

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 V

ACCOMPANYING MEASURES

Article 21

Logo

1 A logo shall be introduced with a view to improving awareness and the consumption of quality agricultural products, whether processed or not, specific to the outermost regions.

2 The conditions for using the logo referred to in paragraph 1 shall be proposed by the trade organisations concerned. The national authorities shall forward such proposals, with their opinion thereon, to the Commission.

Use of the logo shall be monitored by a public authority or a body approved by the competent national authorities.

3 The Commission shall be empowered to adopt delegated acts, in accordance with Article 33, regarding the conditions for exercising the right to use the logo and for reproducing and using it. Those conditions shall be set to improve awareness of high-quality agricultural products from the outermost regions and to increase the consumption thereof, regardless of whether those products are processed or non-processed.

4 The Commission shall adopt implementing acts regarding the detailed rules concerning the use of the logo and the minimum characteristics for the checks and monitoring which the Member States shall perform. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 22

Rural development

1 Notwithstanding Article 39(4) of Regulation (EC) No 1698/2005, the maximum annual amounts eligible for Union aid, as set out in Annex I to that Regulation, may be increased up to twofold in the case of the measure to protect lakes in the Azores and the measure to preserve the landscape, biodiversity and traditional features of agricultural land and the conservation of stone walls in the outermost regions.

2 A description of the measures planned under paragraph 1 of this Article shall be included, where appropriate, in the programmes for these regions referred to in Article 16 of Regulation (EC) No 1698/2005.

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, CHAPTER V. (See end of Document for details)

Article 23

State aid

1 For the agricultural products covered by Annex I to the Treaty, to which Articles 107, 108 and 109 thereof apply, the Commission may authorise, in accordance with Article 108 of the Treaty, operating aid in the sectors producing, processing and marketing those products, with a view to alleviating the specific constraints on farming in the outermost regions as a result of their isolation, insularity and extreme remoteness.

2 Member States may grant additional financing for the implementation of POSEI programmes. In such cases, the Member States shall notify the Commission of the State aid and the Commission may approve it in accordance with this Regulation as part of those programmes. Aid thus notified shall be regarded as notified within the meaning of the first sentence of Article 108(3) of the Treaty.

3 France may grant the sugar sector in the French outermost regions aid of up to EUR 90 million per marketing year.

France shall inform the Commission within 30 days of the end of each marketing year of the amount of aid actually granted.

4 Without prejudice to paragraphs 1 and 2 of this Article and by way of derogation from the first subparagraph of Article 180 of Regulation (EC) No 1234/2007 and Article 3 of Council Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of, and trade in, agricultural products⁽¹⁾, Articles 107, 108 and 109 of the Treaty shall not apply to payments made under Chapter IV of this Regulation, paragraph 3 of this Article and Articles 24 and 28 of this Regulation by Member States in conformity with this Regulation.

Article 24

Plant health programmes

1 The Member States shall submit programmes to the Commission for the control of organisms harmful to plants or plant products in the outermost regions. The programmes shall specify in particular the objectives to be achieved, the measures to be carried out, their duration and their cost.

The Commission shall evaluate the programmes submitted. The Commission shall adopt implementing acts to approve or not approve those programmes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

2 The Union shall contribute to the financing of the programmes provided for in paragraph 1 on the basis of a technical analysis of the regional situations.

Such contribution may cover up to 75 % of eligible expenditure. Payment shall be made on the basis of documentation provided by Member States. If necessary, checks may be organised by the Commission and conducted on its behalf by the experts referred to in Article 21 of Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽²⁾.

[^{F1}Union financing of the programmes for the control of pests in the outermost regions of the Union shall be implemented in accordance with Regulation (EU) No 652/2014 of the European Parliament and of the Council⁽³⁾.]

3 The Commission shall adopt implementing acts in respect of each region and programme, on the basis of the criteria fixed in paragraph 2 and the programme presented in accordance with paragraph 1, establishing:

- a the financial participation of the Union, as well as the amount of the aid;
- b the measures eligible for Union financing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Textual Amendments

- F1** Inserted by Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC.

Article 25

Wine

1 Measures referred to in Articles 103v, 103w, 103x and 182a of Regulation (EC) No 1234/2007 shall not apply to the Azores and Madeira.

2 Notwithstanding the second subparagraph of Article 120a(2) of Regulation (EC) No 1234/2007, grapes from the vine varieties referred to in point (b) of that subparagraph, and harvested in the Azores and Madeira, may be used for the production of wine which must remain within those regions.

Portugal shall gradually cease harvesting the parcels planted using the vine varieties referred to in point (b) of the second subparagraph of Article 120a(2) of Regulation (EC) No 1234/2007 with, if necessary, the supports provided for in Article 103q of that Regulation.

3 By way of derogation from Article 85f of Regulation (EC) No 1234/2007, the transitional planting rights regime shall apply to the Canary Islands until 31 December 2012.

Article 26

Milk

1 For the purposes of distributing the surplus levy referred to in Article 79 of Regulation (EC) No 1234/2007, only producers who, within the meaning of Article 65(c) of that Regulation, established and producing in the Azores, market quantities exceeding their reference quantity increased by the percentage referred to in the third subparagraph of this paragraph shall be deemed to have contributed to the overrun.

The surplus levy shall be due on quantities exceeding the quota thus increased by the percentage referred to in the third subparagraph, after reallocation of the unused

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quantities within the margin resulting from this increase among all the producers within the meaning of Article 65(c) of Regulation (EC) No 1234/2007 established and producing in the Azores, and in proportion to the reference quantity available to each producer.

The percentage referred to in the first subparagraph shall be equal to the ratio between the quantity of 23 000 tonnes from the 2005/2006 marketing year onwards and the total of the reference quantities available on each holding on 31 March 2010. It shall apply only to the quota available on 31 March 2010.

2 The quantities of milk or milk equivalent marketed which exceed the quota but which comply with the percentage referred to in the third subparagraph of paragraph 1, after the reallocation referred to in that same paragraph, shall not be taken into account in establishing any overrun by Portugal as calculated in accordance with Article 66 of Regulation (EC) No 1234/2007.

3 The surplus levy scheme applicable to producers of milk provided for in Regulation (EC) No 1234/2007 shall not apply in the French overseas departments or, within the limit of local production of 4 000 tonnes of milk, in Madeira.

4 Notwithstanding Article 114(2) of Regulation (EC) No 1234/2007, the production in Madeira and in the French overseas department of Réunion of UHT milk reconstituted from milk powder originating in the Union shall be authorised within the limits of local consumption requirements, provided that this measure does not hinder the collection or disposal of locally produced milk. If France demonstrates the expediency of such a measure for the French overseas departments of Martinique, Guadeloupe and French Guiana, the Commission shall be empowered to adopt, where necessary, delegated acts, in accordance with Article 33, in order to extend this measure to those departments. This product shall be used for local consumption only.

The method by which the UHT milk thus reconstituted has been obtained shall be clearly indicated on the sales labelling.

Article 27

Cattle farming

1 Until the local numbers of young male bovines reach a level sufficient to ensure the maintenance and development of local beef production in the French overseas departments and Madeira, the possibility shall be introduced of importing bovine animals from third countries for fattening and consumption in the French overseas departments and Madeira, without applying import duties under the Common Customs Tariff. The Commission shall adopt implementing acts regarding the measures necessary to implement this subparagraph and more specifically the means for introducing the exemption from import duties in respect of the young male bovines introduced into the French overseas departments and Madeira. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 13 and Article 14(1) shall apply to animals qualifying for the exemption referred to in the first subparagraph of this paragraph.

2 The numbers of animals qualifying for the exemption referred to in paragraph 1 shall be determined in the POSEI programmes, if the need to import is justified, in view of developments in local production. Priority for such animals shall be given to producers keeping animals for fattening at least 50 % of which are of local origin.

The Commission shall be empowered to adopt delegated acts, in accordance with Article 33, laying down the conditions for the exemption from import duties. Those conditions shall take into account the specific local features of the beef sector and industry.

3 Where Article 52 and Article 53(1) of Regulation (EC) No 73/2009 are applied, Portugal may reduce the component of the national ceiling corresponding to sheep and goat payments and suckler cow premium rights. In this case, the Commission shall adopt implementing acts regarding the relevant amount to be transferred from the ceilings established in accordance with Article 52 and Article 53(1) of Regulation (EC) No 73/2009 to the financial allocation referred to in the second indent of Article 30(2) of this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 28

State aid for tobacco production

Spain is authorised to award aid concerning the production of tobacco in the Canary Islands. The granting of this aid may not result in discrimination between producers in the islands.

The amount of the aid may not exceed EUR 2 980,62 per tonne. The additional aid shall be granted for up to 10 tonnes each year.

Article 29

Exemption of tobacco from customs duties

1 No customs duties shall be applied to direct imports into the Canary Islands of raw and semi-manufactured tobacco falling, respectively, within:

- a CN code 2401; and
- b the following subheadings:
 - 2401 10 Tobacco, not stemmed/stripped,
 - 2401 20 Tobacco, partly or wholly stemmed/stripped,
 - ex 2401 20 Outer coverings for cigars presented on supports, in reels for the manufacture of tobacco,
 - 2401 30 Tobacco waste,
 - ex 2402 10 Unfinished cigars without wrapping,
 - ex 2403 10 Cigarette rag (finished mixtures of tobacco for the manufacture of cigarettes, cigars, cheroots and cigarillos),
 - ex 2403 91 Homogenised or reconstituted tobacco, whether or not put up in sheets or strips,
 - ex 2403 99 Expanded tobacco.

The exemption provided for in the first subparagraph is granted by means of the certificates referred to in Article 12.

This exemption applies to the products referred to in the first subparagraph, meant to be processed in the Canary Islands in order to produce manufactured products ready for smoking, subject to an annual import limit of 20 000 tonnes of raw stripped tobacco equivalent.

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2 The Commission shall adopt implementing acts regarding the measures necessary to implement paragraph 1 and more specifically the measures for introducing the exemption from import duties in respect of tobacco in the Canary Islands. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

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, CHAPTER V. (See end of Document for details)

- (1) [OJ L 214, 4.8.2006, p. 7.](#)
- (2) [OJ L 169, 10.7.2000, p. 1.](#)
- (3) [^{F1}Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 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, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC ([OJ L 189, 27.6.2014, p. 1.](#))]

Textual Amendments

- F1** Inserted by [Regulation \(EU\) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations \(EU\) No 228/2013, \(EU\) No 652/2014 and \(EU\) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC.](#)

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