN code 0706 10 00;
- (a.1.b) white cabbage of CN code 0704 90 10;
- (a.1.c) sweet peppers of CN code 0709 60 10;
- (a.1.d) cauliflower of CN code 0704 10 00;
- (a.1.e) cucumbers of CN code 0707 00 05;
- (a.1.f) gherkins of CN code 0707 00 90;
- (a.1.g) mushrooms of the genus *Agaricus* CN code 0709 51 00;
- (a.1.h) apples of CN code 0808 10;
- (a.1.i) pears of CN code 0808 30;
- (a.1.j) red fruits of CN codes 0810 20, 0810 30 and 0810 40;
- (a.1.k) fresh table grapes of CN code 0806 10 10;
- (a.1.l) kiwis of CN code 0810 50 00.

(21) The financial assistance referred to in paragraph 1 shall cover activities carried out in the period from 18 August until 30 November 2014 except where the total amount of Union financial assistance or one of the allocation amounts referred to in Article 2 are reached before this date.

Article 2
Maximum amount of Union financial assistance

Total Union expenditure incurred for the purposes of this Regulation shall not exceed EUR 125 000 000. Within this amount EUR [82 000 000] shall be allocated for Union financial assistance related to products referred to in Article 1(2)(i) and (j) EUR [43 000 000] related to other products referred to in Article 1 (2).

Article 3
Financial assistance for withdrawals to producer organisations

1. The 5 % ceiling referred to in Article 34(4) of Regulation (EU) No 1308/2013 and in Article 79(2) of Implementing Regulation (EU) No 543/2011 shall not apply in

respect of the products referred to in Article 1(2) of this Regulation when those products are withdrawn during the period referred to in Article 1(3) of this Regulation.

2. For products not mentioned in Annex XI of Implementing Regulation (EU) No 543/2011 and referred to in Article 1(2)(b),(c),(d),(f),(g),(h),(k),(l) and (m) the maximum amounts for the Union financial assistance shall be those set in Annex I.

For tomatoes the maximum amount shall be the amount set in Annex XI of Implementing Regulation (EU) No 543/2011 for the period 1 November to 31 May.

3. The Union financial assistance referred to in paragraph 1 shall be available to producer organisations even if they do not provide for such market withdrawal operations in their operational programmes. Articles 32(2) and 34(1) of Regulation (EU) No 1308/2013 shall not apply in relation to Union financial assistance under this Article.
4. The Union financial assistance referred to in paragraph 1 shall not be taken into account for the purpose of calculating the ceilings referred to in Article 34(2) of Regulation (EU) No 1308/2013.
5. The ceiling of one third of expenditure referred to in the fourth subparagraph of Article 33(3) of Regulation (EU) No 1308/2013 and the 25 % maximum ceiling for the increase of the operational fund referred to in Article 66(3)(c) of Implementing Regulation (EU) No 543/2011 shall not apply in respect of expenditure incurred for withdrawal operations of products referred to in Article 1(2) of this Regulation when those products are withdrawn during the period referred to in Article 1(3) of this Regulation.
6. Expenditure incurred in accordance with this Article shall form part of the operational fund of the producer organisations.

Article 4

Financial assistance for withdrawals to producers not being members of producer organisations

1. Union financial assistance shall be granted to producers of fruit and vegetables who are not members of a recognised producer organisation in accordance with this Article:
 - (a.1.a) for market withdrawals for free distribution as referred to in Article 34(4) of Regulation (EU) No 1308/2013 with the amounts set out in Annex XI of Regulation (EU) No 543/2011 and in Annex I to this Regulation;

For tomatoes the maximum amount shall be the amount set in Annex XI of Implementing Regulation (EU) No 543/2011 for the period 1 November to 31 May;
 - (a.1.b) for market withdrawals for destination other than free distribution with 50% of the amounts set out in Annex XI to Regulation (EU) No 543/2011 and in Annex I to this Regulation;

For tomatoes the amount shall be 50% of the amount set in Annex XI of Implementing Regulation (EU) No 543/2011 for the period 1 November to 31 May.

2. The assistance referred to in paragraph 1 shall be available for the withdrawal of the products referred to in Article 1(2) of this Regulation when those products are withdrawn during the period referred to in Article 1 (3) of this Regulation.
3. Producers shall conclude a contract with a recognised producer organisation for the entire quantity to be delivered under this Article. Producer organisations shall accept all reasonable requests from producers who are not members of a recognised producer organisation.
4. The Union support shall be paid to producers not being members of a recognised producer organisation by the producer organisation with which they signed such a contract.

The amounts that correspond to the real costs incurred by the producer organisation for withdrawing the respective products shall be retained by the producer organisation. Evidence of those costs shall be provided by means of invoices.

5. For duly justified reasons, such as the limited degree of organisation of the producers in the Member State concerned, and in a non-discriminatory way, Member States may authorise that a producer not being a member of a recognised producer organisation makes a notification to the competent authority of the Member State, instead of signing the contract referred to in paragraph 3. For such notification, Article 78 of Implementing Regulation (EU) No 543/2011 shall apply *mutatis mutandis*.

In those cases, the competent authority of the Member State shall pay the Union financial assistance directly to the producer. Member States shall lay down or use existing national legislation for this purpose.

6. Where the recognition of a producer organisation has been suspended in accordance with Article 114(2) of Implementing Regulation (EU) No 543/2011, its members shall be deemed to be producers not being members of a recognised producer organisation for the purpose of this Regulation.
7. Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011, as well as Article 3(3) to (5) of this Regulation shall apply *mutatis mutandis* in respect of this Article.

Article 5

Financial assistance for non-harvesting and green harvesting to producer organisations

1. Union financial assistance shall be granted in respect of non-harvesting and green harvesting operations carried out in relation to the products referred to in Article 1(2) and during the period referred to in Article 1(3).
- (22) Support for green harvesting shall cover only the products which are physically on the fields and which are effectively green harvested. By way of derogation to Article 85(4) of Implementing Regulation (EU) No 543/2011, Member States shall set the amounts of Union financial assistance, comprising both the Union contribution and the producer organisation contribution for non-harvesting and green harvesting, per hectare at a level to cover not more than 90 % of the amounts fixed for market withdrawals for destination other than free distribution in Annex XI to Implementing Regulation (EU) No 543/2011 and in Annex I to this Regulation. For tomatoes the amount shall be the amount set in Annex XI of Implementing Regulation (EU) No 543/2011 for the period 1 November to 31 May.

- (23) By way of derogation to the first subparagraph of Article 85(3) of Implementing Regulation (EU) No 543/2011, non-harvesting measures referred to in Article 84(1)(b) of Implementing Regulation (EU) No 543/2011 may, in respect of products referred to in Article 1(2) of this regulation and during the period referred to in Article 1(3) of this Regulation, be undertaken even where commercial production has been taken from the producing area concerned during the normal production cycle. In such cases, the compensation amounts referred to in paragraph 2 shall be proportionally reduced to the production already harvested, as established on the basis of the accounting and/or tax data of the producer organisations concerned. If such data are not available, Member States shall establish the reduction to the production according to the normal production cycle of the product concerned.

However, where fruit and vegetable plants have a harvesting period exceeding a month, Article 85(3) of Implementing Regulation (EU) No 543/2011 shall continue to apply.

- (24) The Union financial assistance shall be granted even if producer organisations do not provide for those operations in the framework of their operational programmes. Articles 32(2) and 34(1) of Regulation (EU) No 1308/2013 shall not apply in relation to Union financial assistance under this Article.
- (25) The ceiling of one third of expenditure referred to in the fourth subparagraph of Article 33 (2) of Regulation (EU) No 1308/2013 and the 25 % maximum ceiling for the increase of operational fund referred to in Article 66(3)(c) of Implementing Regulation (EU) No 543/2011 shall not apply in respect of expenditure incurred for measures referred to in paragraph 1 of this Article and related to products referred to in Article 1 (2) and during the period referred to in Article 1(3).
- (26) The Union financial assistance shall not be taken into account for the purpose of the calculating the ceilings referred to in Article 34(2) of Regulation (EC) No 1308/2013.
- (27) Expenditure incurred in accordance with this Article shall form part of the operational fund of the producer organisations.

Article 6

Financial assistance for non - harvesting and green harvesting to producers not being members of producer organisations

1. Union financial assistance shall be granted to producers who are not members of a recognised producer organisation to carry out non-harvesting and green harvesting operations in respect of the products referred to in Article 1(2) and during the period referred to in Article 1(3).

Support for green harvesting shall cover only the products which are physically on the fields, which are effectively green harvested and for which normal harvest has not begun.

Green harvesting and non-harvesting shall not both be applied for the same product and the same given area.

- (28) The amounts of Union financial assistance for non-harvesting and green harvesting operations shall be 50% of the amounts set by Member States according to Article 5 (2).
- (29) Producers not being members of a recognised producer organisation shall make the appropriate notification to the competent authority of the Member State in accordance

with the detailed provisions adopted by the Member State pursuant to Article 85(1)(a) of Implementing Regulation (EU) No 543/2011.

In those cases, the competent authority of the Member State shall pay the Union financial assistance directly to the producer. Member State shall lay down or use existing national legislation for this purpose.

- (30) Where a producer organisation has been suspended in accordance with Article 114(2) of Implementing Regulation (EU) No 543/2011, its members shall be deemed to be producers not being members of a recognised producer organisation for the purpose of this Regulation.
- (31) Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011 shall apply *mutatis mutandis* in respect of this Article.

Article 7

Checks on withdrawal, non-harvesting and green harvesting operations

1. The withdrawal operations referred to in Articles 3 and 4 shall be subject to first-level checks in accordance with Article 108 of Implementing Regulation (EU) No 543/2011. However, those checks shall cover at least 10 % of the quantity of products withdrawn from the market and at least 10% of producer organisations benefiting from the Union financial assistance referred to in Article 3.

For withdrawal operations referred to in Article 4 (5), the first-level checks shall cover 100 % of the quantity of products withdrawn.

- (32) Non-harvesting and green harvesting operations as referred to in Articles 5 and 6 shall be subject to the checks and conditions provided for in Article 110 of Implementing Regulation (EU) No 543/2011, except as regards the requirement that no partial harvest has taken place in the case referred to in Article 5(3). Checks shall cover at least 10 % of the producing areas referred to in Article 5(3).

For non-harvesting and green harvesting operations referred to in Article 6, the checks shall cover 100 % of the producing areas.

- (33) The withdrawal operations referred to in Articles 3 and 4 shall be subject to second-level checks in accordance with Article 109 of Implementing Regulation (EU) No 543/2011. However, the on-the-spot checks [sample] shall cover at least 30% of the producers subject to the first-level checks and at least 10% of the quantity of products withdrawn from the market.

Article 8

Notifications

1. Member States shall notify the Commission from the day of entry into force of this Regulation:
- (a.1.a) every Monday (before noon, Brussels time) of the notifications received according to Articles 78(1) and 85(2) of Implementing Regulation (EU) No 543/2011 from Monday to Wednesday of the previous week; and
- (a.1.b) every Thursday (before noon, Brussels time) of the notifications received according to Articles 78(1) and 85(2) of Implementing Regulation (EU) No 543/2011 from Thursday to Sunday of the previous week.

Those notifications shall relate to the operations to be undertaken for the purposes of this Regulation, in terms of quantities, surface and maximum Union expenditure for each of the products referred to in Article 1(2).

Member States shall use the template set out for in Annex II.

- (34) Member States shall notify the Commission on the first Monday or Thursday, whichever is the later, following the day of entry into force of this Regulation, of the information referred to in the paragraph 1, using the template set out in Annex II, in relation to withdrawal, non-harvesting or green harvesting operations undertaken between 18 August 2014 and the date of entry into force of this Regulation, inclusive. To avoid double counting this information shall not be included in the first notification made to the Commission in accordance with paragraph 1.
- (35) Member States shall authorise the applications, sent by producer organisations and producers who are not members of a producer organisation to them and which are included in the notifications sent to the Commission, not earlier than two calendar days following the relevant notifications made to the Commission in accordance with paragraphs 1 and 2.
4. Where requests for Union financial assistance notified in accordance with paragraph 1 or 2 reach the total maximum amount of Union financial assistance established in Article 2 or the allocation amounts made to the products in accordance with Article 2, the Commission shall immediately inform all Member States. From this moment, Member States shall stop authorising applications, either in general or depending on the fact which amount has been reached as regards the products falling in the relevant allocation amount referred to in Article 2.

Only the requests included in the notifications received by the Commission before the moment when the Commission informs Member States that the maximum amount of Union financial assistance or one of the allocation amounts has been reached may be taken into account by Member States regarding the authorisation referred to in paragraph 3 of this Article.

5. Member States shall notify the Commission by [30 January 2015] of the information on the total quantities withdrawn, the total surface on which non-harvesting or green harvesting operations have been undertaken and the requests for total Union financial assistance for the corresponding withdrawal, and non-harvesting and green harvesting operations.

Member States shall use the template set out in Annex II.

Union financial assistance shall not be granted for withdrawal, non-harvesting or green harvesting operations not notified to the Commission in accordance with this article.

6. Where requests for Union financial assistance referred to in paragraph 5 reach the maximum amount or the allocation amounts referred to in Article 2, the Commission shall inform the Member States of the need to establish one or two allocation coefficient(s) for the grant of total available Union assistance on the basis of those notifications and shall provide Member States all the necessary information to establish that allocation coefficient.

Member States shall apply uniformly the allocation coefficient to all applications referred to in Article 9.

Article 9
Application for and payment of Union financial assistance

1. Producer organisations shall apply for the payment of the Union financial assistance referred to in Articles 3, 4, 5 and 6 by [12 December 2014].
- (36) By way of derogation from the deadlines fixed pursuant to Article 72 of Implementing Regulation (EU) No 543/2011, producer organisations shall apply for the payment of the total Union financial assistance referred to in Article 3 and 5 of this Regulation in accordance with the procedure referred to in Article 72 of Implementing Regulation (EU) No 543/2011 by [12 December 2014].

The ceiling of 80 % of the initially approved amount of aid of operational programme established in the third subparagraph of Article 72 of Implementing Regulation (EU) No 543/2011 shall not apply.
- (37) Producers not being members of a recognised producer organisation shall, by 12 December 2014, apply themselves to the competent authorities of the Member States for the payment of Union financial assistance in the situations referred to in Article 4 and 6. The Member States shall designate the competent authorities by [30 September 2014].
- (38) The applications for Union financial assistance referred to in paragraphs 1, 2 and 3 shall be accompanied by supporting documents justifying the amount of Union financial assistance requested and contain a written undertaking that the applicant has not received any double Union or national funding or compensation under an insurance policy in respect of the operations qualifying for Union financial assistance under this Regulation.
- (39) The competent authorities of the Member States shall not make payments before the allocation coefficient referred to in Article 8(6) has been set. Member States' expenditure in relation to these payments shall only be eligible for the Union financing if it has been paid before [30 June 2015].

Article 10

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 18 August 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[...]

FL(14)6139



Brussels, XXX
[...] (2014) XXX draft

ANNEXES 1 to 2

ANNEXES

to the

COMMISSION DELEGATED REGULATION

laying down temporary exceptional support measures for producers of tomatoes, carrots, white cabbage, sweet peppers, cauliflower, cucumbers and gherkins, mushrooms, apples, pears, red fruits, fresh table grapes and kiwis (or alternatively certain fruits and vegetables - LS to decide what they prefer)

ANNEX 1

Maximum amounts of support for market withdrawals as referred to in articles 3, 4 and 5 of this Regulation

Product	Maximum support (EUR/100 kg)	
	Free distribution	Other destinations
Carrots	12.81	8.54
White cabbage	5.81	3.88
Sweet peppers	44.4	30
Cucumbers	24	16
Gherkins	24	16
Mushrooms	43.99	29.33
Red fruits	12.76	8.5
Fresh table grapes	39.16	26.11
Kiwis	26.69	19.79

ANNEX 2

Templates for notifications as referred to in article 8

NOTIFICATION ON WITHDRAWALS – FREE DISTRIBUTION

Member State: _____

Date: _____

Product	Producer organisations		Producer non-members		Total quantities to be withdrawn (t)	Total EU financial assistance (EUR)
	Quantities to be withdrawn (t)	EU financial assistance (EUR)	Quantities to be withdrawn (t)	EU financial assistance (EUR)		
	(a)	(b)	(c)	(d)		
Apples					(e) = (a) + (c)	(f) = (b) + (d)
Pears						
TOTAL (A)						
Product	Producer organisations		Producer non-members		Total quantities to be withdrawn (t)	Total EU financial assistance (EUR)
	Quantities to be withdrawn (t)	EU financial assistance (EUR)	Quantities to be withdrawn (t)	EU financial assistance (EUR)		
	(a)	(b)	(c)	(d)		
Tomatoes					(e) = (a) + (c)	(f) = (b) + (d)
Carrots						
White Cabbage						
Sweet peppers						
Cauliflowers						
Cucumbers						
Gherkins						
Mushrooms						
Red Fruits						
Fresh table grapes						
Kiwis						
TOTAL (B)						
TOTAL (A+B)						

NOTIFICATION ON WITHDRAWALS – OTHER DESTINATIONS

Member State: _____

Date: _____

Product	Producer organisations		Producer non-members		Total quantities to be withdrawn (t)	Total EU financial assistance (EUR) *
	Quantities to be withdrawn (t)	EU financial assistance (EUR) *	Quantities to be withdrawn (t)	EU financial assistance (EUR) *		
	(a)	(b)	(c)	(d)		
Apples					(e) = (a) + (c)	(f) = (b) + (d)
Pears						
TOTAL (A)						
Product	Producer organisations		Producer non-members		Total quantities to be withdrawn (t)	Total EU financial assistance (EUR) *
	Quantities to be withdrawn (t)	EU financial assistance (EUR) *	Quantities to be withdrawn (t)	EU financial assistance (EUR) *		
	(a)	(b)	(c)	(d)		
Tomatoes					(e) = (a) + (c)	(f) = (b) + (d)
Carrots						
White Cabbage						
Sweet peppers						
Cauliflowers						
Cucumbers						
Gherkins						
Mushrooms						
Red Fruits						
Fresh table grapes						
Kiwis						
TOTAL (B)						
TOTAL (A+B)						

(*) Only the Union financial assistance shall be considered for this calculation, e.g. for apples EUR 6.61/100 kg.

NOTIFICATION ON NON-HARVESTING AND GREEN HARVESTING

Member State: _____

Date: _____

Product	Producer organisations		Producer non-members		Total area (ha)	Total EU financial assistance (EUR) *
	Area (ha)	EU financial assistance (EUR) *	Area (ha)	EU financial assistance (EUR) *		
	(a)	(b)	(c)	(d)		
Apples					(e) = (a) + (c)	(f) = (b) + (d)
Pears						
TOTAL (A)						
Product	Producer organisations		Producer non-members		Total area (ha)	Total EU financial assistance (EUR) *
	Area (ha)	EU financial assistance (EUR) *	Area (ha)	EU financial assistance (EUR) *		
	(a)	(b)	(c)	(d)		
Tomatoes					(e) = (a) + (c)	(f) = (b) + (d)
Carrots						
White Cabbage						
Sweet peppers						
Cauliflowers						
Cucumbers						
Gherkins						
Mushrooms						
Red Fruits						
Fresh table grapes						
Kiwis						
TOTAL (B)						
TOTAL (A+B)						

(*) Only the Union financial assistance shall be considered for this calculation, e.g. for apples yield/ha with max EUR 5.949/100 kg.

TABLE TO BE SENT WITH THE FIRST NOTIFICATION ON WITHDRAWALS – OTHER
DESTINATIONS

Maximum amounts of support fixed by the Member State according to Article 79(1) of
Commission Implementing Regulation (EU) No 543/2011 and in articles 3 and 4 of this
Regulation

Member State: _____

Date: _____

Product	PO contribution (EUR/100 kg)	EU financial assistance (EUR/100 kg)
Apples		
Pears		
Tomatoes		
Carrots		
White Cabbage		
Sweet peppers		
Cauliflowers		
Cucumbers		
Gherkins		
Mushrooms		
Red Fruits		
Fresh table grapes		
Kiwis		

TABLE TO BE SENT WITH THE FIRST NOTIFICATION ON NON-HARVESTING AND GREEN HARVESTING

Maximum amounts of support fixed by the Member State according to Article 85(4) of Commission Implementing Regulation (EU) No 543/2011 and in article 5 of this Regulation

Member State: _____

Date: _____

Product	Open air		Glasshouse	
	PO contribution (EUR/ha)	EU financial assistance (EUR/ha)	PO contribution (EUR/ha)	EU financial assistance (EUR/ha)
Apples				
Pears				
Tomatoes				
Carrots				
White Cabbage				
Sweet peppers				
Cauliflowers				
Cucumbers				
Gherkins				
Mushrooms				
Red Fruits				
Fresh table grapes				
Kiwis				