

Commission Delegated Regulation (EU) 2015/1369 of 7 August 2015 amending
Delegated Regulation (EU) No 1031/2014 laying down further temporary
exceptional support measures for producers of certain fruit and vegetables

COMMISSION DELEGATED REGULATION (EU) 2015/1369

of 7 August 2015

amending Delegated Regulation (EU) No 1031/2014 laying down further temporary
exceptional support measures for producers of certain fruit and vegetables

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) On 7 August 2014 the Russian government introduced a ban on imports of certain products from the Union to Russia, including fruit and vegetables. In response, the Commission adopted a series of exceptional support measures, in particular by Commission Delegated Regulation (EU) No 913/2014⁽²⁾ for peaches and nectarines and by Commission Delegated Regulations (EU) No 932/2014⁽³⁾ and (EU) No 1031/2014⁽⁴⁾ for other fruit and vegetables.
- (2) On 24 June 2015 that ban was extended until August 2016. Owing to the continuation of the ban a serious threat of market disturbances persists and could cause significant price falls due to the fact that an important export market continues to be unavailable. For such a market situation, the normal measures available under Regulation (EU) No 1308/2013 appear to be insufficient. The mechanism based on support for certain quantities of products under Delegated Regulation (EU) No 1031/2014 should therefore be prolonged.
- (3) To establish an effective safety net, the Union financial assistance should be prolonged for all the products covered by Delegated Regulation (EU) No 1031/2014 for a year. Furthermore, due to their seasonal exports, peaches and nectarines of CN code 0809 30, which were eligible for support last year under Delegated Regulation (EU) No 913/2014, should now be added to the list of products eligible for support under Delegated Regulation (EU) No 1031/2014.
- (4) The calculation of the quantities allocated to each Member State should be made on the basis of the level of exports to Russia of the products concerned during the three years preceeding the announcement of the ban, adjusted by the level of uptake by the

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producers in each Member State of the exceptional support measures made available to them for those products in the last year.

- (5) Where the uptake of these exceptional support measures within a Member State has been very low for a particular product and the administrative costs of providing support therefore disproportionately high, that Member State should have the option to choose not to continue to implement these measures for the extended period.
- (6) It is likely to be expected that the products concerned, which would normally have been exported to Russia, will be diverted to the markets of other Member States. Producers of the same products within those Member States, which do not traditionally export their products to Russia, may accordingly be faced with significant market disturbance and a fall in prices.
- (7) Therefore, in order to further stabilise the market, Union financial assistance should again also be available for producers in all Member States in respect of one or more of the products covered by Delegated Regulation (EU) No 1031/2014 for a quantity not exceeding 3 000 tonnes per Member State.
- (8) Delegated Regulation (EU) No 1031/2014 should therefore be amended accordingly.
- (9) In order to have an immediate impact on the market and to contribute to stabilise prices, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Delegated Regulation (EU) No 1031/2014

Delegated Regulation (EU) No 1031/2014 is amended as follows:

- (1) Article 1 is amended as follows:
 - (a) in paragraph 2, the following point (s) is added:
 - (s) peaches and nectarines of CN code 0809 30.;
 - (b) in paragraph 3, the following point (c) is added:
 - (c) a period from 8 August 2015 until the date on which the quantities referred to in Article 2(1) have been exhausted in each Member State concerned or 30 June 2016, whichever is earlier.;
- (2) Article 2 is amended as follows:
 - (a) paragraph 1 is amended as follows:
 - (i) in the first subparagraph, the following point (c) is added:
 - (c) for the period referred to in Article 1(3)(c), the quantities set out in Annex Ib.;
 - (ii) the second subparagraph is replaced by the following:

For each of the periods referred to in Article 1(3)(a) and (c), that support shall also be available in all Member States for withdrawal, green harvesting or non-harvesting operations, with respect to one or more of the products referred to in Article 1(2) as determined by the Member State, provided that the additional quantity involved does not exceed 3 000 tonnes per Member State in each of those periods.;

(b) paragraph 3 is replaced by the following:

3. Where the quantities actually withdrawn, in a Member State between 30 September 2014 and 30 June 2015 for a category of products as defined in Annex I and Annex Ia, were less than 5 % of the total quantities allocated to that Member State for that category of products, the Member State may decide not to make use of the quantity allocated in Annex Ib. In that event, the Member State concerned shall notify the Commission of its decision by 31 October 2015. As from the moment of notification, operations carried out in that Member State shall not be eligible for support under this Regulation.

Member States may decide not to make use of the quantity of 3 000 tonnes referred to in the second subparagraph of paragraph 1, or part thereof, by the following dates:

- by 31 October 2014 for the period referred to in Article 1(3)(a);
- by 31 October 2015 for the period referred to in Article 1(3)(c).

By the same date, the Member State concerned shall notify the Commission of any quantities not used. As from the moment of notification, operations carried out in that Member State shall not be eligible for support under this Regulation.;

(3) In Article 9, paragraphs 1 and 2 are replaced by the following:

1. Producer organisations shall apply for the payment of the Union financial assistance referred to in Articles 4, 5 and 6 by 31 January 2015 in respect of operations carried out during the period referred to in Article 1(3)(a), by 31 July 2015 in respect of operations carried out during the period referred to in Article 1(3)(b) and by 31 July 2016 in respect of operations carried out during the period referred to in Article 1(3)(c).

2. Producer organisations shall apply for the payment of the total Union financial assistance referred to in Articles 4 and 6 of this Regulation in accordance with the procedure referred to in Article 72 of Implementing Regulation (EU) No 543/2011 by 31 January 2015 in respect of operations carried out during the period referred to in Article 1(3)(a) of this Regulation, by 31 July 2015 in respect of operations carried out during the period referred to in Article 1(3)(b) of this Regulation and by 31 July 2016 in respect of operations carried out during the period referred to in Article 1(3)(c) of this Regulation.;

(4) Article 10 is amended as follows:

(a) in paragraph 1, the introductory part of the first subparagraph is replaced by the following:

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By 30 September 2014, 15 October 2014, 31 October 2014, 15 November 2014, 30 November 2014, 15 December 2014, 31 December 2014, 15 January 2015, 31 January 2015 and 15 February 2015 in respect of the period referred to in Article 1(3)(a), by the 15th and the last day of each month until 30 September 2015 in respect of the period referred to in Article 1(3)(b) and by the 15th and the last day of each month until 30 September 2016 in respect of the period referred to in Article 1(3)(c), Member States shall notify the Commission of the following information for each product:;

- (b) paragraph 2 is replaced by the following:
 - 2. When making their first notification, Member States shall notify the Commission of the amounts of support fixed by them in accordance with Article 79(1) or 85(4) of Implementing Regulation (EU) No 543/2011 and Article 4, 5 or 6 of this Regulation, using the templates set out in Annex IV.;
- (5) In Article 11, the following point (c) is added:
 - (c) 30 September 2016 in respect of operations carried out during the period referred to in Article 1(3)(c).;
- (6) Annex Ib is inserted, the text of which is set out in Annex I to this Regulation;
- (7) Annexes III and IV are replaced by the text set out in Annex II to this Regulation.

Article 2

Entry into force

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

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

Done at Brussels, 7 August 2015.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX I

ANNEX Ib

**Maximum quantities of products allocated per
Member State as referred to in Article 2(1)(c)**

<i>(tonnes)</i>					
	Apples and pears	Plums, table grapes and kiwifruit	Tomatoes, carrots, sweet peppers, cucumbers and gherkins	Oranges, clementines, mandarins and lemons	Peaches and nectarines
Bulgaria	0	0	0	0	950
Belgium	85 650	0	16 750	0	0
Germany	6 200	0	0	0	0
Greece	2 500	16 300	1 350	7 950	20 900
Spain	7 600	5 000	22 900	55 450	38 400
France	12 150	0	3 250	0	450
Croatia	2 150	0	0	3 200	0
Italy	17 550	15 300	650	3 300	9 250
Cyprus	0	0	0	11 850	0
Latvia	500	0	1 250	0	0
Lithuania	0	0	3 000	0	0
Hungary	0	300	0	0	0
Netherlands	22 950	0	22 800	0	0
Austria	2 050	0	0	0	0
Poland	296 200	1 750	31 500	0	1 900
Portugal	3 600	0	0	0	0

ANNEX II

ANNEX III

Templates for notifications as referred to in Article 10
NOTIFICATION ON WITHDRAWALS — FREE DISTRIBUTION

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Member State:...		Period covered:...				Date:...			
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Product	Producer organisations					Producer non-members					Total quantity (t)	Total financial assistance (EUR)	
	Quantities (t)	financial assistance (EUR)				Quantities (t)	financial assistance (EUR)						
		withdrawing	marketing	TOTAL	and packing		withdrawing	marketing	TOTAL	and packing			
													(a)
					= (b) + (c) + (d)								
Apples													
Pears													
Total Apples and Pears													
Tomatoes													
Carrots													
Sweet peppers													
Cucumbers and gherkins													
Total Vegetables													
Plums													
Fresh table grapes													
Kiwifruit													
Total Other Fruit													
Oranges													
Clementines													
Mandarins													
Lemons													

* One different Excel sheet shall be completed for every notification.

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Total Citrus												
Peaches												
Nectarines												
Total Peaches and Nectarines												
Cabbages												
Cauliflowers and headed broccoli												
Mushrooms												
Soft fruit												
Total Others												
TOTAL												

* One different Excel sheet shall be completed for every notification.

NOTIFICATION ON WITHDRAWALS — OTHER DESTINATIONS

Member State:...	Period covered:...	Date:...
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Product	Producer organisations		Producer non-members		Total quantities (t)	Total Union financial assistance (EUR)
	Quantities(t)	Union financial assistance(EUR)	Quantities(t)	Union financial assistance(EUR)		
	(a)	(b)	(c)	(d)		
Apples						
Pears						
Total Apples and Pears						
Tomatoes						
Carrots						
Sweet peppers						

* One different Excel sheet shall be completed for every notification.

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Cucumbers and gherkins						
Total Vegetables						
Plums						
Fresh table grapes						
Kiwifruit						
Total Other Fruit						
Oranges						
Clementines						
Mandarins						
Lemons						
Total Citrus						
Peaches						
Nectarines						
Total Peaches and Nectarines						
Cabbages						
Cauliflowers and headed broccoli						
Mushrooms						
Soft fruit						
Total Others						
TOTAL						

* One different Excel sheet shall be completed for every notification.

NOTIFICATION ON NON-HARVESTING AND GREEN HARVESTING

Member State:...	Period covered:...	Date:...
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Product	Producer organisations			Producer non-members			Total quantities	Total financial assistance
	Area(ha)	Quantities	Union financial assistance (EUR)	Area(ha)	Quantities	Union financial assistance (EUR)		
	(a)	(b)	(c)	(d)	(e)	(f)		
							(g) = (b) + (e)	(h) = (c) + (f)
Apples								
Pears								
Total Apples and Pears								
Tomatoes								
Carrots								
Sweet peppers								
Cucumbers and gherkins								
Total Vegetables								
Plums								
Fresh table grapes								
Kiwifruit								
Total Other Fruit								
Oranges								
Clementines								
Mandarins								
Lemons								
Total Citrus								
Peaches								
Nectarines								
Total Peaches								

* One different Excel sheet shall be completed for every notification.

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and Nectarines								
Cabbages								
Cauliflowers and headed broccoli								
Mushrooms								
Soft fruit								
Total Others								
TOTAL								

* One different Excel sheet shall be completed for every notification.

ANNEX IV

**TABLES TO BE SENT IN ACCORDANCE WITH ARTICLE 10(2) WITH
THE FIRST NOTIFICATION AS REFERRED TO IN ARTICLE 10(1)**

WITHDRAWN ~~Minimum~~ amounts of support fixed by the Member State in accordance with OTHER Article 79(1) of Implementing Regulation (EU) No 543/2011 and Articles 4 and DESTINATIONS Regulation

Member State:...		Date:...
Product	Producer Organisation's contribution(EUR/100 kg)	Union financial assistance(EUR/100 kg)
Apples		
Pears		
Tomatoes		
Carrots		
Cabbages		
Sweet peppers		
Cauliflowers and headed broccoli		
Cucumbers and gherkins		
Mushrooms		
Plums		
Soft fruit		
Fresh table grapes		

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Kiwifruit		
Oranges		
Clementines		
Mandarins		
Lemons		
Peaches		
Nectarines		

NON-HARVESTING AND GREEN HARVESTING

Maximum amounts of support fixed by the Member State in accordance with Article 85(4) of Implementing Regulation (EU) No 543/2011 and Article 6 of this Regulation

Member State:...	Date:...
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Product	Open air		Greenhouse	
	Producer Organisation's contribution (EUR/ha)	Union financial assistance (EUR/ha)	Producer Organisation's contribution (EUR/ha)	Union financial assistance (EUR/ha)
Apples				
Pears				
Tomatoes				
Carrots				
Cabbages				
Sweet peppers				
Cauliflowers and headed broccoli				
Cucumbers and gherkins				
Mushrooms				
Plums				
Soft fruit				
Fresh table grapes				
Kiwifruit				
Oranges				
Clementines				

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Mandarins				
Lemons				
Peaches				
Nectarines				

- (1) [OJ L 347, 20.12.2013, p. 671.](#)
- (2) Commission Delegated Regulation (EU) No 913/2014 of 21 August 2014 laying down temporary exceptional support measures for producers of peaches and nectarines ([OJ L 248, 22.8.2014, p. 1.](#)).
- (3) Commission Delegated Regulation (EU) No 932/2014 of 29 August 2014 laying down temporary exceptional support measures for producers of certain fruit and vegetables and amending Delegated Regulation (EU) No 913/2014 ([OJ L 259, 30.8.2014, p. 2.](#)).
- (4) Commission Delegated Regulation (EU) No 1031/2014 of 29 September 2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables ([OJ L 284, 30.9.2014, p. 22.](#)).

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