

Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector (repealed)

TITLE V

GENERAL, REPEALING, TRANSITIONAL AND FINAL PROVISIONS

Article 145

Checks

Without prejudice to specific provisions of this Regulation or other Community legislation, Member States shall introduce checks and measures in so far as they are necessary to ensure the proper application of Regulation (EC) No 1182/2007 and this Regulation. They shall be effective, proportionate and dissuasive so that they provide adequate protection for the Communities' financial interests.

In particular, they shall ensure that:

- (a) all eligibility criteria established by Community or national legislation or the national framework or the national strategy can be checked;
- (b) the competent authorities responsible for carrying out checks have a sufficient number of suitably qualified and experienced staff to carry out the checks effectively; and
- (c) provision is made for checks to avoid irregular duplicated financing of measures under this Regulation and other Community or national schemes.

Article 146

National sanctions

Without prejudice to any sanctions set out in this Regulation or Regulation (EC) No 1182/2007, Member States shall provide for the application of sanctions at national level in relation to irregularities committed in respect of requirements set out in this Regulation and Regulation (EC) No 1182/2007 which are effective, proportionate and dissuasive so that they provide adequate protection for the Communities' financial interests.

Article 147

Artificially created situations

Without prejudice to any specific measures set out in this Regulation or Regulation (EC) No 1182/2007, no payment shall be made in favour of beneficiaries for whom it is established that they artificially created the conditions required for obtaining such payments with a view to obtaining an advantage contrary to the objectives of the support scheme concerned.

Status: Point in time view as at 21/12/2007.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1580/2007 (repealed), TITLE V. (See end of Document for details)

Article 148

Communications

1 Without prejudice to any specific provisions of this Regulation, all communications to be made by Member States to the Commission under this Regulation shall be made by the means and in the format specified by the Commission.

Communications not made by the specified means and in the specified format may be considered as not made at all, without prejudice to paragraph 3.

2 Without prejudice to any specific provisions of this Regulation. Member States shall take all measures necessary to ensure that they are able to meet the deadlines for communications set out in this Regulation.

3 If a Member State fails to make a communication as required under this Regulation or Regulation (EC) No 1182/2007 or if the communication appears incorrect in the light of objective facts in the Commission's possession, the Commission may suspend part or all of the monthly payments referred to in Article 14 of Council Regulation (EC) No 1290/2005⁽¹⁾ as regards the fruit and vegetables sector until the communication is correctly made.

Article 149

Obvious errors

Any communication, claim or request made to a Member State under this Regulation or Regulation (EC) No 1182/2007, including an aid application, may be adjusted at any time after its submission in cases of obvious errors recognised by the competent authority.

Article 150

Force majeure and exceptional circumstances

Where, under this Regulation or Regulation (EC) No 1182/2007, a sanction is to be imposed or a benefit or recognition is to be withdrawn, the sanction shall not be imposed or the withdrawal made in cases of *force majeure* or exceptional circumstances within the meaning of Article 40(4) of Regulation (EC) No 1782/2003.

However, the case of *force majeure* shall be notified, with relevant evidence to the satisfaction of the competent authority, to the authority within 10 working days of the date on which the person concerned is in a position to do so.

Article 151

Repeals

Regulations (EC) No 3223/94, (EC) No 1555/96, (EC) No 961/1999, (EC) No 544/2001, (EC) No 1148/2001, (EC) No 2590/2001, (EC) No 1791/2002, (EC) No 2103/2002, (EC) No 48/2003, (EC) No 606/2003, (EC) No 761/2003, (EC) No 1432/2003, (EC) No 1433/2003, (EC) No 1943/2003, (EC) No 103/2004, (EC) No 1557/2004, (EC) No

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179/2006, (EC) No 430/2006, (EC) No 431/2006, and (EC) No 1790/2006 are hereby repealed.

However, the repealed Regulations shall continue to apply, where appropriate, for the purposes of Article 55(1) of Regulation (EC) No 1182/2007.

Article 152

Transitional provisions

1 Notwithstanding Article 2 of this Regulation, solely for the purposes of the application of Article 55(1) of Regulation (EC) No 1182/2007, the definitions of marketing years for the products listed in Article 1(2) of Regulation (EC) No 2201/96, existing before the entry into force of this Regulation shall apply.

2 The rules for the approval of all operational programmes submitted in 2007 shall be those applicable immediately prior to the date of application of this Regulation.

Operational programmes to which benefit from point (a) of Article 55(3) of Regulation (EC) No 1182/2007 may continue to run until their end provided they comply with the rules applicable prior to the date of application of this Regulation.

By way of derogation from Articles 66 and 67 of this Regulation, Member States may adopt any necessary provisions to permit producer organisations to amend their operational programmes as soon as possible after the entry into force of this Regulation in order to apply points (b) and (c) of Article 55(3) of Regulation (EC) No 1182/2007.

3 For the purposes of Article 55(6) of Regulation (EC) No 1182/2007, the rules on the minimum characteristics of the raw material supplied for processing and minimum quality requirements for finished products which shall remain applicable in respect of the raw materials harvested in the territory of Member States which make use of the transitional arrangement under Article 68b or Article 143bc of Regulation (EC) No 1782/2003 shall be, in addition to any relevant marketing standards as referred to in Article 2 of Regulation (EC) No 1182/2007, those contained in the Commission Regulations listed in Annex XVIII.

Article 153

Entry into force

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

It shall apply from 1 January 2008.

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Changes to legislation: There are currently no known outstanding effects for the Commission
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- (1) OJ L 209, 11.8.2005, p. 1.

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