

Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011

#### TITLE IV

### GENERAL, TRANSITIONAL AND FINAL PROVISIONS

#### *Article 76*

#### **National penalties**

Without prejudice to any penalties set out in Regulation (EU) No 1306/2013, Regulation (EU) No 1308/2013, this Regulation or Implementing Regulation (EU) 2017/892, Member States shall apply penalties at national level in relation to irregularities with regard to requirements set out in those regulations, including in respect of producer organisations not implementing an operational programme. Those penalties shall be effective, proportionate and dissuasive so that they provide adequate protection for the financial interests of the Union.

#### *Article 77*

#### **Notifications**

1 Member States shall designate a single competent authority or body responsible for fulfilling the notification obligations with respect to each one of the following topics:

- a producer groups, producer organisations, associations of producer organisations, and interbranch organisations, as provided for in Article 54;
- b producer prices of fruit and vegetables on the internal market, as provided for in Article 55;
- c prices and quantities of the products imported from third countries and sold on the representative import markets referred to in Article 74;
- d import volumes put into free circulation, as provided for in Article 39 of Implementing Regulation (EU) 2017/892.

2 Member States shall notify the Commission of the designation and the contact details of the authority or body concerned, and every change of this information.

The list of the designated authorities or bodies containing their names and addresses shall be made available to the Member States and to the public by every appropriate means via the information systems put in place by the Commission, including publication on the internet.

3 The notifications provided for in this Regulation and in Implementing Regulation (EU) 2017/892 shall be made in accordance with Commission Regulation (EC) No 792/2009<sup>(1)</sup>.

4 If a Member State fails to make a notification as required under Regulation (EU) No 1308/2013, this Regulation or Implementing Regulation (EU) 2017/892, or if the notification 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 17 of Regulation (EU) No 1306/2013 as regards the fruit and vegetables sector until the notification is made correctly.

#### *Article 78*

### **Notification of *force majeure***

For the purposes of Articles 59(7) and 64(2)(a) of Regulation (EU) No 1306/2013, any case of *force majeure* shall be notified to the competent authority of the Member State, with relevant evidence to the satisfaction of that authority, within 30 working days of the date on which the case of *force majeure* took place.

#### *Article 79*

### **Amendment of Implementing Regulation (EU) No 543/2011**

Implementing Regulation (EU) No 543/2011 is amended as follows:

- (1) Article 2 is deleted;
- (2) Articles 19 to 35 are deleted;
- (3) Articles 50 to 148 are deleted;
- (4) Annexes VI to XVIII are deleted.

#### *Article 80*

### **Transitional provisions**

1 Without prejudice to Article 34, at the request of a producer organisation or association of producer organisations an operational programme approved under Implementing Regulation (EU) No 543/2011 may:

- a continue to operate until its end under the conditions applicable under Implementing Regulation (EU) No 543/2011;
- b be modified to meet the requirements of Regulation (EU) No 1308/2013, this Regulation and Implementing Regulation (EU) 2017/892; or
- c be replaced by a new operational programme approved under Regulation (EU) No 1308/2013, this Regulation and Implementing Regulation (EU) 2017/892.

2 By way of derogation from Article 23, the ceiling on Union financial assistance for 2017 shall be as calculated under Implementing Regulation (EU) No 543/2011.

3 As regards producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007, the deleted provisions of Implementing Regulation (EU) No 543/2011 as referred to in Article 79 of this Regulation shall continue to apply until those producer groups have been recognised as producer organisations or the Member State concerned has recovered the aid paid pursuant to Article 116(2) of Implementing Regulation (EU) No 543/2011.

*Article 81*

**Entry into force and application**

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

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*Status: This is the original version (as it was originally adopted).*

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- (1) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).