

Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (Text with EEA relevance)

CHAPTER I

PRINCIPLES AND REQUIREMENTS OF THE INFORMATION SYSTEM

Article 1

Commission information system and notification method

1 Notification of information and documents required pursuant to the notification obligations laid down in Regulations (EU) No 1307/2013 and (EU) No 1308/2013 and in the acts adopted on the basis of those Regulations shall be made by means of an information-technology-based system that the Commission makes available to Member States.

The information and documents shall be set up and notified in accordance with:

- a the procedures established for the information system;
- b the access rights granted by the single liaison body referred to in Delegated Regulation (EU) 2017/1183; and
- c the forms made available to users in the information system.

2 By way of exception to the first paragraph of paragraph 1, Member States may make the required information available to the Commission by mail, by telefax, by electronic mail or by hand:

- a if the Commission has not made available the information technology means for a specific notification obligation;
- b in cases of *force majeure* or exceptional circumstances which make it impossible for the Member State to use the information system referred to in paragraph 1.

Article 2

Integrity and legibility over time

The information system made available by the Commission shall be designed to protect the integrity of the documents notified and held. In particular, it shall:

- (a) allow each user to be unequivocally identified and shall incorporate effective control measures of access rights in order to protect against illegal, malicious or unauthorised access, deletion, alteration or movement of documents, files or metadata;
- (b) be equipped with physical protection systems against intrusions and environmental incidents and with software protection against possible cyber-attacks;
- (c) prevent any unauthorised changes and incorporate integrity mechanisms to check if a document has been altered over time;

- (d) keep an audit trail for each essential stage of the procedure;
- (e) safeguard stored data in an environment which is secure in both physical and software terms, in accordance with point (b);
- (f) provide reliable format conversion and migration procedures in order to guarantee that documents are legible and accessible throughout the entire storage period required;
- (g) have sufficiently detailed and up-to-date functional and technical documentation on the operation and characteristics of the system; that documentation shall be accessible at all times to the organisational entities responsible for the functional and/or technical specifications.

Article 3

Authenticity of documents

The authenticity of a document notified or stored using an information system in conformity with this Regulation is recognised if the person who sent the document is duly identified and if the document has been set up and notified in compliance with this Regulation.

Article 4

Protection of personal data

1 The provisions of this Regulation shall apply without prejudice to Directive 95/46/EC, Regulation (EC) No 45/2001, Regulation (EC) No 1049/2001, and Directive 2002/58/EC and the provisions adopted pursuant to them.

2 Member States shall take the necessary steps to protect the confidentiality of data received from economic operators.

3 Where information notified to the Commission is obtained from less than three operators, or where information from a single operator accounts for more than 70 % of the quantum of such information notified, the Member State concerned shall signal this to the Commission when notifying the information.

4 The Commission shall not publish information in such a way that can lead to the identification of an individual operator. Where such a risk exists, the Commission shall only publish such information in an aggregate form.

Article 5

Default notification

Save as otherwise provided for in the acts referred to in Article 1, where a Member State has not notified the Commission the required information or documents by the deadline ('nil return'), the Member State shall be deemed to have notified the Commission:

- (a) in the case of quantitative information, of a zero value;
- (b) in the case of qualitative information, of a 'nothing to report' situation.

CHAPTER II

NOTIFICATIONS ON PRICES, PRODUCTION, MARKET INFORMATION AND THOSE REQUIRED BY INTERNATIONAL AGREEMENTS

SECTION 1

Notification on prices, production and market information

Article 6

Notification on prices, production and market situation

The notification of information on prices required pursuant to the notification obligation laid down in Article 2 of Delegated Regulation (EU) 2017/1183 shall be made in accordance with Annexes I and II.

The notification of production and markets required pursuant to the notification obligation laid down in Article 2 of Delegated Regulation (EU) 2017/1183 shall be made in accordance with Annex III.

Article 7

Integrity of information

1 Member States shall take the necessary steps to ensure that information notified is relevant to the market concerned, accurate and complete. Member States shall ensure that quantitative data notified constitute a consistent statistical series. In the event that a Member State has reason to believe that the information notified might not be relevant, accurate or complete, the Member State concerned shall signal this to the Commission when notifying the information.

2 Member States shall notify the Commission of any important new information likely to alter substantially information already notified.

3 Member States shall take the necessary measures to ensure that the economic operators concerned provide them with the information required within the appropriate time limits. Economic operators shall provide Member States with the information necessary to comply with the information requirements laid down in this Regulation.

Article 8

Additional information

Member States may notify the Commission of information additional to that required in Annexes I, II and III by means of the information system referred to in Article 1 where such information is considered relevant by the Member State concerned. Such notifications shall be made by means of a form made available by the Commission in the system.

Article 9

Price definition

1 For each price notification required by this Section, Member States shall notify the source and methodology used to determine the prices provided. Such notifications shall include information on the representative markets determined by Member States and the associated weighting coefficients.

2 Member States shall notify the Commission of any changes to the information provided in accordance with paragraph 1.

3 Member States shall ensure that the Commission has the right to publish data that they notify to the Commission, subject to Article 4.

Article 10

Reporting of prices in official currency

Unless otherwise specified in Annexes I, II and III, Member States shall notify price information in their official currency, net of VAT.

Article 11

Weekly price monitoring

Unless otherwise specified in Annex I, Member States shall notify the Commission of the weekly price information referred to in that Annex no later than 12.00 (Brussels time) each Wednesday for the previous week.

Article 12

Non-weekly price information and production monitoring

Member States shall notify the Commission, within the time limits laid down, of:

- (a) non-weekly price information referred to in Annex II to this Regulation; and
- (b) production and market information referred to in Annex III to this Regulation.

SECTION 2

Notifications required by international agreements

Article 13

WTO domestic support data

1 Member States shall notify the Commission by 31 October each year of data on national budgetary outlays, including revenue foregone, on domestic support measures in favour

of agricultural producers for the previous Union financial year. The notification shall include data on measures co-financed from the Union budget and shall cover both the national and Union components of financing. The notification shall not cover measures wholly financed from the Union budget.

2 The data required under paragraph 1 shall be that set out in WTO document G/AG/2 on domestic support and shall be notified using the format set out in that document.

Article 14

WTO export competition data

1 Member States shall notify the Commission by 28 February each year of data for the preceding calendar year on the following export competition measures applied by them:

- a export financing support (export credits, export credit guarantees or insurance programmes);
- b international food aid;
- c agricultural exporting state trading enterprises.

2 The data required under paragraph 1 shall be that set out in the Annex to the WTO Ministerial Decision of 19 December 2015 on export competition and shall be notified using the format set out in that Annex.

CHAPTER III

FINAL PROVISIONS

Article 15

Amendments to several regulations and transitional provisions

1 Article 1 of Regulation (EC) No 315/2002 is deleted.

2 Articles 12, 13, 14, 14a, 15a, 20, 21 and 22 of Regulation (EC) No 952/2006 are deleted as from 1 October 2017. These provisions will continue to apply in respect of residual notifications relating to the sugar quota system.

3 Article 31 of Regulation (EC) No 589/2008 is deleted.

4 Point A of Annex III to Regulation (EC) No 826/2008 is deleted.

5 Articles 16(8), 17, 25(3), 27(1) and (2), 34(2) and Article 36 of Regulation (EC) No 1249/2008 are deleted.

6 Article 19 of Regulation (EC) No 436/2009 is deleted, with the exception of paragraph 1, point (b)(iii) and paragraph 2 which will continue to apply until 31 July 2017.

7 Articles 56(3) and (4) of Regulation (EU) No 1272/2009 are deleted.

8 Articles 1a, 2 and 3 of Regulation (EU) No 479/2010 are deleted.

9 Article 98 of Implementing Regulation (EU) No 543/2011 is deleted.

10 Article 11 of Implementing Regulation (EU) No 1333/2011 is deleted.

11 Articles 4(2) and (3) and 7 of Implementing Regulation (EU) No 807/2013 are deleted.

Article 16

Repeal

The following Regulations are repealed:

- Regulation (EC) No 546/2003,
- Regulation (EC) No 1709/2003,
- Regulation (EC) No 2336/2003,
- Regulation (EC) No 2095/2005,
- Regulation (EC) No 1557/2006,
- Implementing Regulation (EU) No 1288/2011.

Article 17

Entry into force

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

Point 1 of Annex II and point 2 of Annex III shall apply as from 1 October 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 April 2017.

For the Commission

The President

Jean-Claude JUNCKER