

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 IV

### COMPETITION RULES

#### CHAPTER II

#### *State aid rules*

#### *Article 211*

#### **Application of Articles 107 to 109 TFEU**

1 Articles 107 to 109 TFEU shall apply to the production of, and trade in, agricultural products.

2 By way of derogation from paragraph 1, Articles 107 to 109 TFEU shall not apply to payments made by Member States pursuant to and in conformity with either of the following:

- a the measures provided for in this Regulation which are partly or wholly financed by the Union;
- b Articles 213 to 218 of this Regulation.

[<sup>F13</sup> By way of derogation from paragraph 1 of this Article, Articles 107, 108 and 109 TFEU shall not apply to national fiscal measures whereby Member States decide to deviate from general tax rules by allowing for the income tax base applied to farmers to be calculated on the basis of a multiannual period with a view to evening out the tax base over a certain number of years.]

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#### **Textual Amendments**

- F1** Substituted by Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.

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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1308/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

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### Article 212

#### **National payments related to wine support programmes**

By way of derogation from Article 44(3), Member States may grant national payments in accordance with the Union rules on State aid for the measures referred to in Articles 45, 49 and 50.

The maximum aid rate as laid down in the relevant Union rules on State aid shall apply to the global public financing, including both Union and national funds.

### Article 213

#### **National payments for reindeer in Finland and Sweden**

Subject to an authorisation by the Commission adopted without applying the procedure referred to in Article 229(2) or (3), national payments for the production and marketing of reindeer and reindeer products (CN codes ex 0208 and ex 0210) may be made by Finland and Sweden insofar as they do not entail any increase in traditional levels of production.

### Article 214

#### **National payments for the sugar sector in Finland**

Finland may make national payments of up to EUR 350 per hectare per marketing year to sugar beet growers.

### <sup>[X]</sup>Article 214a

#### **National payments for certain sectors in Finland**

Subject to authorisation by the Commission, for the period 2014-2020, Finland may continue to grant national aids which it granted in 2013 to producers on the basis of Article 141 of the 1994 Act of Accession, provided that:

- (a) the amount of income aid is degressive over the whole period and in 2020 does not exceed 30 % of the amount granted in 2013; and
- (b) prior to any recourse to this possibility, full use has been made of the support schemes under the CAP for the sectors concerned.

The Commission shall adopt its authorisation without applying the procedure referred to in Article 229(2) or (3) of this Regulation.

[<sup>F1</sup>In 2021 and 2022, Finland may continue to grant the national aids referred to in the first paragraph subject to the same conditions and amounts as authorised by the Commission for 2020.]]

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#### **Editorial Information**

- X1** Inserted by [Corrigendum 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 \(Official Journal of the European Union L 347 of 20 December 2013\)](#).

#### **Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations \(EU\) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development \(EAFRD\), \(EU\) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, \(EU\) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, \(EU\) No 1308/2013 establishing a common organisation of the markets in agricultural products and \(EU\) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material](#).

### *Article 215*

#### **National payments for apiculture**

Member States may make national payments for the protection of apiaries disadvantaged by structural or natural conditions or under economic development programmes, except for those allocated for production or trade.

### *Article 216*

#### **National payments for distillation of wine in cases of crisis**

1 Member States may make national payments to wine producers for the voluntary or mandatory distillation of wine in justified cases of crisis.

Those payments shall be proportionate and shall allow that crisis to be addressed.

The overall amount of payments available in a Member State in any given year for such payments shall not exceed 15 % of the globally available funds per Member State for that year as laid down in Annex VI.

2 Member States wishing to make use of the national payments referred to in paragraph 1 shall submit a duly substantiated notification to the Commission. The Commission shall decide, without applying the procedure referred to in Article 229(2) or (3), whether the measure is approved and whether the payments may be made.

3 The alcohol resulting from distillation referred to in paragraph 1 shall be used exclusively for industrial or energy purposes so as to avoid any distortion of competition.

4 The Commission may adopt implementing acts laying down the measures necessary for the application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

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## *F<sup>2</sup>* Article 217

### **National payments for the distribution of products to children**

Member States may make national payments for supplying to children in educational establishments the groups of eligible products referred to in Article 23, for accompanying educational measures related to such products and for the related costs referred to in point (c) of Article 23(1).

Member States may finance those payments by means of a levy on the sector concerned or by means of any other contribution from the private sector.]

#### **Textual Amendments**

- F2** Substituted by [Regulation \(EU\) 2016/791 of the European Parliament and of the Council of 11 May 2016 amending Regulations \(EU\) No 1308/2013 and \(EU\) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments.](#)

## Article 218

### **National payments for nuts**

1 Member States may make national payments, up to a maximum of EUR 120,75 per hectare per year, to farmers producing the following products:

- a almonds falling within CN codes 0802 11 and 0802 12;
- b hazelnuts or filberts falling within CN codes 0802 21 and 0802 22;
- c walnuts falling within CN codes 0802 31 00 and 0802 32 00;
- d pistachios falling within CN codes 0802 51 00 and 0802 52 00;
- e locust beans falling within CN code 1212 92 00.

2 The national payments referred to in paragraph 1 may be paid only for a maximum area of:

| <b>Member State</b> | <b>Maximum area (ha)</b> |
|---------------------|--------------------------|
| Belgium             | 100                      |
| Bulgaria            | 11 984                   |
| Germany             | 1 500                    |
| Greece              | 41 100                   |
| Spain               | 568 200                  |
| France              | 17 300                   |
| Italy               | 130 100                  |
| Cyprus              | 5 100                    |
| Luxembourg          | 100                      |
| Hungary             | 2 900                    |

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|                |        |
|----------------|--------|
| Netherlands    | 100    |
| Poland         | 4 200  |
| Portugal       | 41 300 |
| Romania        | 1 645  |
| Slovenia       | 300    |
| Slovakia       | 3 100  |
| United Kingdom | 100    |

3 Member States may make the granting of national payments referred to in paragraph 1 conditional on farmers being members of a producer organisation recognised under Article 152.

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