

Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector, amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96 (repealed)

## TITLE VI

### IMPLEMENTING, AMENDING AND FINAL PROVISIONS

#### CHAPTER I

##### Implementing provisions

###### *Article 42*

##### Detailed implementing rules

Detailed rules for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 46(2) of Regulation (EC) No 2200/96. These rules may include, in particular:

- (a) rules for the implementation of Title II, including:
  - (i) the products subject to standardisation and the making of provision for marketing standards referred to in Article 2, in particular to define what constitutes a product which is of sound, fair and of marketable quality;
  - (ii) rules on conformity inspections, in particular on their consistent application in Member States;
  - (iii) rules on derogations and exemptions from the application of the marketing standards;
  - (iv) rules on presentation, marketing and labelling;
  - (v) rules on the application of the marketing standards to products imported into the Community and products exported from the Community;
- (b) rules for the implementation of Title III, including:
  - (i) rules on transnational producer organisations and transnational associations of producer organisations including administrative assistance to be given by the relevant competent authorities in the case of transnational cooperation;
  - (ii) rules on financing of the measures referred to in Article 7, inter alia, the thresholds and ceilings for aid and the degree of Community co-financing of the aid;
  - (iii) the proportion of and detailed rules for reimbursement of the assistance referred to in Article 11(1);

- (iv) rules on investments on individual holdings;
- (v) the dates for the communications and notifications referred to in Article 13;
- (vi) provision for partial payments of the Community financial assistance referred to in Article 13;
- (c) rules for the implementation of Title IV;
- (d) rules concerning administrative and physical controls to be carried out by the Member States with regard to the fulfilment of obligations resulting from the application of this Regulation;
- (e) a system for the application of administrative penalties where non-compliances with any of the obligations resulting from the application of this Regulation are found. The administrative penalties shall be graduated according to the severity, extent, permanence and repetition of the non-compliance found;
- (f) rules regarding the recovery of undue payments resulting from the application of this Regulation;
- (g) rules on the reporting of the controls carried out as well as their results;
- (h) rules for the implementation of Title V, including the measures specifically referred to in that Title;
- (i) rules to determine what information is necessary for the purposes of application of Article 44, as well as those on its form, content, timing and deadlines and on arrangements for transmitting or making available information and documents;
- (j) measures required to facilitate the transition from the arrangements provided for in Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 2202/96 to those laid down in this Regulation, including those for the implementation of Article 55 of this Regulation.

## CHAPTER II

### **Amendments, repeal and final provisions**

#### *Article 43*

#### **State aid**

Unless otherwise provided for in this Regulation, Articles 87, 88 and 89 of the Treaty shall apply to the production of and trade in the products listed in Article 1(2) of Regulation (EC) No 2200/96 and Article 1(2) of Regulation (EC) No 2201/96, and potatoes, fresh or chilled, of CN code 0701.

By way of derogation from the first subparagraph:

- (a) Member States may continue to provide State aid under any existing schemes in respect of the production of and trade in potatoes, fresh or chilled, of CN code 0701 until 31 December 2011;

- (b) Spain and Italy may provide, during the 2007/2008 marketing year, State aid of up to EUR 15 million in order to support the adaptation of the tomato processing sector to the provisions set out in this Regulation;
- (c) Member States may provide state aid until 31 December 2010 under the following conditions:
- (i) the State aid is paid only to producers of fruit and vegetables who are not members of a recognised producer organisation and who sign a contract with a recognised producer organisation in which they accept that they shall apply the crisis prevention and management measures of the producer organisation concerned;
  - (ii) the amount of State aid paid to such producers is no more than 75 % of the Community support received by the members of the producer organisation concerned; and
  - (iii) by 31 December 2010, the Member State concerned presents a report to the Commission on the effectiveness and efficiency of the State aid, in particular analysing how much it has supported the organisation of the sector. The Commission shall examine the report and decide whether to make any appropriate proposals.

*Article 44***Communications**

Member States and the Commission shall provide each other with any information necessary for the application of this Regulation, for market monitoring and analysis and for complying with the international obligations concerning the products covered by this Regulation.

*Article 45***Expenditure**

Expenditure under this Regulation shall be deemed to be intervention measures to regulate agricultural markets as referred to in Article 3(1)(b) of Regulation (EC) No 1290/2005.

*Article 46***Amendment to Regulation (EEC) No 827/68**

In the Annex to Regulation (EEC) No 827/68, the entry for CN code 0910 shall be replaced by the following:

ex 0910	Ginger, turmeric (curcuma), bay leaves, curry and other spices, excluding thyme and saffron.
---------	--

---

*Status: This is the original version (as it was originally adopted).*

---

*Article 47*

**Amendments to Regulation (EC) No 2200/96**

Regulation (EC) No 2200/96 is hereby amended as follows:

1 in Article 1(2), the table shall be replaced by the following:

<b>CN code</b>	<b>Description</b>
0702 00 00	Tomatoes, fresh or chilled
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled
0705	Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium spp.</i> ), fresh or chilled
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
0707 00	Cucumbers and gherkins, fresh or chilled
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled
ex 0709	Other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, 0709 60 99, 0709 90 31, 0709 90 39 and 0709 90 60
ex 0802	Other nuts, fresh or dried, whether or not shelled or peeled, excluding areca (or betel) and cola nuts falling within subheading 0802 90 20
0803 00 11	Fresh plantains
ex 0803 00 90	Dried plantains
0804 20 10	Figs, fresh
0804 30 00	Pineapples
0804 40 00	Avocados
0804 50 00	Guavas, mangos and mangosteens
0805	Citrus fruit, fresh or dried
0806 10 10	Fresh table grapes
0807	Melons (including watermelons) and pawpaws (papayas), fresh
0808	Apples, pears and quinces, fresh

*Status: This is the original version (as it was originally adopted).*

0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh
0810	Other fruit, fresh
0813 50 31 0813 50 39	Mixtures exclusively of dried nuts of CN codes 0801 and 0802
0910 20	Saffron
ex 0910 99	Thyme, fresh or chilled
ex 1211 90 85	Basil, melissa, mint, <i>origanum vulgare</i> (oregano/wild marjoram), rosemary, sage, fresh or chilled
1212 99 30	Locust (or carob) beans

2 Titles I to VI, Articles 43 and 44, Articles 47 to 57 and Annexes I to V shall be deleted.

3 Article 46 shall be replaced by the following:

*Article 46*

1 The Commission shall be assisted by a Management Committee for Fruit and Vegetables (hereinafter referred to as “the Committee”).

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

*Article 48*

**Amendments to Regulation (EC) No 2201/96**

Regulation (EC) No 2201/96 is hereby amended as follows:

1 Article 1(3) shall be replaced by the following:

3. The marketing years for the products referred to in paragraph 2 shall be fixed, if necessary, in accordance with the procedure referred to in Article 46(2) of Regulation (EC) No 2200/96.

2 Titles I and II, Articles 23 to 32 and Annexes I to III shall be deleted.

*Article 49*

**Amendments to Regulation (EC) No 2826/2000**

Regulation (EC) No 2826/2000 is hereby amended as follows:

1 the following subparagraph shall be added to Article 5(3):

As regards the promotion of fresh fruits and vegetables, a special focus shall be given to promotion targeted at children in educational establishments.

2 The following subparagraph shall be added to Article 9(2):

The percentage referred to in the first subparagraph shall be 60 % in the case of promotion of fruit and vegetables targeted only at children in educational establishments.

*Article 50*

**Amendment to Directive 2001/112/EC**

The following indent shall be added to Article 7 of Directive 2001/112/EC:

- bringing this Directive into line with developments in relevant international standards, where appropriate.

*Article 51*

**Amendment to Directive 2001/113/EC**

The following indent shall be added to Article 5 of Directive 2001/113/EC:

- bringing this Directive into line with developments in relevant international standards, where appropriate.

*Article 52*

**Amendments to Regulation (EC) No 1782/2003**

Regulation (EC) No 1782/2003 is hereby amended as follows:

- 1 In Article 33(1), point (a) shall be replaced by the following:
  - (a) they have been granted a payment in the reference period referred to in Article 38 under at least one of the support schemes referred to in Annex VI or, in the case of olive oil, in the marketing years referred to in the second subparagraph of Article 37(1), or, in the case of sugar beet, cane and chicory, if they have benefited from market support in the representative period referred to in point K of Annex VII, or, in the case of bananas, if they have benefited from compensation for loss of income in the representative period referred to in point L of Annex VII, or, in the case of fruit and vegetables, ware potatoes and nurseries, if they were producers of fruit and vegetable products, ware potatoes or nurseries in the representative period applied by Member States for those products in accordance with point M of Annex VII;
- 2 The following subparagraph shall be added to Article 37(1):
 

For fruit and vegetables, ware potatoes and nurseries the reference amount shall be calculated and adjusted in accordance with point M of Annex VII.
- 3 Article 40(2) shall be replaced by the following:
  2. If the whole reference period was affected by the case of *force majeure* or exceptional circumstances, the Member State shall calculate the reference amount on the basis of the 1997 to 1999 period.

In the case of sugar beet, cane and chicory, the reference amount shall be calculated on the basis of the closest marketing year prior to the representative period chosen in accordance with point K of Annex VII. In the case of bananas, it shall be calculated

on the basis of the closest marketing year prior to the representative period chosen in accordance with point L of Annex VII. In the case of fruit and vegetables, ware potatoes and nurseries, it shall be calculated on the basis of the closest marketing year prior to the representative period chosen in accordance with point M of Annex VII. In those cases, paragraph 1 shall apply *mutatis mutandis*.

- 4 The following subparagraph shall be added to Article 42(8):

However, in the case of application of paragraph 5, Member States may decide that, for 2007, unused payment entitlements corresponding to an equivalent number of hectares declared by the farmer and used for ware potatoes or for fruits and vegetables shall not revert to the national reserve.

- 5 In Article 43(2), point (a) shall be replaced by the following:

- (a) in the case of potato starch, dried fodder, seed, olive groves, and tobacco aids listed in Annex VII, the number of hectares whose production has been granted the aid in the reference period, as calculated in accordance with points B, D, F, H and I of Annex VII;
- (aa) in the case of sugar beet, cane and chicory, the number of hectares as calculated in accordance with point 4 of point K of Annex VII;
- (ab) in the case of bananas, the number of hectares as calculated in accordance with point L of Annex VII;
- (ac) in the case of fruit and vegetables, ware potatoes and nurseries, the number of hectares as calculated in accordance with point M of Annex VII;.

- 6 In Article 44(2), the second subparagraph shall be replaced by the following:

“Eligible hectare” shall also mean one of the following:

- (a) areas planted with hops or being under a temporary resting obligation;
- (b) areas under olive trees;
- (c) areas planted with bananas;
- (d) areas with permanent fruit and vegetables crops;
- (e) nurseries.

- 7 The following paragraph shall be added to Article 45:

3. However, for 2007, in Member States that have not made use of the option in Article 71 and that are not making use of the option set out in the second subparagraph of Article 51, unused payment entitlements corresponding to an equivalent number of hectares declared by the farmer and used for ware potatoes or for fruit and vegetables shall not revert to the national reserve.

- 8 Article 51 shall be replaced by the following:

#### *Article 51*

#### **Agricultural use of the land**

Farmers may use the parcels declared in accordance with Article 44(3) for any agricultural activity except for permanent crops. However, farmers may use the parcels for the following:

- (a) hops;
- (b) olive trees;
- (c) bananas;
- (d) permanent fruit and vegetable crops;
- (e) nurseries.

By way of derogation from the first subparagraph, a Member State may decide, by 1 November 2007, that until a date to be fixed by the Member State but no later than 31 December 2010, the parcels in one or more regions of the Member State may continue not to be used for:

- (a) the production of one or more of the products referred to in Article 1(2) of Regulation (EC) No 2200/96 and in Article 1(2) of Regulation (EC) No 2201/96. However in this case, Member States may decide to allow secondary crops to be cultivated on the eligible hectares during a maximum period of three months starting each year on 15 August; however, at the request of a Member State, this date may be modified in accordance with the procedure referred to in Article 144(2) for regions where cereals are normally harvested earlier for climatic reasons; and/or
- (b) the production of ware potatoes; and/or
- (c) nurseries.

9 Article 60(8) shall be replaced by the following:

8. Where a Member State decides to use the derogation in the second subparagraph of Article 51, it may also decide, by 1 November 2007, to apply paragraphs 1 to 7 of this Article for the same period. Paragraphs 1 to 7 of this Article shall not apply in any other case.

10 The following subparagraph shall be added to Article 63(3):

With regard to the inclusion of the fruit and vegetables, ware potatoes and nurseries payments component in the single payment scheme, Member States may decide, by 1 April 2008, to apply the derogation provided for in the first subparagraph.

11 Article 64(2) shall be replaced by the following:

2. According to the choice made by each Member State, the Commission shall fix, in accordance with the procedure referred to in Article 144(2), a ceiling for each of the direct payments provided for in Articles 66 to 69.

This ceiling shall be equal to the component of each type of direct payment in the national ceilings referred to in Article 41, multiplied by the percentages of reduction applied by Member States in accordance with Articles 66 to 69. The total amount of the fixed ceilings shall be deducted from the national ceilings referred to in Article 41 in accordance with the procedure referred to in Article 144(2).

12 Article 65(1) shall be replaced by the following:

1. For the entitlements to be allocated to farmers, after any possible reduction under Article 41, the component of the reference amount which results from each of the direct payments provided for in Articles 66 to 69 shall be reduced by the percentage to be fixed by Member States within the limit fixed in those Articles, and, for direct



payments provided for in Article 68b, within the period fixed by Member States in accordance with that Article.

- 13 The following Article shall be inserted after Article 68a:

*Article 68b*

**Transitional fruit and vegetables payments**

- 1 Member States may decide, by 1 November 2007, to retain, until 31 December 2011, up to 50 % of the component of national ceilings referred to in Article 41 corresponding to certain tomatoes which are supplied for processing and were eligible under the aid scheme set out in Regulation (EC) No 2201/96.

In this case and within the limit of the ceiling fixed in accordance with Article 64(2), the Member State concerned shall make, on a yearly basis, an additional payment to farmers.

The additional payment shall be granted to farmers producing such tomatoes under the conditions provided for in Chapter 10g of Title IV.

- 2 Member States may decide, by 1 November 2007, to retain:
- a until 31 December 2010, up to 100 % of the component of national ceilings referred to in Article 41 corresponding to certain fruit and vegetable crops other than annual crops listed in the third subparagraph of this paragraph which are supplied for processing and were eligible under the aid schemes set out in Regulations (EC) No 2201/96 and (EC) No 2202/96; and
  - b from 1 January 2011 to 31 December 2012, up to 75 % of the component of national ceilings referred to in Article 41 corresponding to certain fruit and vegetable crops other than annual crops listed in the third subparagraph of this paragraph which are supplied for processing and were eligible under the aid schemes set out in Regulations (EC) No 2201/96 and (EC) No 2202/96.

In this case and within the limit of the ceiling fixed in accordance with Article 64(2), the Member State concerned shall make, on a yearly basis, an additional payment to farmers.

The additional payment shall be granted to farmers producing one or more of the following fruit and vegetables which are supplied for processing and were eligible under the aid schemes set out in Regulations (EC) No 2201/96 and (EC) No 2202/96, as determined by the Member State concerned, under the conditions provided for in Chapter 10g of Title IV:

- a fresh figs;
- b fresh citrus fruits;
- c table grapes;
- d pears;
- e peaches and nectarines; and
- f certain types of plums derived from “d’Ente” plums.

- 3 The component of national ceilings referred to in paragraph 1 corresponding to tomatoes shall be as follows:

<b>Member State</b>	<b>Amount(EUR million per calendar year)</b>
Bulgaria	5,394

*Status: This is the original version (as it was originally adopted).*

Czech Republic	0,414
Greece	35,733
Spain	56,233
France	8,033
Italy	183,967
Cyprus	0,274
Malta	0,932
Hungary	4,512
Romania	1,738
Poland	6,715
Portugal	33,333
Slovakia	1,018

- 4 The component of national ceilings referred to in paragraph 2 corresponding to fruit and vegetable crops other than annual crops shall be as follows:

<b>Member State</b>	<b>Amount(EUR million per calendar year)</b>
Bulgaria	0,851
Czech Republic	0,063
Greece	153,833
Spain	110,633
France	44,033
Italy	131,7
Cyprus	In 2008: 4,793 In 2009: 4,856 In 2010: 4,919 In 2011: 4,982 In 2012: 5,045
Hungary	0,244
Romania	0,025
Portugal	2,9
Slovakia	0,007

14 Article 71g shall be deleted.

15 The following subparagraph shall be added to Article 71k(2):

However, with regard to the inclusion of the fruit and vegetables payments component in the single payment scheme, new Members States may decide, by 1 April 2008, or by 1 August of the year preceding the first year of application of the single payment scheme, to apply the derogation provided for in the first subparagraph.

16 In Title IV, the following Chapters shall be added after Chapter 10f:

#### CHAPTER 10g

### TRANSITIONAL FRUIT AND VEGETABLES PAYMENTS

#### *Article 110t*

##### **Transitional area aid**

1 In the case of application of Articles 68b(1) or 143bc(1) during the period referred to in those provisions, a transitional area aid may be granted, under the conditions laid down in this Chapter, to farmers producing certain tomatoes, as determined by the Member States, which are supplied for processing.

2 In the case of application of Articles 68b(2) or 143bc(2) during the period referred to in those provisions, a transitional area aid may be granted, under the conditions laid down in this Chapter, to farmers producing certain fruit and vegetable products listed in the third subparagraph of Article 68b(2), as determined by the Member States, which are supplied for processing.

#### *Article 110u*

##### **Amount of the aid and eligibility**

1 Member States shall fix the aid per hectare on which tomatoes and each fruit and vegetable listed in the third subparagraph of Article 68b(2) is grown on the basis of objective and non-discriminatory criteria.

2 The total amount of payments shall in no case exceed the ceiling fixed in accordance with Article 64(2) or Article 143bc.

3 The aid shall be granted only in respect of areas whose production is covered by a contract for processing into one of the products listed in Article 1(2) of Regulation (EC) No 2201/1996.

4 Member States may make the granting of Community aid subject to further objective and non-discriminatory criteria, including being conditional on farmers being members of a producer organisation or producer group recognised, respectively, under Articles 4 or 7 of Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector<sup>(1)</sup>.

5 By 1 November 2007, Member States shall notify the Commission of their decision to apply Articles 68b or 143bc, the amount retained under those Articles and the criteria referred to in paragraph 1 of this Article.

## CHAPTER 10h

### TRANSITIONAL SOFT FRUIT PAYMENT

#### *Article 110v*

#### **Soft fruit payment**

1           A transitional area aid shall apply during the period ending on 31 December 2012 in respect of strawberries falling within CN code 0810 10 00 and raspberries falling within CN code 0810 20 10 which are supplied for processing.

2           The aid shall be granted only in respect of areas whose production is covered by a contract for processing into one of the products listed in Article 1(2) of Regulation (EC) No 2201/1996.

3           The Community aid shall be EUR 230 per hectare per year.

4           Member States may grant national aid in addition to the Community aid. The total amount of Community and national aid paid shall not exceed EUR 400 per hectare per year.

5           The aid shall be paid only in respect of maximum national guaranteed areas allocated to Member States as follows:

<b>Member State</b>	<b>National guaranteed area(hectares)</b>
Bulgaria	2 400
Hungary	1 700
Latvia	400
Lithuania	600
Poland	48 000

If the eligible area in a given Member State and in a given year exceeds the maximum national guaranteed area, the aid amount referred to in paragraph 3 shall be reduced proportionately to the overrun of the maximum national guaranteed area.

6           Articles 143a and 143c shall not apply to the transitional soft fruit payment.

17          Article 143b(1) shall be replaced by the following:

1.           The new Member States may decide not later than on the date of accession to replace the direct payments, with the exception of the aid for energy crops established in Chapter 5 of Title IV and of the transitional soft fruit payment established in Chapter 10h of Title IV, during the period of application referred to in paragraph 9, by a single area payment which shall be calculated in accordance with paragraph 2.

18          The third indent of Article 143b(3) shall be replaced by the following:

—           adjusted using the relevant percentage specified in Article 143a for the gradual introduction of direct payments, except for the amounts available in accordance with point 2 of point K of Annex VII or in accordance with the differential between these amounts and those actually applied as referred to

in Article 143ba(4), and except for the amounts corresponding to the fruits and vegetable sector in accordance with paragraphs 3 and 4 of Article 68b or in accordance with the differential between these amounts and those actually applied as referred to in Articles 143bb(4) and 143bc(3).

- 19 The following Articles shall be inserted after Article 143ba:

*Article 143bb*

**Separate fruit and vegetables payment**

1 By way of derogation from Article 143b, the new Member States applying the single area payment scheme may decide, by 1 November 2007, to grant a separate fruit and vegetables payment to farmers eligible under the single area payment scheme. It shall be granted on the basis of objective and non-discriminatory criteria such as those set out in the first paragraph of point M of Annex VII and in respect of a representative period as set out in that paragraph.

2 The separate fruit and vegetables payment shall be granted within the limits of the component of the national ceiling referred to in Article 71c corresponding to fruit and vegetables.

3 By way of derogation from paragraph 2, each new Member State concerned may decide, by 1 November 2007, on the basis of objective criteria to apply for the separate fruit and vegetables payment a lower ceiling than that set out in that paragraph.

4 The funds made available for granting the separate fruit and vegetables payment in accordance with paragraphs 1, 2 and 3 shall not be included in the annual financial envelope referred to in Article 143b(3).

5 Articles 143a and 143c shall not apply to the separate fruit and vegetables payment.

6 In the case of actual or anticipated inheritance, the separate fruit and vegetables payment shall be granted to the farmer who inherited the holding, under the condition that this farmer is eligible under the single area payment scheme.

*Article 143bc*

**Transitional fruit and vegetables payment**

1 By way of derogation from Article 143b, the new Member States applying the single area payment scheme may decide, by 1 November 2007, to retain, until 31 December 2011, up to 50 % of the component of national ceilings referred to in Article 41 corresponding to tomatoes falling within CN code 0702 00 00.

In this case and within the limit of the ceiling fixed in accordance with the procedure referred to in Article 144(2), the Member State concerned shall make, on a yearly basis, an additional payment to farmers.

The additional payment shall be granted to farmers producing tomatoes under the conditions provided for in Chapter 10g of Title IV.

- 2 By way of derogation from Article 143b, the new Member States applying the single area payment scheme may decide, by 1 November 2007, to retain:
- a until 31 December 2010, up to 100 % of the component of national ceilings referred to in Article 71c corresponding to the fruit and vegetable crops other than annual crops listed in the third subparagraph of Article 68b(2);
  - b from 1 January 2011 until 31 December 2012, up to 75 % of the component of national ceilings referred to in Article 71c corresponding to fruit and vegetable crops other than annual crops listed in the third subparagraph of Article 68b(2).

In this case and within the limit of the ceiling fixed in accordance with the procedure referred to in Article 144(2), the Member State concerned shall make, on a yearly basis, an additional payment to farmers.

The additional payment shall be granted to farmers producing one or more of the fruit and vegetables, as determined by the Member State concerned, listed in the third subparagraph of Article 68b(2).

- 3 The funds made available for granting the transitional fruit and vegetables payment in accordance with paragraphs 1 and 2 shall not be included in the annual financial envelope referred to in Article 143b(3).

- 4 Articles 143a and 143c shall not apply to the transitional fruit and vegetables payment.

- 20 In Article 145, the following point shall be inserted after point (d)c):

(d)d) detailed implementing rules relating to the inclusion of fruit and vegetables, ware potatoes and nurseries support in the single payment scheme and relating to the payments referred to in Chapters 10g and 10h of Title IV;

- 21 Article 155 shall be replaced by the following:

*Article 155*

**Other transitional rules**

Further measures required to facilitate the transition from the arrangements provided for in the Regulations referred to in Articles 152 and 153 and in Regulations (EEC) No 404/93, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2202/96 and (EC) No 1260/2001 to those established by this Regulation, notably those related to the application of Articles 4 and 5 of and the Annex to Regulation (EC) No 1259/1999 and Article 6 of Regulation (EC) No 1251/1999, and from the provisions related to the improvement plans provided for in Regulation (EEC) No 1035/72 to those referred to in Articles 83 to 87 of this Regulation, may be adopted in accordance with the procedure referred to in Article 144(2) of this Regulation. Regulations and Articles referred to in Articles 152 and 153 shall continue to apply for the purpose of the establishment of the reference amounts referred to in Annex VII.

- 22 The Annexes shall be amended in accordance with Annex II to this Regulation.

*Article 53*

**Amendments to Regulation (EC) No 318/2006**

Regulation (EC) No 318/2006 shall be amended as follows:

1. In paragraphs 1, 2 and 4 of Article 32, the words ‘or Annex VIII’ shall be inserted after ‘Annex VII’.
2. The following Annex shall be added after Annex VII:

## ANNEX VIII

### **Processed fruit and vegetable products**

The products listed in Article 1(2)(b) of Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products<sup>(2)</sup>.

#### *Article 54*

### **Repeal**

Regulation (EC) No 2202/96 shall be repealed.

#### *Article 55*

### **Transitional provisions**

1 The aid schemes set out in Regulations (EC) No 2201/96 and (EC) No 2202/96 and abolished by this Regulation shall remain applicable in respect of each of the products concerned for the marketing year for that product ending in 2008.

2 Producer organisations and associations of producer organisations already recognised under Regulation (EC) No 2200/96 before the date of entry into force of this Regulation shall continue to be recognised under this Regulation. Where necessary, they shall make adaptations to the requirements of this Regulation by 31 December 2010.

3 At the request of a producer organisation, an operational programme approved under Regulation (EC) No 2200/96 before the date of application of this Regulation:

- a may continue to run until its end; or
- b be modified to meet the requirements of this Regulation; or
- c be replaced by a new operational programme approved under this Regulation.

Article 10(3)(e) and (f) shall apply to operational programmes submitted in 2007 but not yet approved on the date of application of this Regulation which otherwise meet the criteria laid down in those points.

4 Producer groups which were granted preliminary recognition under Regulation (EC) No 2200/96 shall continue to benefit from that preliminary recognition under this Regulation. Recognition plans accepted under Regulation (EC) No 2200/96 shall continue to benefit from that acceptance under this Regulation. However, the plans shall be modified, if necessary, so as to permit the producer group to be able to meet the criteria for recognition as a producer organisation laid down in Article 4 of this Regulation. As concerns such producer groups in Member States which acceded to the European Union on 1 May 2004 or after that date, the aid rates set out in Article 7(4)(a) shall apply to recognition plans from the date of application of this Regulation.

5 The contracts referred to in Article 3(2) of Regulation (EC) No 2202/96 covering more than one marketing year of the aid scheme for processing citrus fruits which relate to the marketing year beginning on 1 October 2008 or to subsequent marketing years may, with the agreement of both parties to the contract, be amended or terminated to take into account the repeal of that Regulation and the consequential abolition of the aid. No penalties shall be applied under that Regulation or its implementing rules to the parties concerned as a result of such an amendment or termination.

6 Where a Member State makes use of the transitional arrangement under Articles 68b or 143bc of Regulation (EC) No 1782/2003, the rules adopted pursuant to Article 6 of Regulation (EC) No 2201/96 or Article 6 of Regulation (EC) No 2202/96 on the minimum characteristics of the raw material supplied for processing and minimum quality requirements for finished products shall remain applicable in respect of the raw materials harvested in the territory of that Member State.

#### *Article 56*

#### **Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2008.



---

**Status:** This is the original version (as it was originally adopted).

---

- (1) OJ L 273, 17.10.2007, p. 1'
- (2) OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Regulation (EC) No 1182/2007 (OJ L 273, 17.10.2007, p. 1).