

Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006

CHAPTER III

**SPECIFIC SUPPLY ARRANGEMENTS**

*Article 18*

**Controls and penalties**

1 Products which are the subject of specific supply arrangements shall be subject to administrative checks at the time that they are imported into or enter the outermost regions, as well as when they are exported or dispatched.

The Commission shall adopt implementing acts regarding the minimum characteristics of the checks to be carried out by the Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

2 Except in cases of *force majeure* or exceptional climatic conditions, if an operator, as referred to in Article 12, fails to comply with the commitments made in accordance with Article 12, the competent authority, without prejudice to any penalties applicable under national law, shall:

- a recover the advantage granted to operator;
- b temporarily suspend or revoke the operator's registration, depending on the seriousness of the non-compliance.

3 Except in cases of *force majeure* or exceptional climatic conditions, where operators, as referred to in Article 12, do not carry out the planned import or entry, their entitlement to apply for licences or certificates shall be suspended by the competent authority for a period of 60 days following expiry of that licence or certificate. After the suspension period, the issue of subsequent licences or certificates shall be subject to the lodging of a security equal to the amount of the advantage to be granted during a period to be determined by the competent authority.

The competent authority shall adopt the measures required to reutilise any quantities of products made available as a result of non-execution, partial execution or cancellation of the licenses and certificates issued or recovery of the advantage.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) No 228/2013 of the European Parliament and of the Council, Article 18.