

Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011

TITLE II

PRODUCER ORGANISATIONS

CHAPTER V

General provisions

Section 1

Notifications and reports

[^{F1}Article 54

Publications concerning producer organisations and associations of producer organisations

Each appropriate authority must each ensure that the following information and documents are published on a website maintained by them or on their behalf, starting in 2022:

- (a) by 31 January each year:
 - (i) the total amount of the operational funds approved that year for operational programmes;
 - (ii) the total amount of financial assistance granted under Articles 32(1)(b) and 34 of Regulation (EU) No 1308/2013 for that year;
 - (iii) the allocations of the amounts referred to in points (i) and (ii) between:
 - (aa) crisis prevention and management measures;
 - (bb) other measures;
- (b) by 15 November each year, an annual report on producer organisations and associations of producer organisations, and operational funds and operational programmes in operation during the previous year. This annual report must contain the information set out in Annex V to this Regulation.

Where the appropriate authorities agree, the information and documents may instead be published in respect of the United Kingdom as a whole.]

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

Textual Amendments

- F1** Art. 54 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **4(31)**, 7(a)

Article 55

Member States' notifications concerning producer prices of fruit and vegetables on the internal market

1 Member States shall notify the Commission, by 12.00 hours (Brussels time) each Wednesday of the weighted average recorded prices for fruit and vegetables listed in Annex VI during the previous week, where data are available.

For fruit and vegetables covered by the general marketing standard set out in Part A of Annex I to Implementing Regulation (EU) No 543/2011, only prices of products meeting that standard shall be notified, whereas prices for products covered by a specific marketing standard set out in Part B of that Annex shall only concern products of class I.

Member States shall notify a single weighted average price corresponding to the types and varieties of products, sizes and presentations specified in Annex VI to this Regulation. Where recorded prices concern other types, varieties, sizes or presentations than those specified in that Annex, Member States shall notify the Commission of the types, varieties, sizes and presentations of the products to which prices correspond.

Notified prices shall be ex-packaging station, sorted, packaged and, where applicable, on pallets, expressed in euro per 100 kilograms net weight.

2 Member States shall identify representative markets in the production area of the fruit and vegetables concerned. Member States shall notify the Commission of the representative markets and their weight in the average with the first notification or when they modify them. Member States may notify other prices on a voluntary basis.

Section 2

Monitoring and evaluation of operational programmes and of^{F2}... strategies

^{F3}Article 56

Indicators

1 The operational programmes and the [^{F4}strategies referred to in Article 36(2) of [Regulation \(EU\) No 1308/2013](#)] shall be subject to monitoring and evaluation aimed at assessing the progress made in achieving the objectives set in the operational programmes, as well as their efficiency and the effectiveness in relation to those objectives.

2 Progress, efficiency and effectiveness referred to in paragraph 1 shall be assessed throughout the implementation of the operational programme on the basis of indicators, set out in Section 4 of Annex II to Implementing Regulation (EU) 2017/892, relating to actions and

measures implemented by recognised producer organisations [^{F5}and associations of producer organisations] during the operational programmes.]

Textual Amendments

- F3** Substituted by Commission Delegated Regulation (EU) 2018/1145 of 7 June 2018 amending Delegated Regulation (EU) 2017/891 as regards producer organisations in the fruit and vegetables sector.
- F4** Words in Art. 56(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(33)**, 7(a)
- F5** Words in Art. 56(2) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(23)**

Article 57

Monitoring and evaluation procedures in relation to operational programmes

1 Producer organisations and associations of producer organisations shall establish a system to collect, record and maintain information for the compilation of the applicable indicators for the monitoring and evaluation of the operational programmes.

2 The monitoring exercise shall be carried out in such a way that its results:

- a verify the quality of programme implementation;
- b identify any need for adjustments or review of the operational programme;

[^{F3}c provide information for reporting requirements.]

3 Evaluation shall take the form of a report [^{F6}to be sent by the producer organisation or association of producer organisations concerned to the appropriate authority] in the last but one year of the implementation of the operational programme ^{F7}...

[^{F3}The evaluation exercise shall examine the progress made in relation to the overall objectives of the programme, based on indicators set out in Section 4 of Annex II to Implementing Regulation (EU) 2017/892.]

Where applicable, the evaluation exercise shall include a qualitative assessment of the results and the impact of the environmental actions aimed at:

- a the prevention of soil erosion;
- b a reduction in the use or better management of plant protection products;
- c the protection of habitats and biodiversity; and
- d landscape conservation.

The results of the exercise shall be used to:

- a improve the quality of the operational programme;
- b identify any need for substantive change of the operational programme; and
- c draw lessons useful in improving future operational programmes.

[^{F3}The evaluation report shall be attached to the corresponding annual report referred to in [^{F8}Article 9(2)(j)] of the Implementing Regulation (EU) 2017/892.]

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

Textual Amendments

- F3** Substituted by Commission Delegated Regulation (EU) 2018/1145 of 7 June 2018 amending Delegated Regulation (EU) 2017/891 as regards producer organisations in the fruit and vegetables sector.
- F6** Words in Art. 57(3) inserted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(34)(a)(i)**, 7(a)
- F7** Words in Art. 57(3) omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(34)(a)(ii)**, 7(a)
- F8** Words in Art. 57(3) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(34)(b)**, 7(a)

Article 58

Monitoring and evaluation procedures in relation to the ^{F9}... strategy

1 ^{F10}Each appropriate authority] shall establish a system to collect, record and maintain information in electronic form adequate for the purpose of compiling the indicators referred to in Article 56. To this end, ^{F11}each appropriate authority] shall use the information transmitted by the producer organisations and associations of producer organisations in relation to the monitoring and the evaluation of their operational programmes. ^{F12}Where the appropriate authorities agree, the system may be a single system in respect of the United Kingdom as a whole.]

2 Monitoring shall be ongoing in order to assess the progress made towards achieving the objectives of the operational programmes. For this purpose, use shall be made of the information provided in the annual reports transmitted by the producer organisations and associations of producer organisations. The monitoring exercise shall be carried out in such a way that its results:

- a verify the quality of the implementation of the operational programmes;
- b identify any need for adjustments or review of the ^{F9}... strategy aimed at achieving the goals set for the strategy or at improving the management of the strategy implementation, including the financial management of the operational programmes.

3 Evaluation shall be aimed at assessing the progress made towards the overall objectives of the strategy. For this purpose, use shall be made of the results of the monitoring and evaluation of the operational programmes as indicated in the annual and last but one annual reports transmitted by the producer organisations. The results of the evaluation exercise shall be used to:

- a improve the quality of the strategy;
- b identify any need for substantive change of the strategy.

F13
...

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

Textual Amendments

- F9** Word in Art. 58 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(35)(a)**, 7(a)
- F10** Words in Art. 58(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(35)(b)(i)**, 7(a)
- F11** Words in Art. 58(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(35)(b)(ii)**, 7(a)
- F12** Words in Art. 58(1) inserted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(35)(b)(iii)**, 7(a)
- F13** Words in Art. 58(3) omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(35)(c)**, 7(a)

Textual Amendments

- F2** Word in Ch. 5 s. 2 heading omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(32)**, 7(a)

Section 3

Administrative penalties

Article 59

Non-respect of recognition criteria

1 If [^{F14}the Secretary of State] has established that a producer organisation fails to respect one of the recognition criteria linked to the requirements of Articles 5 and 7, Article 11(1) and (2) and Article 17, [^{F15}the Secretary of State] shall send to the producer organisation in question no later than two months after the failure has been identified, by registered delivery, a warning letter stating the failure identified, the corrective measures required and the time periods within which these measures have to be taken, which shall not exceed four months. As from the moment a failure is established, [^{F16}the appropriate authority] shall suspend payments of aid until the corrective measures are taken to [^{F17}the Secretary of State's] satisfaction.

2 A failure to take the corrective measures referred to in paragraph 1 within the time period fixed by the [^{F18}Secretary of State] shall lead to the suspension of the recognition of the producer organisation. The [^{F18}Secretary of State] shall notify the producer organisation of the period of suspension, which shall start immediately after the expiry of the time period fixed for taking those corrective measures and shall not exceed 12 months from the date of the receipt of the warning letter by the producer organisation. This is without prejudice to the application of ^{F19}... legislation which may provide for the suspension of such an action following the commencement of connected legal proceedings.

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

During the suspension of the recognition, the producer organisation may continue its activity, but aid payments shall be withheld until the suspension of the recognition is lifted. The yearly aid amount shall be reduced by 2 % for each calendar month or part thereof during which recognition is suspended.

The suspension shall end on the day of the check which confirms that the recognition criteria in question have been fulfilled.

3 If the criteria are not fulfilled by the end of the period of suspension set by the [F²⁰Secretary of State], the [F²¹Secretary of State] shall withdraw the recognition with effect from the date from which the conditions for recognition were not fulfilled, or, if it is not possible to identify that date, from the date when the failure was established. This is without prejudice to the application of F²²... legislation which may provide for the suspension of recognition following the commencement of connected legal proceedings. Outstanding aid concerning the period during which the failure has been identified shall not be paid and unduly paid aid shall be recovered.

4 If [F²³the Secretary of State] has established that a producer organisation fails to respect any of the recognition criteria laid down in Article 154 of Regulation (EU) No 1308/2013 other than those mentioned in paragraph 1, [F²⁴the Secretary of State] shall send to the producer organisation in question, no later than two months after the failure has been established, by registered delivery, a warning letter stating the failure identified, the corrective measures required and the time periods within which these measures have to be taken, which shall not exceed four months.

5 A failure to take the corrective measures referred to in paragraph 4 within the time period fixed by the [F²⁵Secretary of State] shall lead to a suspension of payments and a reduction of the yearly aid amount by 1 % for each calendar month, or part thereof, following the expiry of that time period. This is without prejudice to the application of F²⁶... legislation which may provide for the suspension of such an action following the commencement of connected legal proceedings.

6 [F²⁷ The Secretary of State] shall withdraw recognition if the producer organisation does not prove compliance with the minimum volume or value of marketed production criteria as required by Article 154(1)(b) of Regulation (EU) No 1308/2013 by 15 October of the second year following the year in which those criteria were not complied with. Withdrawal shall take effect from the date from which the conditions for recognition were not fulfilled, or, if it is not possible to identify that date, from the date when the failure was established. Outstanding aid concerning the period during which the failure has been identified shall not be paid and unduly paid aid shall be recovered.

However, when a producer organisation delivers to the [F²⁸Secretary of State] proof that due to natural disasters, adverse climatic events, diseases or pest infestations, despite having undertaken the risk prevention measures it is not able to respect the recognition criteria laid down in Article 154(1)(b) of Regulation (EU) No 1308/2013 in respect of the minimum volume or value of marketable production laid down by [F²⁹the Secretary of State] , the [F²⁸Secretary of State] may, for the year in question, derogate from the minimum volume or value of marketable production for this producer organisation.

7 In cases where paragraphs 1, 2, 4 and 5 apply, [F³⁰the appropriate authorities] may make payments after the deadline set out in Article 10 of Implementing Regulation (EU) 2017/892. However, these payments shall not be made later than 15 October of the second year following the year of implementation of the programme.

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

8 Paragraphs 1 to 5 shall apply *mutatis mutandis* in cases of failure by a producer organisation to provide the [^{F31}appropriate authority] with the information required under Article 21 of Implementing Regulation (EU) 2017/892.

Textual Amendments

- F14** Words in Art. 59(1) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(a)(i)(aa)**
- F15** Words in Art. 59(1) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(a)(i)(bb)**
- F16** Words in Art. 59(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(36)(a)**, 7(a)
- F17** Words in Art. 59(1) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(a)(ii)**
- F18** Words in Art. 59(2) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(b)(i)**
- F19** Words in Art. 59(2) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(b)(ii)**
- F20** Words in Art. 59(3) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(c)(i)(aa)**
- F21** Words in Art. 59(3) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(c)(i)(bb)**
- F22** Words in Art. 59(3) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(c)(ii)**
- F23** Words in Art. 59(4) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(d)(i)**
- F24** Words in Art. 59(4) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(d)(ii)**
- F25** Words in Art. 59(5) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(e)(i)**
- F26** Words in Art. 59(5) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(e)(ii)**
- F27** Words in Art. 59(6) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(f)(i)**
- F28** Words in Art. 59(6) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(f)(ii)(aa)**

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

- F29** Words in Art. 59(6) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(24)(f)(ii)(bb)**
- F30** Words in Art. 59(7) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(36)(b)**, 7(a)
- F31** Words in Art. 59(8) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(36)(c)**, 7(a)

Article 60

Fraud

1 ^[F32]The appropriate authority] shall suspend payments to and ^[F33]the Secretary of State shall suspend] the recognition of a producer organisation or an association of producer organisations, which are under investigation by a ^[F34]public authority within the United Kingdom] in connection with a charge of fraud in respect of aid covered by Regulation (EU) No 1308/2013, until the charge has been determined.

2 Where a producer organisation or an association of producer organisations has committed fraud in respect of aid covered by Regulation (EU) No 1308/2013, ^[F35]the responsible authority] shall, without prejudice to any other penalties applicable ^[F36]in law] :

- a withdraw the recognition of that organisation or association;
- b exclude the actions concerned from support under the operational programme concerned and recover any aid already paid with respect to those actions; and
- c exclude that organisation or association from recognition during the following year.

^[F37]In this paragraph, the ‘responsible authority’ is the appropriate authority for the constituent nation in which the producer organisation has its head office in respect of actions under point (b), and the Secretary of State in respect of actions under points (a) and (c).]

Textual Amendments

- F32** Words in Art. 60(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(37)(a)(i)**, 7(a)
- F33** Words in Art. 60(1) inserted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **5(25)(a)**
- F34** Words in Art. 60(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(37)(a)(ii)**, 7(a)
- F35** Words in Art. 60(2) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(37)(b)(i)(aa)**, 7(a)
- F36** Words in Art. 60(2) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(37)(b)(i)(bb)**, 7(a)

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

F37 Words in Art. 60(2) inserted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(37)(b)(ii)**, 7

Article 61

Penalty for ineligible amounts

- 1 Payments shall be calculated on the basis of eligible actions.
- 2 The [^{F38}appropriate authority] shall examine the aid application, and establish the amounts that are eligible for support. It shall establish the amount that:
 - a would be payable to the beneficiary based solely on the application;
 - b is payable to the beneficiary after an examination of the eligibility of the application.
- 3 If the amount established pursuant to paragraph 2(a) exceeds the amount established pursuant to paragraph 2(b) by more than 3 %, a penalty shall be applied. The amount of the penalty shall be the difference between the amounts calculated pursuant to paragraph 2(a) and (b). However, no penalty shall be applied if the producer organisation is able to demonstrate that it is not responsible for the inclusion of the ineligible amount.
- 4 Paragraphs 2 and 3 shall apply *mutatis mutandis* to ineligible expenditure identified during on-the-spot or subsequent checks.
- 5 If the value of marketed production is declared and checked before the application for aid, the declared and approved values shall be used when establishing the amounts pursuant to paragraph 2(a) and (b), respectively.
- 6 Where at the end of the operational programme, the conditions referred to in Article 33(5)(b) of Regulation (EU) No 1308/2013 have not been complied with, the total amount of support for the last year of the operational programme shall be reduced in proportion to the amount of expenditure not incurred on environmental actions.

Textual Amendments

F38 Words in Art. 61(2) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(38)**, 7(a)

^{F39}Article 62

Administrative penalties following first-level checks on withdrawal operations

Textual Amendments

F39 Arts. 62-65 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(39)**, 7(a)

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

F39 Article 63

Administrative penalty applicable to producer organisations regarding withdrawal operations

Textual Amendments

F39 Arts. 62-65 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(39)**, 7(a)

F39 Article 64

Administrative penalties applicable to recipients of products withdrawn from the market

Textual Amendments

F39 Arts. 62-65 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(39)**, 7(a)

F39 Article 65

Administrative penalties in relation to green harvesting and non-harvesting

Textual Amendments

F39 Arts. 62-65 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(39)**, 7(a)

Article 66

Preventing an on-the-spot check

A request for recognition, approval of an operational programme or an aid application shall be rejected for the item or the part of expenditure concerned, if a producer organisation, including its members or relevant representatives, prevents an on-the-spot check from being carried out.

Article 67

Payment of recovered aid and penalties

1 Producer organisations and associations of producer organisations or other operators concerned shall reimburse unduly paid aid with interest and pay the penalties provided for in this Section.

The interest shall be calculated:

a on the basis of the period elapsing between receipt of undue payment and its reimbursement by the beneficiary;

[^{F40}b at the following rates—

i if the undue payment was made from European Union funds, at the rate applied by the European Central Bank to its main refinancing operations published in the ‘C’ series of the *Official Journal of the European Union* and in force on the date on which the undue payment is made, plus three percentage points;

ii if the undue payment was made from public funds, at the Bank of England base rate in force on the date on which the undue payment is made, plus three percentage points.]

[^{F41}1A. In paragraph 1, “Bank of England base rate” for any particular day means—

a except where point (b) applies, the rate as last announced at a meeting of the Monetary Policy Committee of the Bank of England held prior to that day as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the money markets; or

b if an order under section 19 (reserve powers) of the Bank of England Act 1998 is in force, any equivalent rate determined by the Treasury under that section.]

[^{F42}2 Payments recovered, and interest and penalties imposed in relation to aid paid from European Union funds must be paid to the EAGF. Payments recovered, and interest and penalties imposed in relation to aid paid from public funds must be paid to the relevant authority that provided the aid.]

Textual Amendments

F40 Art. 67(1)(b) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(40)(a)**, 7(a)

F41 Art. 67(1A) inserted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(40)(b)**, 7(a)

F42 Art. 67(2) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(40)(c)**, 7(a)

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V. (See end of Document for details)

[^{F43} Article 67A

Apportionment of recovered aid, interest and penalties

1. Aid paid from public funds that is recovered under this Regulation, together with any interest payable thereon in accordance with this Regulation, must be apportioned between the relevant authorities in accordance with the proportion of that aid that was provided by each authority.
2. Penalties imposed under this Regulation in relation to aid paid from public funds must be paid to the relevant authority for the constituent nation in which the head office of the producer organisation was located during the period to which the penalty relates.]

Textual Amendments

F43 Art. 67A inserted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **4(41)**, 7(a)

Changes to legislation:

There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/891, CHAPTER V.