

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

PART V

GENERAL PROVISIONS

CHAPTER I

Exceptional measures

Section 1

Market disturbance

Article 219

Measures against market disturbance

1 In order to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or other events and circumstances significantly disturbing or threatening to disturb the market, where that situation, or its effects on the market, is likely to continue or deteriorate, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to take the measures necessary to address that market situation, while respecting any obligations resulting from international agreements concluded in accordance with the TFEU and provided that any other measures available under this Regulation appear to be insufficient.

Where, in the cases of threats of market disturbances referred to in the first subparagraph of this paragraph, imperative grounds of urgency so require, the procedure provided for in Article 228 shall apply to delegated acts adopted pursuant to the first subparagraph of this paragraph.

Those imperative grounds of urgency may include the need to take immediate action to address or prevent market disturbance, where threats of market disturbance occur so swiftly or unexpectedly that immediate action is necessary to efficiently and effectively address the situation, or where action would prevent such threats of market disturbance from materialising, continuing or turning into a more severe or prolonged disturbance, or where delaying immediate action would threaten to cause or aggravate the disturbance or would increase the extent of the measures which would later be necessary to address the threat or disturbance or would be detrimental to production or market conditions.

Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or provide for export refunds, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

2 The measures referred to in paragraph 1 shall not apply to products listed in Section 2 of Part XXIV of Annex I.

However, the Commission may, by means of delegated acts adopted in accordance with the urgency procedure referred to in Article 228, decide that the measures referred to in paragraph 1 shall apply to one or more of the products listed in Section 2 of Part XXIV of Annex I.

3 The Commission may adopt implementing acts laying down necessary procedural rules and technical criteria for the application of measures referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

Section 2

Market support measures related to animal diseases and loss of consumer confidence due to public, animal or plant health risks

Article 220

Measures concerning animal diseases and loss of consumer confidence due to public, animal or plant health risks

1 The Commission may adopt implementing acts taking exceptional support measures for the affected market in order to take account of:

- a restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of diseases in animals; and
- b serious market disturbances directly attributed to a loss in consumer confidence due to public, animal or plant health and disease risks.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

2 The measures provided for in paragraph 1 shall apply to any of the following sectors:

- a beef and veal;
- b milk and milk products;
- c pigmeat;
- d sheepmeat and goatmeat;
- e eggs;
- f poultrymeat.

The measures provided for in point (b) of the first subparagraph of paragraph 1 related to a loss in consumer confidence due to public or plant health risks shall also apply to all other agricultural products except those listed in Section 2 of Part XXIV of Annex I.

The Commission shall be empowered to adopt delegated acts in accordance with the urgency procedure referred to in Article 228, extending the list of products in the first two subparagraphs of this paragraph.

3 The measures provided for in paragraph 1 shall be taken at the request of the Member State concerned.

4 The measures provided for in point (a) of the first subparagraph of paragraph 1 may be taken only if the Member State concerned has taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

5 The Union shall provide part-financing equivalent to 50 % of the expenditure borne by Member States for the measures provided for in paragraph 1.

However, with regard to the beef and veal, milk and milk products, pigmeat and sheepmeat and goatmeat sectors, the Union shall provide part-financing equivalent to 60 % of such expenditure when combating foot-and-mouth disease.

6 Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in a distortion of competition between producers in different Member States.

Section 3

Specific problems

Article 221

Measures to resolve specific problems

1 The Commission shall adopt implementing acts taking necessary and justifiable emergency measures to resolve specific problems. Those measures may derogate from the provisions of this Regulation only to an extent that is strictly necessary and for a period that is strictly necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

2 To resolve specific problems, and on duly justified imperative grounds of urgency, relating to situations likely to cause a rapid deterioration of production and market conditions which could be difficult to address if the adoption of measures were delayed, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 229(3).

3 The Commission shall adopt measures under paragraph 1 or 2 only if it is not possible to adopt the required emergency measures in accordance with Article 219 or 220.

4 Measures adopted under paragraph 1 or 2 shall remain in force for a period not exceeding twelve months. If after this period the specific problems that led to the adoption of those measures persist, the Commission may, in order to establish a permanent solution, adopt delegated acts in accordance with Article 227 regarding the matter or present appropriate legislative proposals.

5 The Commission shall inform the European Parliament and the Council of any measure adopted under paragraph 1 or 2 within two working days of its adoption.

Section 4

Agreements and decisions during periods of severe imbalance in markets

Article 222

Application of Article 101(1) TFEU

1 During periods of severe imbalance in markets, the Commission may adopt implementing acts to the effect that Article 101(1) TFEU is not to apply to agreements and decisions of recognised producer organisations, their associations and recognised interbranch organisations in any of the sectors referred to in Article 1(2) of this Regulation, provided that such agreements and decisions do not undermine the proper functioning of the internal market, strictly aim to stabilise the sector concerned and fall under one or more of the following categories:

- a market withdrawal or free distribution of their products;
- b transformation and processing;
- c storage by private operators;
- d joint promotion measures;
- e agreements on quality requirements;
- f joint purchasing of inputs necessary to combat the spread of pests and diseases in animals and plants in the Union or of inputs necessary to address the effects of natural disasters in the Union;
- g temporary planning of production taking into account the specific nature of the production cycle.

The Commission shall specify in implementing acts the substantive and geographic scope of this derogation and, subject to paragraph 3, the period for which the derogation applies.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

2 Paragraph 1 shall apply only if the Commission has already adopted one of the measures referred to in this Chapter, if products have been bought in under public intervention or if aid for private storage referred to in Chapter I of Title I of Part II has been granted.

3 The agreements and decisions referred to in paragraph 1 shall only be valid for a period of up to six months.

However, the Commission may adopt implementing acts authorising such agreements and decisions for a further period of up to six-months. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

CHAPTER II

Communications and reporting

Article 223

Communication requirements

1 For the purposes of applying this Regulation, monitoring, analysing and managing the market in agricultural products, ensuring market transparency, the proper functioning of CAP measures, checking, controlling, monitoring, evaluating and auditing CAP measures, and complying with the requirements laid down in international agreements concluded in accordance with the TFEU, including notification requirements under those agreements, the Commission may, in accordance with the procedure referred to in paragraph 2, adopt the necessary measures regarding communications to be made by undertakings, Member States and third countries. In so doing, it shall take into account the data needs and synergies between potential data sources.

The information obtained may be transmitted or made available to international organisations, the competent authorities of third countries and may be made public, subject to the protection of personal data and the legitimate interest of undertakings in the protection of their business secrets, including prices.

2 In order to ensure the integrity of information systems and the authenticity and legibility of documents and associated data transmitted, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 laying down:

- a the nature and type of information to be notified;
- b the categories of data to be processed, the maximum retention periods and the purpose of the processing, in particular in the event of the publication of such data and their transfer to third countries;
- c the access rights to the information or information systems made available;
- d the conditions of publication of the information.

3 The Commission shall adopt implementing acts laying down the measures necessary for the application of this Article, including:

- a the methods of notification;
- b rules on the information to be notified;
- c arrangements for the management of the information to be notified, as well as on the content, form, timing, frequency and deadlines of the notifications;
- d the arrangements for transmitting or making information and documents available to the Member States, international organisations, the competent authorities in third countries, or the public, subject to the protection of personal data and the legitimate interest of undertakings in the protection of their business secrets.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

Article 224

Processing and protection of personal data

1 The Member States and the Commission shall collect personal data for the purposes set out in Article 223(1) and shall not process those data in a way incompatible with those purposes.

2 Where personal data are processed for monitoring and evaluation purposes as referred to in Article 223(1), they shall be made anonymous and shall be processed in aggregated form only.

3 Personal data shall be processed in accordance with Directive 95/46/EC and Regulation (EC) No 45/2001. In particular, such data shall not be stored in a form which permits identification of data subjects for longer than is necessary for the purposes for which they were collected or for which they are further processed, taking into account the minimum retention periods laid down in the applicable national and Union law.

4 Member States shall inform the data subjects that their personal data may be processed by national and Union bodies in accordance with paragraph 1 and that in this respect they enjoy the rights set out in, respectively, Directive 95/46/EC and Regulation (EC) No 45/2001.

Article 225

Reporting obligation of the Commission

The Commission shall present a report to the European Parliament and to the Council:

- (a) every three years and for the first time by 21 December 2016 the implementation of the measures concerning the apiculture sector as set out in Articles 55, 56 and 57, including on the latest developments on beehive identification systems;
- (b) by 30 June 2014 and also by 31 December 2018, on the development of the market situation in the milk and milk products sector, and in particular on the operation of Articles 148 to 151, Article 152(3) and Article 157(3), assessing in particular the effects on milk producers and milk production in disadvantaged regions in connection with the general objective of maintaining production in such regions, and covering potential incentives to encourage farmers to enter into joint production agreements, together with any appropriate proposals;
- (c) by 31 December 2014, on the possibility of extending the scope of the school schemes to include olive oil and table olives;
- (d) by 31 December 2017, on the application of the competition rules to the agricultural sector in all Member States, in particular on the operation of Articles 209 and 210, and of Articles 169, 170 and 171 in the sectors concerned.

CHAPTER III

Reserve for crises in the agricultural sector

Article 226

Use of the Reserve

Funds transferred from the Reserve for crises in the agricultural sector under the conditions and procedure referred to in Article 25 of Regulation (EU) No 1306/2013 and paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, cooperation in budgetary matters and on sound financial management shall be made available for the measures to which this Regulation applies for the year or years for which the additional support is required and which are implemented in circumstances that go beyond normal market developments.

In particular, funds shall be transferred for any expenditure under:

- (a) Articles 8 to 21;
- (b) Articles 196 to 204; and
- (c) Articles 219, 220 and 221 of this Regulation.