

Commission Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of 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

COMMISSION IMPLEMENTING REGULATION (EU) 2017/892

of 13 March 2017

laying down rules for the application of 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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard 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⁽¹⁾, and in particular Article 38, Article 174(1)(d), Article 181(3), and Article 182(1) and (4) thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008⁽²⁾, and in particular Article 58(4) (a), Article 62(2)(a) to (d) and (h) and Article 64(7)(a) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 has replaced Council Regulation (EC) No 1234/2007⁽³⁾ and lays down new rules concerning the fruit and vegetables and processed fruit and vegetables sectors. It also empowers the Commission to adopt delegated and implementing acts in that respect. Those acts should replace some of the provisions of Commission Implementing Regulation (EU) No 543/2011⁽⁴⁾. That Regulation is amended by Commission Delegated Regulation (EU) 2017/891⁽⁵⁾.
- (2) In order to optimise the allocation of financial resources and to improve the quality of the strategy, provisions should be laid down establishing the structure and content of the national strategy for sustainable operational programmes and the national framework for environmental actions. The environmental actions that may be included in that national framework and the requirements to be complied with should be established to facilitate the drafting and implementation of those actions.
- (3) Furthermore, rules should be provided regarding the content of the operational programmes, the documents to be submitted, time limits for submission and implementation periods of operational programmes.

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

- (4) To ensure the correct application of the aid scheme for producer organisations, provisions on information to be included in the applications for aid as well as procedures for the payment of aid should be laid down. To prevent cash-flow difficulties, a system of advance payments accompanied by appropriate securities should be made available to producer organisations. For similar reasons, an alternative system should be available for the reimbursement of expenditure already incurred.
- (5) As the production of fruit and vegetables is unpredictable and the products are perishable, the surplus on the market, even if it is not too great, can significantly disturb the market. Therefore, implementing rules relating to crisis prevention and management measures need to be laid down.
- (6) Detailed rules concerning the national financial assistance which Member States may grant in regions of the Union where the degree of organisation of producers is particularly low should be laid down. Procedures should be provided for the approval of such national financial assistance as well as for the approval and the amount of the reimbursement by the Union. In addition, the proportion of reimbursement should be laid down.
- (7) Provisions concerning the type and format of certain information to be provided for the application of Regulation (EU) No 1308/2103, Delegated Regulation (EU) 2017/891 and this Regulation should be laid down. Those provisions should cover information from producers and producer organisations to the Member States and from the Member States to the Commission.
- (8) Provisions should be laid down as regards the administrative and the on-the spot checks necessary to ensure the proper application of Regulation (EU) No 1308/2013 in the fruit and vegetables sector.
- (9) For the purposes of Article 59(6) of Regulation (EU) No 1306/2013, rules on the correction of obvious errors in aid applications, notifications, claims or requests need to be laid down.
- (10) Rules should be laid down concerning financial contributions from producers who do not belong to producer organisations, associations of producer organisations or inter-branch organisations for which rules are made binding that are agreed within organisations or associations that are considered to be representative in a specific economic area.
- (11) Standard import values should be calculated on the basis of the weighted average of the average representative prices of imported products sold on Member State's import markets, using the data on these prices and on imported quantities of the products concerned notified by Member States to the Commission pursuant to Article 74 of Delegated Regulation (EU) 2017/891. Provisions should be laid down concerning cases in which no average representative prices are available for products of a given origin.
- (12) Detailed rules concerning the import duty which can be imposed on certain products in addition to that provided for in the Common Customs Tariff should be laid down. Provision should be made that additional import duty may be imposed if import volumes

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of the products concerned exceed trigger levels determined for the product and the period of application. Goods en route to the Union are exempt from the additional import duty and, therefore, specific provisions for such goods should be adopted.

- (13) This Regulation should enter into force on and apply from the seventh day following that of its publication in the *Official Journal of the European Union*.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

CHAPTER I

PRODUCER ORGANISATIONS

SECTION 1

Introductory provision

Article 1

Subject matter and scope

1 This Regulation lays down rules for the application of Regulation (EU) No 1308/2013 as regards the fruit and vegetables and processed fruit and vegetables sectors, with the exception of marketing standards.

2 Chapters I to V shall only apply to products of the fruit and vegetables sector as referred to in Article 1(2)(i) of Regulation (EU) No 1308/2013 and to such products intended solely for processing.

SECTION 2

Operational programmes

Article 2

National strategy for sustainable operational programmes

The structure and content of the national strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 shall be as set out in Annex I to this Regulation.

Article 3

National framework for environmental actions and the eligible investments

1 A separate section of the national framework referred to in Article 36(1) of Regulation (EU) No 1308/2013, shall indicate the requirements laid down in Article 28 of Regulation

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(EU) No 1305/2013 of the European Parliament and of the Council⁽⁶⁾ to be fulfilled by the environmental actions selected under an operational programme.

The national framework shall set out a non-exhaustive list of environmental actions and the conditions thereof applicable in the Member State for the purposes of Article 33(5) of Regulation (EU) No 1308/2013.

The list referred to in the second subparagraph may include the following types of environmental actions:

- a actions that are identical to agri-environment-climate or organic farming commitments as referred to in Articles 28 and 29 of Regulation (EU) No 1305/2013, respectively, and which are provided for under the rural development programme of the Member State concerned;
- b investments beneficial for the environment;
- c other actions beneficial for the environment, including those which do not relate directly or indirectly to a particular parcel but that are linked to the fruit and vegetables sector, provided they contribute to soil protection, water or energy saving, improvement or maintenance of water quality, habitats or biodiversity protection, climate change mitigation and reduction or improved management of waste.

For each environmental action referred to in points (b) and (c) of the third subparagraph, the national framework shall indicate:

- a the justification of the action, on the basis of its environmental impact; and
- b the specific commitment(s) entailed.

The national framework shall include at least one action on the application of integrated pest management practices.

2 Environmental actions which are identical to agri-environmental-climate or organic farming commitments supported under a rural development programme shall have the same duration as those commitments. Where the duration of the action exceeds the duration of the initial operational programme, the action shall be continued in a subsequent operational programme.

Member States may authorise shorter durations for environmental actions or even their discontinuance in duly justified cases, and in particular taking into account the results of the evaluation in the last but one year of the implementation of the operational programme referred to in Article 57(3) of Delegated Regulation (EU) 2017/891.

3 Investments beneficial for environment made at the premises of producer organisations, associations of producer organisations or subsidiaries complying with the 90 % requirement referred to in Article 22(8) of Delegated Regulation (EU) 2017/891, or at the premises of their producer members shall be eligible for support if they:

- a could achieve a reduction in the current use of production inputs, emission of pollutants or waste from the production process; or
- b could achieve replacement of the use of fossil energy sources with renewable energy sources; or
- c could achieve a reduction in the environmental risks linked to the use of certain production inputs, including plant protection products or fertilisers; or
- d lead to improvement of the environment; or
- e are linked to non-productive investments needed to achieve the objectives of an agri-environmental-climate or organic farming commitment, in particular where those objectives relate to the protection of habitats and biodiversity.

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4 Investments referred to in point (a) of paragraph 3 shall be eligible for support if they provide for a reduction of at least 15 %, calculated over the fiscal depreciation period of the investment compared to the pre-existing situation, of:

- a the use of production inputs that are non-renewable natural resources, such as water or fossil fuel, or possible source of environmental pollution, such as fertilisers, plant protection products or certain types of energy sources;
- b the emission of air, soil or water pollutants from the production process; or
- c the production of waste, including waste water, from the production process.

By way of derogation from the first subparagraph, Member States may accept investments that allow for a reduction of at least 7 %, calculated over the fiscal depreciation period of the investment compared to the pre-existing situation, provided that those investments allow for at least one additional environmental benefit.

The expected reduction and, where applicable, the expected additional environmental benefit, shall be demonstrated *ex ante* through project specifications or other technical documents to be presented by the producer organisation or association of producer organisations at the moment of the submission of the proposed operational programme or of the amendment of such a programme for approval, showing the results that could be obtained through the implementation of the investment, as attested by the technical documents or by an independent qualified body or expert agreed by the Member State.

Investments aimed to achieve a reduction in water use shall:

- a provide for a reduction of at least 5 % in water use in drip irrigation or similar systems compared to the consumption prior to the investment; and
- b not result in a net increase of the area under irrigation, unless the total water consumption for irrigation of the whole farm, including the increased area, does not exceed the average of water consumption of the previous 5 years prior to the investment.

5 Investments referred to in point (b) of paragraph 3 consisting of systems which generate energy shall be eligible for support if the amount of energy generated does not exceed the amount that can be used *ex ante* on a yearly basis for the actions related to fruit and vegetables by the producer organisation, association of producer organisations, subsidiary or the producer organisation's members that benefit from the investment.

6 Investments referred to in points (c) and (d) of paragraph 3 shall be eligible for support where they contribute to soil protection, water or energy saving, improvement or maintenance of water quality, habitats or biodiversity protection, climate change mitigation, and reduction or improved management of waste, although their contribution is not quantifiable.

The producer organisation or association of producer organisations shall provide evidence of the expected positive contribution to one or more environmental objectives at the moment of the submission for approval of the proposed operational programme or amendment of such a programme. The national competent authority may require that evidence to be provided in the form of project specifications attested by an independent qualified body or expert in the environmental fields concerned.

7 The following rules shall apply to environmental actions:

- a various environmental actions may be combined provided that they are complementary and compatible. Where environmental actions other than investments in physical assets are combined, the level of support shall take account of the specific income foregone and additional costs resulting from the combination;

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- b commitments to limit the use of fertilisers, plant protection products or other inputs shall be accepted only if such limitations can be assessed in a way that provides assurance about compliance with those commitments;
- c investments beneficial for the environment referred to in paragraph 3 shall be fully eligible for support.

Article 4

Content of operational programmes

- 1 Operational programmes shall include the following:
 - [^{F1}a a description of the initial situation, based, where relevant, on the indicators listed in Table 4.1 of Annex II;]
 - b the objectives of the programme, taking into account the outlook for production and outlets, with an explanation of how the programme intends to contribute to and is consistent with the objectives of the national strategy, including the balance between activities. The description of the objectives shall indicate measurable targets, so as to facilitate the monitoring of progress gradually made in implementing the programme;
 - c the proposed measures, including the actions for crisis prevention and management;
 - d the duration of the programme; and
 - e the financial aspects, in particular:
 - (i) the method of calculation and the level of financial contributions;
 - (ii) the procedure for financing the operational fund;
 - (iii) information necessary to justify different levels of contribution; and
 - (iv) the budget and timetable for operations for each implementation year of the programme.
- 2 Operational programmes shall indicate:
 - a the extent to which the different measures complement and are consistent with other measures, including measures financed or eligible for support by other Union funds, and in particular under Regulation (EU) No 1305/2013 and promotion programmes approved under Regulation (EU) No 1144/2014 of the European Parliament and of the Council⁽⁷⁾. If applicable, specific reference shall also be made to measures carried out under previous operational programmes; and
 - b that they do not entail any risk of double financing by Union funds.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/1146 of 7 June 2018 amending Implementing Regulation \(EU\) 2017/892 laying down rules for the application of 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 Regulation \(EC\) No 606/2009 laying down certain detailed rules for implementing Council Regulation \(EC\) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.](#)

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Article 5

Documents to be submitted with the operational programme

Operational programmes shall be accompanied by:

- (a) evidence of the creation of an operational fund;
- (b) a written commitment from the producer organisation to comply with Regulation (EU) No 1308/2013, Delegated Regulation (EU) 2017/891 and this Regulation; and
- (c) a written commitment from the producer organisation that it has not received and will not receive, directly or indirectly, any other Union or national funding in respect of actions qualifying for aid under Regulation (EU) No 1308/2013 in the fruit and vegetables sector.

Article 6

Time limit for submission

1 An operational programmes shall be submitted for approval by a producer organisation to the competent authority of the Member State in which the producer organisation has its headquarters, by 15 September of the year preceding that in which the programme is to be implemented. However, Member States may set a date later than 15 September.

2 When a legal entity or clearly defined part of a legal entity, including a producer group formed pursuant to Article 125e of Regulation (EC) No 1234/2007 or a producer group referred to in Article 27 of Regulation (EU) No 1305/2013, submits an application for recognition as a producer organisation it may, at the same time, submit for approval the operational programme referred to in paragraph 1. Approval of the operational programme shall be subject to recognition being granted no later than on the final date laid down in Article 33(2) of Delegated Regulation (EU) 2017/891.

Article 7

Implementation periods of operational programmes

1 Operational programmes shall be implemented in annual periods running from 1 January to 31 December.

2 Operational programmes approved by 15 December shall be implemented from 1 January of the following year.

The implementation of programmes approved after 15 December shall be postponed for one year.

3 By way of derogation from paragraph 2, where the third subparagraph of Article 33(2) or the second subparagraph of Article 34(1) of Delegated Regulation (EU) 2017/891 applies, the implementation of operational programmes approved in accordance with those provisions shall start not later than 31 January following their approval.

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

SECTION 3

Aid

Article 8

Approved amount of aid

Member States shall notify producer organisations and associations of producer organisations of the approved amount of aid by 15 December of the year preceding the year for which aid is requested.

By way of derogation from the first paragraph, where the third subparagraph of Article 33(2) or the second subparagraph of Article 34(1) of Delegated Regulation (EU) 2017/891 applies, Member States shall notify those organisations and associations of the approved amount of aid by 20 January of the year for which aid is requested.

[^{F2}Article 8a

Implementation of increase of the limit of the Union financial assistance from 50 % to 60 %

1 The increase of the limit of the Union financial assistance from 50 % to 60 % for an operational programme or part of an operational programme of a recognised producer organisation as referred to in Article 34(3)(f) of Regulation (EU) No 1308/2013 shall be granted if:

- a the conditions as referred to in Article 34(3)(f) of Regulation (EU) No 1308/2013 are met in each year of implementation of the operational programme and subject to the procedure referred to Article 9(2)(g) of this Regulation;
- b a request is made by a recognised producer organisation at the time of submission of its operational programme.

2 For the purposes of the increase of the limit of the Union financial assistance from 50 % to 60 % for an operational programme or part of it, the rate of marketing of fruit and vegetable production by producer organisations referred to in Article 34(3)(f) of Regulation (EU) No 1308/2013 shall be calculated for each year of the duration of operational programme, as a portion of the value of production marketed by producer organisations in a given Member State, of the total value of the production of fruit and vegetables marketed in the given Member State for the reference period set out in Article 23(1) of Delegated Regulation (EU) 2017/891.

However, Member States applying the alternative method set out in Article 23(3) of Delegated Regulation (EU) 2017/891 shall calculate the rate of marketing of fruit and vegetable production by producer organisations referred to in Article 34(3)(f) of Regulation (EU) No 1308/2013 for each year of the duration of operational programme, as a portion of the value of production marketed by producer organisations in a given Member State, of the total value of the production of fruit and vegetables marketed in the given Member State for the period from 1 January until 31 December of the year preceding the year in which the aid is approved according to Article 8 of this Regulation.

3 Member States shall notify the requesting producer organisation of the approved amount of aid, including the amount of the increase granted pursuant to Article 34(3)(f) of Regulation (EU) No 1308/2013, at the latest by 15 December of the year preceding the implementation of the operational programme, as set out in Article 8 of this Regulation.

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4 Member States shall verify each year of the duration of the operational programme that the conditions for increase of the limit of the Union financial assistance from 50 % to 60 % as referred to in Article 34(3)(f) of Regulation (EU) No 1308/2013 are met.]

Textual Amendments

- F2** Inserted by [Commission Implementing Regulation \(EU\) 2018/1146 of 7 June 2018 amending Implementing Regulation \(EU\) 2017/892 laying down rules for the application of 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 Regulation \(EC\) No 606/2009 laying down certain detailed rules for implementing Council Regulation \(EC\) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.](#)

Article 9

Aid applications

1 Producer organisations shall submit an application for aid, or the balance thereof, to the competent authority of the Member State for each operational programme for which aid is requested by 15 February of the year following the year for which the aid is requested.

- 2 The aid applications shall be accompanied by supporting documents showing:
- the aid requested;
 - the value of marketed production;
 - the financial contributions levied on its members and those of the producer organisation itself;
 - the expenditure incurred in respect of the operational programme;
 - the expenditure concerning crisis prevention and management broken down by actions;
 - the proportion of the operational fund spent on crisis prevention and management broken down by actions;
 - compliance with Article 33(3), the first subparagraph of Article 33(5) and Article 34 of Regulation (EU) No 1308/2013;
 - a written commitment that it has not received any duplicate Union or national funding in respect of measures or operations qualifying for aid under Regulation (EU) No 1308/2013 in the fruit and vegetables sector;
 - in the case of an application for payment based on standard flat rates or scales of unit costs as referred to in Article 31(2) of Delegated Regulation (EU) 2017/891, proof of the implementation of the action concerned; and
 - the annual report referred to in Article 21.

3 The aid applications may cover expenditure programmed but not incurred if the following elements are proved:

- the operations concerned could not be carried out by 31 December of the year of implementation of the operational programme, for reasons beyond the control of the producer organisation concerned;
- those operations can be carried out by 30 April of the year following the year for which the aid is requested; and
- an equivalent contribution from the producer organisation remains in the operational fund.

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The aid shall be paid and the security lodged in accordance with Article 11(2) shall be released only on condition that proof of implementation of the programmed expenditure referred to in point (b) of the first subparagraph of this paragraph is provided by 30 April of the year following that for which the expenditure in question was programmed, and on the basis that the entitlement to the aid is established.

4 In exceptional and duly justified cases, the competent authority of the Member State may accept applications after the date provided for in paragraph 1, if the necessary checks have been carried out and the time limit for payment provided for in Article 10 is complied with. Where applications are submitted after the date provided for in paragraph 1, the aid shall be reduced by 1 % for each day the application is late.

5 Associations of producer organisations may submit an application for aid as referred to in paragraph 1 in the name and on behalf of only those members that are producer organisations recognised in the same Member State which recognised the association of producer organisations and provided that the supporting documents referred to in paragraph 2 are submitted for each member. The producer organisations shall be the final beneficiaries of the aid.

[^{F16} Producer organisations shall submit an application for aid regarding actions that are implemented at the level of the producer organisations in the Member State where they are recognised. If they are members of a transnational association of producer organisations, the producer organisations shall provide the Member State where the transnational association of producer organisations has its headquarters with a copy of the application.

7 Transnational associations of producer organisations shall submit an application for aid regarding actions implemented at the level of the transnational association in the Member State where that association has its headquarters. Member States shall ensure that there is no double funding risk.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2018/1146 of 7 June 2018 amending Implementing Regulation (EU) 2017/892 laying down rules for the application of 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 Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.

Article 10

Payment of the aid

Member States shall pay the aid by 15 October of the year following the year of implementation of the programme.

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Article 11

Advance payments

1 Applications for advance payments may be submitted as decided by the Member State, either on a three-monthly basis in January, April, July and October or on a four-monthly basis in January, May and September.

Total advance payments made for a given year shall not exceed 80 % of the initially approved amount of aid for the operational programme.

2 Advance payments shall be paid subject to the lodging of a security equivalent to 110 % thereof in accordance with Commission Delegated Regulation (EU) No 907/2014⁽⁸⁾.

3 Member States may set a minimum amount and the deadlines for advance payments.

Article 12

Partial payments

1 Member States may permit producer organisations to apply for the payment of the part of the aid corresponding to the amounts already spent under the operational programme.

2 Applications may be submitted at any time, but no more than three times each year. They shall be accompanied by supporting documents, such as invoices and documents proving that the payment has been made.

3 Payments in respect of applications for parts of the aid shall not exceed 80 % of the part of the aid corresponding to the amounts already spent under the operational programme for the period concerned. Member States may set a minimum amount for partial payments and deadlines for applications.

CHAPTER II

CRISIS PREVENTION AND MANAGEMENT MEASURES

Article 13

Training measures and exchanges of better practices

Member States shall adopt provisions on the conditions to be fulfilled by training measures and exchanges of better practices to be considered as crisis prevention and management measures.

Article 14

Promotion and communication measures

[^{F11}] Member States shall adopt provisions on the conditions to be fulfilled by promotion and communication measures, including actions and activities aimed at diversification and

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consolidation on the fruit and vegetable markets, whether those measures relate to crisis prevention or crisis management. Those provisions shall allow for the rapid application of the measures when required.

The principal aim of those measures shall be enhancing the competitiveness of the products marketed by the producer organisations and their associations in the case of serious market disturbance, loss of consumer confidence or other related problems.

The specific objectives of the promotion and communication measures implemented by the producer organisations and their associations shall be:

- a increasing awareness about the quality of agricultural products produced in the Union and about the high quality standards applicable to their production in the Union;
- b increasing the competitiveness and consumption of agricultural products and of certain processed products produced in the Union and raising awareness about their quality both inside and outside the Union;
- c increasing awareness about Union quality schemes both inside and outside the Union;
- d increasing the market share of agricultural products and certain processed products produced in the Union, focusing on the markets in third countries that have the highest growth potential; and
- e contributing to the recovery of normal market conditions in the Union market in the event of serious market disturbance, loss of consumer confidence or other related problems.]

2 Actions under promotion and communication measures shall be additional to any ongoing promotion and communication actions not related to crisis prevention and management being applied by the producer organisation concerned in their operational programme.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/1146 of 7 June 2018 amending Implementing Regulation \(EU\) 2017/892 laying down rules for the application of 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 Regulation \(EC\) No 606/2009 laying down certain detailed rules for implementing Council Regulation \(EC\) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.](#)

Article 15

Marketing standards of products withdrawn

1 A product withdrawn from the market shall comply with the marketing standard for that product as referred to in Title II of Implementing Regulation (EU) No 543/2011, except for the provisions on the presentation and marking of products. Where products are withdrawn in bulk, the minimum requirements for class II shall be complied with.

However, miniature produce as defined in the relevant standard shall comply with the applicable marketing standard, including the provisions on the presentation and marking of products.

2 If a marketing standard is not laid down for a given product, the minimum requirements set out in Annex III shall be met. Member States may lay down additional rules supplementing those minimum requirements.

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Article 16

Transport costs for free distribution

1 The costs of transport by land for the free distribution of all products withdrawn from the market shall be eligible under the operational programme on the basis of the scale of unit costs set according to the distance between the point of withdrawal and the place of delivery as set out in Annex IV.

In the case of sea transport, Member States shall determine the distance between the point of withdrawal and the place of final delivery. The compensation may not exceed the cost of land transport over the shortest route between the place of loading and the point of final delivery where land transport is possible. A correcting coefficient of 0,6 shall be applied to the amounts as set out in Annex IV.

In case of combined transport, the applicable transport cost shall be the sum of the cost corresponding to the distance of transport by land plus 60 % of the cost's increase if the total distance of transport had been by land, as set out in Annex IV.

2 The transport costs shall be paid to the party which actually bears the financial cost of the transport operation in question.

Payment shall be subject to the presentation of supporting documents certifying in particular:

- a the names of the beneficiary organisations;
- b the quantity of the products concerned;
- c acceptance by the beneficiary organisations and the means of transport used; and
- d the distance between the place of withdrawal and the place of delivery.

Article 17

Sorting and packing costs for free distribution

1 The costs of sorting and packaging fruit and vegetables withdrawn from the market for free distribution shall be eligible under operational programmes. For products in packages of less than 25 kilograms net weight the flat-rate amounts set out in Annex V shall apply.

2 Packages of products for free distribution shall display the European emblem together with one or more of the statements set out in Annex VI.

3 The costs of sorting and packaging shall be paid to the producer organisations which have carried out those operations.

Payment shall be subject to the presentation of supporting documents certifying in particular:

- a the names of the beneficiary organisations;
- b the quantity of the products concerned; and
- c acceptance by the beneficiary organisations, specifying the presentation.

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

^{F3}CHAPTER III

[^{F3}NATIONAL FINANCIAL ASSISTANCE

^{F3}Article 18

Authorisation to pay national financial assistance

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^{F3}Article 19

Application for and payment of the national financial assistance

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^{F3}Article 20

Union reimbursement of the national financial assistance]

.....

Textual Amendments

- F3** Deleted by [Commission Implementing Regulation \(EU\) 2018/1146 of 7 June 2018 amending Implementing Regulation \(EU\) 2017/892 laying down rules for the application of 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 Regulation \(EC\) No 606/2009 laying down certain detailed rules for implementing Council Regulation \(EC\) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.](#)

CHAPTER IV

INFORMATION, REPORTS AND CHECKS

SECTION 1

Information and reports

[^{F1}Article 21

Information and annual reports from producer groups, producer organisations and associations of producer organisations and annual reports from Member States

At the request of a competent authority of a Member State, producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007, recognised producer organisations, associations of producer organisations, transnational associations of producer organisations and producer groups shall provide any relevant information

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

needed for drawing up of the annual report referred to in Article 54(b) of Delegated Regulation (EU) 2017/891. The structure of the annual report is set out in Annex II to this Regulation.

Member States shall take the measures necessary to gather information on the number of members, the volume and the value of marketed production of producer organisations which have not submitted operational programmes. Producer organisations and producer groups referred to in Article 27 of Regulation (EU) No 1305/2013 shall be requested to provide the number of members, the volume and the value of the marketed production.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2018/1146 of 7 June 2018 amending Implementing Regulation (EU) 2017/892 laying down rules for the application of 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 Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.

SECTION 2

Checks

Article 22

Unique identification system

Member States shall ensure that a unique identification system applies to producer organisations, associations of producer organisations and producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007 with regard to their aid applications. This identification system shall be compatible with the system for the identification of beneficiaries referred to in Article 73 of Regulation (EU) No 1306/2013.

Article 23

Submission procedures

Without prejudice to Articles 9, 24 and 25, Member States shall provide for procedures for the submission of aid applications, requests for recognition or approval of operational programmes, as well as payment claims.

Article 24

Granting of recognition

1 Prior to granting recognition to a producer organisation or association of producer organisations under Article 154(4)(a) or Article 156(1) of Regulation (EU) No 1308/2013, Member States shall carry out administrative and an on-the-spot checks on the producer

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organisation or association of producer organisations to verify compliance with the recognition criteria.

2 Member States shall carry out administrative and on-the-spot checks with regard to the recognition criteria which apply to all recognised producer organisations and associations of producer organisations at least once every five years even if the producer organisations or the associations of producer organisations do not implement an operational programme.

Article 25

Approval of operational programmes and their amendments

1 Prior to the approval of an operational programme under Article 33 of Delegated Regulation (EU) 2017/891, Member States shall verify, by all the appropriate means, including through on-the-spot checks, the operational programme submitted for approval and the request for amendment, where applicable. Those checks shall in particular concern:

- a the accuracy of the information referred to in Article 4(1)(a), (b) and (e), which shall be included in the draft operational programme;
- b compliance of the programme with Article 33 of Regulation (EU) No 1308/2013 as well as with the national strategy and the national framework;
- c the eligibility of the actions and the eligibility of the expenditure proposed; and
- d the consistency and technical quality of the programme, the soundness of the estimates and the aid plan, and the planning of its implementation.

2 The checks referred to in paragraph 1 shall verify whether:

- a targets are measurable and can be monitored and achieved through the proposed actions; and
- b the operations for which aid is requested are in compliance with the applicable national and Union laws in particular, State aid, rural development and promotion programmes, and obligatory standards established by national legislation or the national strategy.

Article 26

Administrative checks

1 The procedures relating to the administrative checks shall require the recording of operations undertaken, the results of the verification and the measures taken in respect of discrepancies.

2 Prior to granting the aid, Member States shall carry out administrative checks on all aid applications.

3 Administrative checks on aid applications shall include, where applicable, a verification of:

- a the annual report on the execution of the operational programme transmitted together with the aid application;
- b the value of marketed production, the contributions to the operational fund and the expenditure incurred;
- c the accurate correlation of expenditure claimed with products and services delivered;
- d the conformity of the actions undertaken with those included in the approved operational programme; and

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e the respect of financial or other limits and ceilings imposed.

4 Expenditure incurred under the operational programme shall be supported by proof of payment. Invoices used shall be established in the name of the producer organisation, association of producer organisations or the subsidiary complying with the 90 % requirement referred to in Article 22(8) of Delegated Regulation (EU) 2017/891 or, subject to Member State approval, in the name of one or more of its producer members. However, invoices in respect of the personnel costs referred to in point 2 of Annex III to Delegated Regulation (EU) 2017/891 shall be established in the name of the producer organisation, association of producer organisation, subsidiary complying with the 90 % requirement referred to in Article 22(8) of that Regulation or, subject to Member State approval, cooperatives which are a member of the producer organisation.

Article 27

On-the-spot checks on annual aid applications

1 Member States shall carry out on-the-spot checks at the premises of producer organisations, associations of producer organisations and their subsidiaries, where applicable, to ensure compliance with the conditions for recognition, for granting an aid or the balance thereof for the year concerned as referred to in Article 9(1), which shall supplement the administrative checks.

2 The on-the-spot checks shall relate to a sample representing at least 30 % of the total aid applied for each year. Each producer organisation or association of producer organisations implementing an operational programme shall be visited at least once every three years.

3 Member States shall determine the producer organisations to be checked on the basis of a risk analysis that shall take account of the following criteria:

- a the amount of aid;
- b the findings of the checks in previous years;
- c a random parameter; and
- d other parameters to be determined by Member States.

4 Advance notice of on-the-spot checks may be given, provided that the purpose of the check is not jeopardised.

5 The on-the-spot checks shall cover all the commitments and obligations of the producer organisation or association of producer organisations, its members or subsidiaries, where applicable, which can be checked at the time of the visit and which could not have been checked during the administrative checks. On-the-spot checks shall in particular concern:

- a the compliance with the recognition criteria for the year concerned;
- b the implementation of the actions and their consistency with the approved operational programme;
- c in relation to a relevant number of actions: the compliance of the expenditure with Union law and respect of the deadlines set out therein;
- d the use of the operational fund, including expenditure declared in claims for advance payments or partial payments, the value of marketed production, the contributions to the operational fund and the expenditure declared as supported by accounting or equivalent documents;
- e the full delivery of the products by the members, the delivery of the services and the genuineness of the expenditure claimed; and

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f second level checks as referred to in Article 30 for the expenses of market withdrawals, green harvesting and non-harvesting.

6 The value of marketed production shall be verified on the basis of the financial accounting system as audited and certified in accordance with national law.

To that end, the Member States may decide that the declaration of the value of marketed production shall be certified in the same way as the financial accounting data.

The check on the declaration of the value of marketed production may be carried out before the relevant aid application is transmitted but it shall be carried out at the latest before payment of the aid.

7 Except in exceptional circumstances, the on-the-spot checks shall include a visit to the place where the action is implemented or, if the action is intangible, to the action promoter. In particular, actions on individual holdings of members of producer organisations covered by the sample referred to in paragraph 2 shall be subject of at least one visit to verify their execution.

However, Member States may decide not to carry out such visits for small actions, or where they consider that there is a low risk that the conditions for receiving aid are not fulfilled, or that the operation has not been implemented. The respective decision and its justification shall be recorded. The risk analysis criteria set out in paragraph 3 shall apply *mutatis mutandis* to this paragraph.

8 Only checks meeting all the requirements of this Article may be counted towards the fulfilment of the checking rate set out in paragraph 2.

9 The results of the on-the-spot checks shall be assessed to establish whether any problems encountered are of a systemic nature, entailing a risk for other similar actions, beneficiaries or bodies. This assessment shall also identify the causes of such situations, any further examination which may be required and the recommended corrective and preventive action.

If the checks reveal significant irregularities in a region or part of a region or for a specific producer organisation or association of producer organisations, the Member State shall carry out additional checks during the year in the region or on the organisation or association concerned and shall increase the percentage of corresponding applications to be checked the following year.

Article 28

Reports of on-the-spot checks

1 A detailed report shall be made for each on-the-spot check indicating at least the following information:

- a the aid scheme and the application checked;
- b the names and functions of the persons present;
- c the actions, measures and documents checked, including the audit trail and supporting evidence verified; and
- d the results of the check.

2 A representative of the producer organisation or association of producer organisations shall be given the opportunity to sign the report to attest his/her presence at the check and to record his/her comments. Where irregularities are found, the beneficiary shall receive a copy of the report.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Article 29

First-level checks on withdrawal operations

1 Member States shall carry out first-level checks on withdrawal operations in each producer organisation, comprising of a document and identity check supported by a physical check, of the weight of the products withdrawn from the market and a check on compliance with Article 15, in accordance with the procedures laid down in Chapter II of Title II of Implementing Regulation (EU) No 543/2011. The check shall take place following receipt of the notification referred to in Article 44(1) of Delegated Regulation (EU) 2017/891, within the time limits set in accordance with paragraph 2 of that Article.

2 The first-level checks shall cover 100 % of the quantity of products withdrawn from the market. At the end of this check, the withdrawn products other than those for free distribution, shall be denatured or disposed of to the processing industry under the supervision of the competent authorities under the terms and conditions laid down by the Member State in accordance with Article 46 of Delegated Regulation (EU) 2017/891.

3 By way of derogation from paragraph 2, where the products are for free distribution, Member States may check a smaller percentage than that laid down in that paragraph, provided it is not less than 10 % of the quantities concerned during the marketing year of any given producer organisation. The check may take place at the premises of the producer organisation or at the sites of the recipients of the products. In the event that the checks reveal irregularities, Member States shall carry out additional checks.

Article 30

Second-level checks on withdrawal operations

1 Member States shall carry out second-level checks on withdrawal operations at the premises of the producer organisation and of the recipients of the products withdrawn based on a risk analysis. The risk analysis shall include the findings of previous first and second-level checks, and whether or not a producer organisation has some form of quality-assurance procedure. This risk analysis shall serve as the basis to establish the minimum frequency of second-level checks for each producer organisation.

2 The second-level checks referred to in paragraph 1 shall concern:

- a the specific stock and accounting records to be kept by all producer organisations which carry out withdrawal operations during the marketing year concerned;
- b the quantities marketed as declared in the aid applications, checking, in particular, the stock and accounting records, the invoices and, ensuring that the declarations tally with the accounting and tax data of the producer organisations concerned;
- c the accounts, in particular the veracity of net receipts by the producer organisations as declared in their payment applications and the proportionality of any withdrawal costs; and
- d the destination of withdrawn products as declared in the payment application and their denaturing.

3 Each check shall include a sample representing at least 5 % of the quantities withdrawn by the producer organisation during the marketing year.

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

- 4 The specific stock and accounting records referred to in point (a) of paragraph 2 shall show, for each product withdrawn, the quantities moved, expressed in tonnes, of:
- a the production delivered by members of the producer organisation and by members of other producer organisations in accordance with Article 12(1)(b) and (c) of Delegated Regulation (EU) 2017/891;
 - b sales by the producer organisation, identifying products intended for the fresh market and products for processing; and
 - c products withdrawn from the market.
- 5 The checks on the destination of products withdrawn from the market shall include:
- a a sample check on the stock records to be kept by recipients and on the financial accounts of the charitable organisations and institutions concerned where the second subparagraph of Article 46(2) of Delegated Regulation (EU) 2017/891 applies; and
 - b checks on compliance with the relevant environmental requirements.
- 6 If the second-level checks reveal irregularities, Member States shall carry out more detailed second-level checks for the year concerned and shall increase the frequency of second-level checks at the premises of producer organisations or associations of producer organisations during the following year.

Article 31

Green harvesting and non-harvesting

1 Before a green harvesting operation takes place, Member States shall verify by an on-the-spot check that the products concerned are not damaged and the area concerned has been well maintained. After green harvesting, Member States shall verify that the area concerned has been harvested in total and the harvested product has been denatured.

2 Before a non-harvesting operation takes place, Member States shall verify by an on-the-spot check that the area concerned has been well maintained, that no partial harvest has already taken place, that the product is well developed and would in general be sound, fair and of marketable quality.

Member States shall ensure that the production is denatured. If this is not possible, they shall ensure, by an on-the-spot visit or visits during the harvest season, that no harvest takes place.

3 Where the second subparagraph of Article 48(3) of Delegated Regulation (EU) 2017/891 applies:

- a the requirement provided for in the first subparagraph of paragraph 2 of this Article that no partial harvest has taken place, shall not apply; and
- b Member States shall ensure that the fruit and vegetable plants on which non-harvesting and green harvesting measures have been undertaken shall not be used for further production purposes in the same production season.

4 Article 30(1), (2), (3) and (6) shall apply *mutatis mutandis*.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Article 32

Transnational producer organisations

1 The Member State in which a transnational producer organisation has its head office shall have overall responsibility for the organisation of checks on that organisation in respect of the operational programme and operational fund and for the application of administrative penalties where such checks demonstrate that obligations have not been met.

2 The other Member States required to provide the administrative co-operation referred to in Article 14(3)(c) of Delegated Regulation (EU) 2017/891 shall carry out such administrative and on-the-spot checks as required by the Member State referred to in paragraph 1 of this Article, and report the results to it. They shall respect the deadlines set by the Member State referred to in paragraph 1.

3 The rules applicable in the Member State referred to in paragraph 1 shall apply in relation to the producer organisation and the operational programme and operational fund. However, in respect of environmental and phytosanitary questions and crisis prevention and management measures, the rules of the Member State where the respective actions take place shall apply.

Article 33

Transnational associations of producer organisations

1 The Member State in which a producer organisation which is a member of a transnational association has its head office shall have overall responsibility for the organisation of checks in respect of actions of the operational programme implemented on its territory and of the operational fund and for the application of administrative penalties where such checks demonstrate that obligations have not been met.

2 The Member State referred to in paragraph 1 shall closely co-operate with the Member State in which the transnational association of producer organisations has its head office and notify without delay the results of the checks carried out and possible administrative penalties applied.

[^{F13}] The Member State in which the transnational association of producer organisations has its head office shall:

- a have overall responsibility for the organisation of checks in respect of actions of the operational programme implemented at the level of the transnational association and of the operational fund of the transnational association and for the application of administrative penalties where such checks demonstrate that obligations have not been met; and
- b ensure the coordination of checks and payments in respect of the actions of the operational programme of the transnational association implemented outside the territory of the Member State where its head office is.

4 The actions of the operational programmes shall comply with the national rules and with the national strategy of the Member State where, in accordance with Article 9, paragraphs 6 and 7, the application for aid is submitted.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

However, environmental and phytosanitary measures and crisis prevention and management measures shall be subject to the rules of the Member State where these measures and actions are actually carried out.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/1146 of 7 June 2018 amending Implementing Regulation \(EU\) 2017/892 laying down rules for the application of 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 Regulation \(EC\) No 606/2009 laying down certain detailed rules for implementing Council Regulation \(EC\) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.](#)

Article 34

Checks

Without prejudice to specific provisions of this Regulation or other Union legislation, Member States shall introduce checks and measures to ensure the proper application of Regulation (EU) No 1308/2013, Delegated Regulation (EU) 2017/891 and this Regulation. Those checks and measures shall be effective, proportionate and dissuasive so that they provide adequate protection for the financial interests of the Union.

In particular, Member States shall ensure that:

- (a) all eligibility criteria established by Union or national legislation or the national strategy or national framework can be checked;
- (b) the competent authorities of the Member State responsible for carrying out checks have a sufficient number of suitably qualified and experienced staff to carry out the checks effectively; and
- (c) provision is made for checks to avoid irregular duplicated financing of measures under Regulation (EU) No 1308/2013 in the fruit and vegetables sector and under other Union or national schemes.

Article 35

Obvious errors

In cases of obvious errors recognised by the competent authority of the Member State, as referred to in Article 59(6) of Regulation (EU) No 1306/2013, any notification, claim or request made to a Member State under Regulation (EU) No 1308/2013, Delegated Regulation (EU) 2017/891 or this Regulation and any aid application may be corrected and adjusted at any time after its submission.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

CHAPTER V

EXTENSION OF RULES

Article 36

Financial contributions

Where a Member State decides, pursuant to Article 165 of Regulation (EU) No 1308/2013, that operators who do not belong to producer organisations, associations of producer organisations or interbranch organisations, but in respect of whom rules are made binding, shall pay a financial contribution, the Member State shall forward to the Commission the information needed to assess compliance with the conditions laid down in that Article. Such information shall include the basis on which the contribution is calculated, the unit amount thereof, the activities covered and their associated costs.

Article 37

Extensions beyond one year

1 Where it is decided to apply an extension of rules for a period exceeding one year, the Member States shall verify, in respect of each year, whether the conditions regarding representativeness laid down in Article 164(3) of Regulation (EU) No 1308/2013 have continued to be met throughout the period of application of the extension.

2 If Member States find that the conditions are no longer met, they shall repeal the extension with effect from the beginning of the following year.

3 Member States shall inform the Commission without delay of any repeal. The Commission shall make such information publicly available by the appropriate means.

CHAPTER VI

ENTRY PRICE SYSTEM AND IMPORT DUTIES

Article 38

Standard import values

1 For each product and for the periods of application set out in Part A of Annex VII to Delegated Regulation (EU) 2017/891, the Commission shall fix each working day and for each origin, a standard import value equal to the weighted average of the representative prices referred to in Article 74 of that Regulation, less a standard amount of EUR 5/100 kg and the *ad valorem* customs duties.

2 Where a standard import value is established for the products and for the periods of application set out in Part A of Annex VII to Delegated Regulation (EU) 2017/891, in accordance with Articles 74 and 75 of that Regulation and this Article, the unit price as referred to in Article 142 of Commission Implementing Regulation (EU) 2015/2447⁽⁹⁾ shall not apply. It shall be replaced by the standard import value referred to in paragraph 1.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

3 Where no standard import value is in force for a product of a given origin, the weighted average of standard import values in force for that product shall apply.

4 During the periods of application set out in Part A of Annex VII to Delegated Regulation (EU) 2017/891, the standard import values shall remain applicable until they are changed. They shall cease to apply, however, where no average representative price has been notified to the Commission for two consecutive weeks.

Where, pursuant to the first subparagraph, no standard import value applies to a given product, the standard import value applicable to that product shall be equal to the last average standard import value.

5 By way of derogation from paragraph 1, where it has not been possible to calculate a standard import value, no standard import value shall be applicable from the first day of the periods of application set out in Part A of Annex VII to Delegated Regulation (EU) 2017/891.

6 The exchange rate applicable to the standard import value shall be the rate most recently published by the European Central Bank prior to the last day of the period for which prices are transmitted.

7 The standard import values expressed in euro shall be published by the Commission via TARIC⁽¹⁰⁾.

CHAPTER VII

ADDITIONAL IMPORT DUTIES

Article 39

Levying of additional import duty

[^{F11} An additional import duty as referred to in Article 182(1) of Regulation (EU) No 1308/2013 may be applied to the products and during the periods listed in Annex VII to this Regulation. That additional import duty shall apply if the quantity of any of the products put into free circulation for any of the periods of application set out in that Annex exceeds the trigger volume for that product unless the imports are unlikely to disturb the Union market, or the effects of the additional import duty would be disproportionate to the intended objective.]

2 For each of the products listed in Annex VII and during the periods indicated in that Annex, Member States shall notify the Commission of details of the volumes put into free circulation using the method for the surveillance of preferential imports set out in Article 55 of Implementing Regulation (EU) 2015/2447.

3 The additional import duty shall be levied on quantities put into free circulation after the date of application of that duty, provided that:

- a their customs value determined in accordance with Article 74 of Delegated Regulation (EU) 2017/891 entails the application of the highest specific duties applicable to imports of the origin in question; and
- b the import takes place during the period of application of the additional import duty.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2018/1146 of 7 June 2018 amending Implementing Regulation (EU) 2017/892 laying down rules for the application of 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 Regulation (EC) No 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.

Article 40

Amount of additional import duty

The additional import duty applied in accordance with Article 39 shall be equivalent to one third of the customs duty specified in the Common Customs Tariff for the product in question.

However, for products benefiting from an import tariff preference as to *ad valorem* duty, the additional import duty shall be equivalent to one third of the specific customs duty for the product in question where Article 39(2) applies.

Article 41

Exemptions from additional import duty

- 1 The following goods are exempt from the additional import duty:
 - a goods imported under a tariff quota;
 - b goods that left the country of origin before the decision to apply the additional import duty, and which are being transported under cover of a transport document valid from the place of loading in the country of origin to the place of unloading in the Union that was drawn up before application of the additional import duty.
- 2 Interested parties shall provide evidence to the satisfaction of the customs authorities that the requirements of paragraph 1(b) have been met.

Customs authorities may deem that goods left the country of origin before the date of application of the additional import duty if one of the following documents is provided for:

- a sea transport, the bill of lading showing that loading took place before that date;
- b rail transport, the waybill accepted by the rail authorities of the country of origin before that date;
- c road transport, the road carriage contract (CMR) or another transit document issued in the country of origin before that date, if the conditions laid down in bilateral or multilateral arrangements concluded in the context of Union transit or common transit are observed;
- d air transport, the air way bill showing that the airline accepted the goods before that date.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

CHAPTER VIII

FINAL PROVISIONS

Article 42

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*.

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

[^{F1}ANNEX I

Structure and content of a national strategy for sustainable operational programmes as referred to in Article 2

1. Duration of the national strategy

To be indicated by the Member State.

2. Analysis of the situation in terms of strengths and weaknesses and potential for development, the strategy chosen to meet them and the justification of the priorities chosen as referred to in Article 36(2)(a) and (b) of Regulation (EU) No 1308/2013.

2.1. Analysis of the situation

Description of the current situation of the fruit and vegetable sector using quantified data, highlighting strengths and weaknesses, disparities, needs and gaps and potential for development on the basis of the relevant indicators set out in Table 4.1 of Annex II. This description shall concern at least:

- the performances of the fruit and vegetables sector: strengths and weaknesses of the sector, competitiveness and the potential for development of the producer organisations;
- the environmental effects (impacts, pressures and benefits) of the fruit and vegetables production, including key trends.

2.2. The strategy chosen to meet strengths and weaknesses

Description of the key areas where intervention is expected to bring the maximum value added:

- relevance of the objectives set for the operational programmes, of the expected results and the extent to which they can be realistically achieved;
- internal coherence of the strategy, existence of mutually reinforcing interactions and possible conflicts or contradictions between the operational objectives of different actions selected;
- complementarity and consistency of the actions selected with other national or regional actions, and with activities supported through Union funds, in particular with the rural development and promotion programmes;
- expected results and impact compared to the baseline situation and their contribution to Union objectives.

2.3. Impact from the previous national strategy (where applicable)

Description of results and impact of operational programmes implemented in the recent past.

3. Objectives of operational programmes and performance indicators as referred to in Article 36(2)(c) of Regulation (EU) No 1308/2013

Description of the types of actions selected as eligible for support (non-exhaustive list), the objectives pursued, the verifiable targets and the indicators that allow the progress towards achievement of the objectives, efficiency and effectiveness to be assessed.

3.1. Requirements concerning all or several types of actions

Member States shall ensure that all the actions included in the national strategy and in the national framework are verifiable and controllable. Where the assessment during the implementation of the operational programmes reveals that the requirements of verifiability and controllability are not met, the actions concerned shall be adjusted accordingly or deleted.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Where support is granted on the basis of standard flat rates or scales of unit costs, Member States shall ensure that the relevant calculations are adequate and accurate and established in advance on the basis of a fair, equitable and verifiable calculation. Environmental actions shall comply with the requirements set out in Article 33(5) of Regulation (EU) No 1308/2013.

Member States shall adopt safeguards, provisions and checks for ensuring that actions selected as eligible for support are not also supported by other relevant instruments of the common agricultural policy, in particular by rural development and promotion programmes or other national or regional schemes. Effective safeguards in place pursuant to Article 33(6) of Regulation (EU) No 1308/2013, to protect the environment from possible increased pressures coming from investments supported under operational programmes, and eligibility criteria adopted pursuant to Article 36(1) of that Regulation, for ensuring that investments on individual holdings supported under operational programmes respect the objectives set out in Article 191 TFEU and in the seventh Union environment action programme.

- 3.2. Specific information required for types of actions aimed at the attainment of the objectives set out or referred to in Article 33(1) of Regulation (EU) No 1308/2013 (to be filled only for the types of actions selected).
 - 3.2.1. Acquisition of fixed assets
 - types of investments eligible for support,
 - other forms of acquisition eligible for support, e.g. renting, leasing,
 - details on eligibility conditions for support.
 - 3.2.2. Other actions
 - description of the types of actions eligible for support,
 - details on eligibility conditions for support.
4. Designation of competent authorities and responsible bodies

Designation by the Member State of the national authority responsible for the management, monitoring and evaluation of the national strategy.

5. A description of the monitoring and evaluation systems

The performance indicators set out by the national strategy shall comprise the indicators provided for in Article 4 and listed in Table 4.1 of Annex II. Where deemed appropriate, the national strategy shall specify additional indicators reflecting national or regional needs, conditions and objectives specific to the national operational programmes.

- 5.1. Assessment of the operational programmes and reporting obligations for producer organisations as referred to in Article 36(2)(d) and (e) of Regulation (EU) No 1308/2013.

Description of the monitoring and evaluation requirements and procedures in relation to operational programmes, including the reporting obligations for producer organisations.

- 5.2. Monitoring and evaluation of the national strategy

Description of the monitoring and evaluation requirements and procedures in relation to the national strategy.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

ANNEX II

Annual Report Part A STRUCTURE OF THE ANNUAL REPORT – PART A

These forms constitute the part A of the annual report that the competent authorities of the Member States are required to transmit to the European Commission by 15 November each year in the year following the calendar year covered by the report.

These forms are based on the reporting requirements set out in Article 54(b) and in Annex V to Commission Delegated Regulation (EU) 2017/891, laying down detailed rules for the application of Regulation (EU) No 1308/2013 in respect of the fruit and vegetables and processed fruit and vegetables sectors.

1. Administrative information

Table 1.1.	Changes to national legislation adopted to implement Section 3 of Chapter II of Title I and Sections 1, 2 and 3 of Chapter III of Title II of Regulation (EU) No 1308/2013 (for the fruit and vegetables sector)
Table 1.2.	Changes relating to the national strategy for sustainable operational programmes applicable to operational programmes

2. Information on producer organisations, transnational producer organisations, associations of producer organisations, transnational association of producer organisations and producer groups

Table 2.1.	Producer organisations
Table 2.2.	Transnational producer organisations
Table 2.3.	Associations of producer organisations
Table 2.4.	Transnational associations of producer organisations
Table 2.5.	Producer groups

3. Information related to expenditures

Table 3.1.	Expenditures related to producer organisations, transnational producer organisations, associations of producer organisations and transnational associations of producer organisations
Table 3.2.	Total expenditures of operational programmes for producer organisations, transnational producer organisations, associations of producer organisations and transnational associations of producer organisations

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Table 3.3.	Total expenditures for producer groups
Table 3.4.	Withdrawals

4. Monitoring of operational programmes/recognition plans

Table 4.1.	Indicators as regards producer organisations and transnational producer organisations, associations of producer organisations and transnational associations of producer associations
Table 4.2.	Indicators for producer groups

Explanatory notes

Abbreviations

Common market organisation	CMO
Producer group	PG
Producer organisation	PO
Transnational producer organisation	TPO
Association of producers organisation	APO
Transnational association of producers organisation	TAPO
Operational fund	OF
Operational programme	OP
Value of marketed production	VMP
Member State	MS

Country codes

Country name (source language)	Short name (English)	Code
Belgique/België	Belgium	BE
България ^a	Bulgaria	BG
Česká republika	Czech Republic	CZ
Danmark	Denmark	DK
Deutschland	Germany	DE
Eesti	Estonia	EE
Éire/Ireland	Ireland	IE
Ελλάδα ^a	Greece	EL

^a Latin transliteration: България = Bulgaria; Ελλάδα = Elláda; Κύπρος = Kýpros.

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

España	Spain	ES
France	France	FR
Italia	Italy	IT
Κύπρος ^a	Cyprus	CY
Latvija	Latvia	LV
Lietuva	Lithuania	LT
Luxembourg	Luxembourg	LU
Magyarország	Hungary	HU
Malta	Malta	MT
Nederland	Netherlands	NL
Österreich	Austria	AT
Polska	Poland	PL
Portugal	Portugal	PT
Republika Hrvatska	Croatia	HR
România	Romania	RO
Slovenija	Slovenia	SI
Slovensko	Slovakia	SK
Suomi/Finland	Finland	FI
Sverige	Sweden	SE
United Kingdom	United Kingdom	UK

^a Latin transliteration: България = Bulgaria; Ελλάδα = Elláda; Κύπρος = Kýpros.

Region codes

Vlaams Gewest	BE2
Région Wallonne	BE3

The indication of the region concerned on the cover page of each section and at the beginning of each table is an option for any Member State that finds it more appropriate to provide a regional breakdown.

Code number (ID) of POs, TPOs, APOs, TAPOs and PGs

The code number of each PO, TPO, APO, TAPO or PG is UNIQUE. If a PO, TPO, APO, TAPO or PG has its recognition withdrawn, the same code number should never be used again.

Monetary values

All monetary values should be expressed in euro, except for those Member States that use a national currency. A 'NATIONAL CURRENCY' box is present at the TOP of Tables.

Currency	
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Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

The box should indicate the code of the national currency used.

	CODE
Euro	EUR
Pound sterling	GBP

Contact point for communication

Member State:		Year:	
Region:			

Organisation	Name	
	Postal address	
Contact person 1	Family name	
	First name	
	Job Title	
	Email address	
	Business phone	
	Business fax	
Contact person 2	Family name	
	First name	
	Job Title	
	Email address	
	Business phone	
	Business fax	

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Member State:		Year:	
Region:			

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

SECTION 1

ADMINISTRATIVE INFORMATION

Table 1.1.

CHANGES TO NATIONAL LEGISLATION ADOPTED IN ORDER TO IMPLEMENT SECTION 3 OF CHAPTER II OF TITLE I OF REGULATION (EU) NO 1308/2013 (FOR THE FRUIT AND VEGETABLES SECTOR)

<i>National legislation</i>		
<i>Title</i>	<i>Publication in the OJ of the Member State</i>	<i>Hyperlink</i>

Table 1.2.

CHANGES TO THE NATIONAL STRATEGY FOR SUSTAINABLE OPERATIONAL PROGRAMMES APPLICABLE TO OPERATIONAL PROGRAMMES

<i>National strategy</i>	
<i>Changes to the national strategy^a</i>	<i>Hyperlink</i>

^a Summary of the changes introduced to the national strategy during the year reported.

Annual Report – Part A

Member State:		Year:	
Region:			

SECTION 2

INFORMATION RELATED TO POs, TPOs, APOs, TAPOs AND PGs

Table 2.1.

PRODUCER ORGANISATIONS

Total number of recognised POs		
Total number of suspended POs		
Total number of POs for which the recognition was withdrawn		
Total number of POs that merged with another (or more) PO(s)/APO(s)/TPO(s)/TAPO(s)	Total number of POs concerned	
	Total number of new PO(s)/APO(s)/TPO(s)/TAPO(s)	

^a excluding mushrooms

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

		New ID number(s)	
Number of members of POs		Total	
		Legal entities	
		Natural persons	
		Number of fruit and/or vegetable producers	
Total number of POs implementing an operational programme	—	recognised POs	
	—	suspended POs	
	—	POs subject to merger	
Part of the production intended for the fresh market		Value	
		Volume (<i>tonnes</i>)	
Part of the production intended for processing		Value	
		Volume (<i>tonnes</i>)	
Total area under fruit and vegetables production (<i>ha</i>) ^a			
a <i>excluding mushrooms</i>			

Table 2.2.

TRANSNATIONAL PRODUCER ORGANISATIONS⁰

Total number of recognised TPOs		
	—	Number of PO members
	—	List of MS where PO members have their head office
Total number of suspended TPOs		
	—	Number of PO members
	—	List of MS where PO members have their head office
Total number of TPOs for which the recognition was withdrawn		
	—	Number of PO members

a This table refers to Member States where the head offices of TPOs are located. The total area refers to areas exploited by TPOs' members, namely POs, growers belonging to POs members to the TPO and growers members to the TPO.

b *excluding mushrooms*

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	— List of MS where PO members have their head office		
Total number of TPOs that merged with another (or more) TPO(s)/TAPO(s)	Total number of TPOs concerned		
	Total number of new TPO(s)/TAPO(s)		
	New ID number(s)		
Number of members of TPOs	Total		
	Legal entities		
	Natural persons		
	Number of fruit and/or vegetable producers		
Total number of TPOs implementing an operational programme	— recognised TPOs	with entire OP	
		with partial OP	
	— suspended TPOs	with entire OP	
		with partial OP	
	— TPOs subject to merger	with entire OP	
		with partial OP	
Part of the production intended for the fresh market	Value		
	Volume (tonnes)		
Part of the production intended for processing	Value		
	Volume (tonnes)		
Total area under fruit and vegetables production (ha) ^b			
<p>a This table refers to Member States where the head offices of TPOs are located. The total area refers to areas exploited by TPOs' members, namely POs, growers belonging to POs members to the TPO and growers members to the TPO.</p>			
<p>b excluding mushrooms</p>			

Table 2.3.

ASSOCIATIONS OF PRODUCER ORGANISATIONS⁰

Total number of recognised APOs			
	— Number of PO members		
Total number of suspended APOs			
	— Number of PO members		
<p>a This table refers to Member States where the head offices of APOs are located. The total area refers to areas exploited by APOs' members, namely POs, growers belonging to POs members to the APOs.</p>			
<p>b excluding mushrooms</p>			

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Total number of APOs for which the recognition was withdrawn			
	— Number of PO members		
Total number of APOs that merged with another (or more) APO(s)/TAPO(s)	Total number of APOs concerned		
	Total number of new APO(s)/TAPO(s)		
	New ID number(s)		
Number of members of APOs	Total		
	Legal entities		
	Natural persons		
	Number of fruit and/or vegetable producers		
Total number of APOs implementing an operational programme	— recognised APOs	with entire OP	
		with partial OP	
	— suspended APOs	with entire OP	
		with partial OP	
	— APOs subject to merger	with entire OP	
		with partial OP	
Part of the production intended for the fresh market	Value		
	Volume (<i>tonnes</i>)		
Part of the production intended for processing	Value		
	Volume (<i>tonnes</i>)		
Total area under fruit and vegetables production (<i>ha</i>) ^b			
<p>a This table refers to Member States where the head offices of APOs are located. The total area refers to areas exploited by APOs' members, namely POs, growers belonging to POs members to the APOs.</p>			
<p>b <i>excluding mushrooms</i></p>			

Table 2.4.

TRANSNATIONAL ASSOCIATIONS OF PRODUCER ORGANISATIONS⁰

Total number of recognised TAPOs		
	— Number of PO/TPO/APO members	
	— List of MS where PO/TPO/APO members have their head office	
<p>a This table refers to Member States where the head offices of TAPOs are located. The total area refers to areas exploited by TAPOs' members, namely POs, growers belonging to POs members to the TAPOs.</p>		
<p>b <i>excluding mushrooms</i></p>		

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Total number of suspended TAPOs			
—	Number of PO/TPO/APO members		
—	List of MS where PO/TPO/APO members have their head office		
Total number of TAPOs for which the recognition was withdrawn			
—	Number of PO/TPO/APO members		
—	List of MS where PO/TPO/APO members have their head office		
Total number of TAPOs that merged with another (or more) TAPO(s)	Total number of TAPO(s) concerned		
	Total number of new TAPO(s)		
	New ID number(s)		
Number of members of TAPOs	Total		
	Legal entities		
	Natural persons		
	Number of fruit and/or vegetable producers		
Total number of TAPOs implementing an operational programme	— recognised TAPOs	with entire OP	
		with partial OP	
	— suspended TAPOs	with entire OP	
		with partial OP	
	— TAPOs subject to merger	with entire OP	
		with partial OP	
Part of the production intended for the fresh market	Value		
	Volume (<i>tonnes</i>)		
Part of the production intended for processing	Value		
	Volume (<i>tonnes</i>)		
Total area under fruit and vegetables production (<i>ha</i>) ^b			

a This table refers to Member States where the head offices of TAPOs are located.
 The total area refers to areas exploited by TAPOs' members, namely POs, growers belonging to POs members to the TAPOs.

b *excluding mushrooms*

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Table 2.5.

PRODUCER GROUPS

Total number of recognised PGs		
Total number of suspended PGs		
Total number of PGs for which the recognition was withdrawn		
Total number of PGs which have become POs		
Total number of PGs that merged with another (or more) PG(s)	Total number of PGs concerned	
	Total number of new PGs	
	New ID number(s)	
Number of members of PGs	Total	
	Legal entities	
	Natural persons	
	Number of fruit and/or vegetable producers	
Part of the production intended for the fresh market	Value	
	Volume (<i>tonnes</i>)	
Part of the production intended for processing	Value	
	Volume (<i>tonnes</i>)	
Total area under fruit and vegetables production (<i>ha</i>) ^a		
a <i>excluding mushrooms</i>		

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Member State:		Year:	
Region:			

SECTION 3

EXPENDITURES INFORMATION

Table 3.1.

EXPENDITURES RELATED TO POS, TPOS, APOS AND TAPOS

		All POs	All TPOs	All APOs	All TAPOs
Operational Fund	Total approved				

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	—	Amount of the financial contribution of the organisation and/or organisation's members			
	—	Amount of the Union financial assistance			
Final Operational Fund		Total spent			
	—	Amount of the financial contribution of the organisation's members			
	—	Amount of the Union financial assistance			
National financial assistance		Amount of the National financial assistance actually paid			
		Estimated amount of the National financial assistance actually paid to be			

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	reimbursed by the EU			
	List of the beneficiary regions under Article 35 of Regulation (EU) No 1308/2013			
	Value of marketed production (calculated in accordance with Article 22 of Regulation (EU) 2017/891)			

(Data in Euro or national currency)

Table 3.2.

TOTAL ACTUAL EXPENDITURES OF OPERATIONAL PROGRAMMES FOR POS, TPOS, APOS AND TAPOS

Actions/ Measures/ Articles (g) of Regulation (EU) 2017/891	Objectives/ Articles (3) and 152(1)(c) of Regulation (EU) No 1308/2013	Total actual expenditures (Euro or national currency)			
		All POs	All TPOs	All APOs	All TAPOs
Investments	Planning of production				
	Improvement of product quality				
	Boosting products' commercial value				

Note: Regulation (EU) No 1308/2013 provides for the following objectives:

—Planning of production	Articles 33(1)(a) and 152(1)(c)(i),(ii) and (xi)
—Improvement of product quality	Articles 33(1)(b) and 152(1)(c)(i),(iv) and (vi)
—Boosting products' commercial value	Articles 33(1)(c) and 152(1)(c)(i),(ii),(iii),(iv),(ix) and (xi)
—Promotion of the products	Article 33(1)(d) and 152(1)(c)(vi) and (ix)
—Environmental measures	Articles 33(1)(e) and 152(1)(c)(iii),(iv), (v),(vii) and (viii)
—Crisis prevention and management	Articles 33(1)(f), 33(3)(a) and 152(1)(c)(iv) and (xi)
—Research	Article 152(1)(c)(iv)

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	Environmental measures				
	Crisis prevention and management				
	Research				
Research and experimental production	Planning of production				
	Improvement of product quality				
	Boosting products' commercial value				
	Environmental measures				
Quality schemes (EU and national) and measures related to quality improvement	Improvement of product quality				
Promotion and communications	Boosting products' commercial value				
	Promotion of the products				
	Crisis prevention				

Note: Regulation (EU) No 1308/2013 provides for the following objectives:

—Planning of production	Articles 33(1)(a) and 152(1)(c)(i),(ii) and (xi)
—Improvement of product quality	Articles 33(1)(b) and 152(1)(c)(i),(iv) and (vi)
—Boosting products' commercial value	Articles 33(1)(c) and 152(1)(c)(i),(ii),(iii),(iv),(ix) and (xi)
—Promotion of the products	Article 33(1)(d) and 152(1)(c)(vi) and (ix)
—Environmental measures	Articles 33(1)(e) and 152(1)(c)(iii),(iv), (v),(vii) and (viii)
—Crisis prevention and management	Articles 33(1)(f), 33(3)(a) and 152(1)(c)(iv) and (xi)
—Research	Article 152(1)(c)(iv)

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	and management				
Training and exchange of best practices	Planning of production				
	Improvement of product quality				
	Boosting products' commercial value				
	Environmental measures				
	Crisis prevention and management				
Advisory services and technical assistance	Planning of production				
	Improvement of product quality				
	Boosting products' commercial value				
	Environmental measures				
Organic production	Environmental measures				
Integrated production					

Note: Regulation (EU) No 1308/2013 provides for the following objectives:

—Planning of production	Articles 33(1)(a) and 152(1)(c)(i),(ii) and (xi)
—Improvement of product quality	Articles 33(1)(b) and 152(1)(c)(i),(iv) and (vi)
—Boosting products' commercial value	Articles 33(1)(c) and 152(1)(c)(i),(ii),(iii),(iv),(ix) and (xi)
—Promotion of the products	Article 33(1)(d) and 152(1)(c)(vi) and (ix)
—Environmental measures	Articles 33(1)(e) and 152(1)(c)(iii),(iv), (v),(vii) and (viii)
—Crisis prevention and management	Articles 33(1)(f), 33(3)(a) and 152(1)(c)(iv) and (xi)
—Research	Article 152(1)(c)(iv)

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Improved use or management of water, including water saving and drainage				
Actions to conserve soil				
Actions to create or maintain habitat favourable for biodiversity or to maintain the landscape, including the conservation of historical features				
Actions favouring energy saving (excluding transport)				
Action related to reduction of waste production and to improve waste management				
Transport				
Marketing				

Note: Regulation (EU) No 1308/2013 provides for the following objectives:

—Planning of production	Articles 33(1)(a) and 152(1)(c)(i),(ii) and (xi)
—Improvement of product quality	Articles 33(1)(b) and 152(1)(c)(i),(iv) and (vi)
—Boosting products' commercial value	Articles 33(1)(c) and 152(1)(c)(i),(ii),(iii),(iv),(ix) and (xi)
—Promotion of the products	Article 33(1)(d) and 152(1)(c)(vi) and (ix)
—Environmental measures	Articles 33(1)(e) and 152(1)(c)(iii),(iv), (v),(vii) and (viii)
—Crisis prevention and management	Articles 33(1)(f), 33(3)(a) and 152(1)(c)(iv) and (xi)
—Research	Article 152(1)(c)(iv)

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

Setting-up mutual funds	Crisis prevention and management				
Replenishment of mutual funds					
Replanting of orchards					
Market withdrawal					
— Free distribution					
— Other					
Green-harvesting					
Non-harvesting					
Harvest insurance					
Coaching					
Administrative costs	Planning of production				
	Improvement of product quality				
	Boosting products' commercial value				
	Environmental measures				

Note: Regulation (EU) No 1308/2013 provides for the following objectives:

—Planning of production	Articles 33(1)(a) and 152(1)(c)(i),(ii) and (xi)
—Improvement of product quality	Articles 33(1)(b) and 152(1)(c)(i),(iv) and (vi)
—Boosting products' commercial value	Articles 33(1)(c) and 152(1)(c)(i),(ii),(iii),(iv),(ix) and (xi)
—Promotion of the products	Article 33(1)(d) and 152(1)(c)(vi) and (ix)
—Environmental measures	Articles 33(1)(e) and 152(1)(c)(iii),(iv), (v),(vii) and (viii)
—Crisis prevention and management	Articles 33(1)(f), 33(3)(a) and 152(1)(c)(iv) and (xi)
—Research	Article 152(1)(c)(iv)

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	Crisis prevention and management				
	Research				
Others	Planning of production				
	Improvement of product quality				
	Boosting products' commercial value				
	Environmental measures				

Note: Regulation (EU) No 1308/2013 provides for the following objectives:

—Planning of production	Articles 33(1)(a) and 152(1)(c)(i),(ii) and (xi)
—Improvement of product quality	Articles 33(1)(b) and 152(1)(c)(i),(iv) and (vi)
—Boosting products' commercial value	Articles 33(1)(c) and 152(1)(c)(i),(ii),(iii),(iv),(ix) and (xi)
—Promotion of the products	Article 33(1)(d) and 152(1)(c)(vi) and (ix)
—Environmental measures	Articles 33(1)(e) and 152(1)(c)(iii),(iv), (v),(vii) and (viii)
—Crisis prevention and management	Articles 33(1)(f), 33(3)(a) and 152(1)(c)(iv) and (xi)
—Research	Article 152(1)(c)(iv)

Table 3.3.

TOTAL ACTUAL EXPENDITURES FOR PRODUCER GROUPS

		Total actual expenditures for all PGs(Euro or national currency)
PG investments	Investments required to attain recognition for PGs	
	— amount of the Union financial assistance	
	— amount of the MS financial assistance	

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	— amount of the PG's/PG member contribution	
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Table 3.4.

WITHDRAWALS

		Total annual volume (tonnes)	Total expenditure of national currency (tonnes)	Amount of Euro financial assistance	Free distribution	Composting (tonnes)	Processing industry (tonnes)	Other destination (tonnes)
Products in Annex IV to Regulation (EU) 2017/891	Cauliflowers							
	Tomatoes							
	Apples							
	Grapes							
	Apricots							
	Nectarines							
	Peaches							
	Pears							
	Aubergines							
	Melons							
	Watermelons							
	Oranges							
	Mandarins							
	Clementines							
	Satsumas							
Lemons								
Other products								
Total								

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Member State:		Year:	
Region:			

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

SECTION 4

MONITORING OF OPERATIONAL PROGRAMMES

The indicators related to actions undertaken by recognised producer organisations, associations of producer organisations, transnational organisations and producer groups under an operational programme/recognition plan does not necessarily capture all the factors that may intervene and affect the outputs, results and impact of an operational programme/recognition plan. In this context, the information provided by the indicators should be interpreted in the light of quantitative and qualitative information relating to other key factors contributing to the success or failure of the programme/plan's implementation.

In case Member States use samples for the calculation of indicators, the size of the sample, its representativeness and its other constituting elements shall be communicated to the Commission services, together with the annual report.

Table 4.1.

INDICATORS AS REGARDS POS, TPOS, APOS AND TAPOS

Actions/ Measures	Objectives	Indicators	All POs	All TPOs	All APOs	All TAPOs
2(f) and (g) of Regulation (EU) 2017/891	152(1) (3) and (c) of Regulation (EU) No 1308/2013					
Investments	Planning of production	Number of holdings				
		Total value				
	Improvement of product quality	Number of holdings				
		Total value				
	Boosting products' commercial value	Number of holdings				
		Total value				
		Total value of marketed production/ Total volume of marketed production (Euro or national currency/kg)				
	Environment measures	Number of holdings				
		Total value				
	Crisis prevention	Number of holdings				
		Total value				

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	and management					
	Research	Number of holdings				
		Total value				
Research and experimental production	Planning of production	Total value				
		Number of holdings				
	Improvement of product quality	Total value				
		Number of holdings				
	Boosting products' commercial value	Total value				
		Number of holdings				
	Environmental measures	Number of holdings				
		Total value				
Quality schemes (EU and national) ^b and measures related to quality improvement	Improvement of product quality	Area of PDO/PGI/TSG ^c (ha)				
		Number of holdings				
		Volume (tonnes)				
Promotion and communications	Boosting products' commercial value	Number of holdings				
		Number of promotion campaigns				
	Promotion of the products	Number of holdings				
		Number of promotion campaigns				
	Crisis prevention and management	Number of holdings				
		Number of promotion campaigns				
Training and exchange of best practices	Planning of production	Number of holdings				
		Number of actions				
	Improvement of product quality	Number of holdings				
		Number of actions				

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	Boosting products' commercial value	Number of holdings				
		Number of actions				
	Environmental measures	Number of holdings				
		Number of actions				
	Crisis prevention and management	Number of holdings				
		Number of actions				
Advisory services and technical assistance	Planning of production	Number of holdings				
		Number of actions				
	Improvement of product quality	Number of holdings				
		Number of actions				
	Boosting products' commercial value	Number of holdings				
		Number of actions				
Environmental measures	Number of holdings					
	Number of actions					
Organic production	Environmental measures	Area under organic production of fruit and/or vegetables (ha)				
		Number of holdings				
Integrated production		Area under integrated production of fruit and/or vegetables (ha)				
		Number of holdings				
Improved use or management of water, including water saving and drainage		Area under fruit and vegetable production subject to reduction in use of water (ha)				
		Number of holdings				
		Difference of volume (m ³) (n – 1/n)				
Actions to conserve soil		Area under fruit and vegetable production at risk of				

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

	soil erosion where anti-erosion measures are implemented (ha) ^e				
	Number of holdings				
	Difference of fertiliser use per ha (tonnes/ha) (n – 1/n)				
Actions to create or maintain habitat favourable for biodiversity or to maintain the landscape, including the conservation of historical features	Area concerned by actions contributing to habitat and biodiversity protection (ha)				
	Number of holdings				
Actions favouring energy saving (excluding transport)	Area under fruit and vegetable production subject to reduction in use of energy (ha)				
	Number of holdings				
	Difference of energy consumption (n – 1/n):				
	Solids	(tonnes/ volume of marketed production)			
	Liquids	(L/ volume of marketed production)			
	Gas	(m ³ / volume of marketed production)			
	Electricity	(kwh/ volume of			

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			<i>marketed production)</i>				
Action related to reduction of waste production and to improve waste management		Number of holdings					
		Difference of volume of waste (m^3 / volume of marketed production) ($n - 1/n$)					
		Difference of volume of packaging (m^3 / volume of marketed production) ($n - 1/n$)					
Transport		Difference of energy consumption ($n - 1/n$):					
		Liquids	(L/ volume of marketed production)				
		Gas	(m^3 / volume of marketed production)				
		Electricity	(kwh/ volume of marketed production)				
Marketing		Number of holdings					
		Number of actions					
Setting-up mutual funds ^f	Crisis prevention and management	Number of holdings					
Replenishment of mutual funds ^g		Number of holdings					
Replanting of orchards		Areas concerned (ha)					
Market withdrawal ^g		Number of actions undertaken					
Green-harvesting ^h		Number of actions undertaken					

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Non-harvesting ^h		Area concerned (ha)				
		Number of actions undertaken				
Harvest insurance		Area concerned (ha)				
		Number of holdings				
Coaching		Number of actions undertaken				
Others	Planning of production	Number of holdings				
	Improvement of product quality	Number of holdings				
	Boosting products' commercial value	Number of holdings				
	Environmental measures	Number of holdings				

a Including non-productive investments linked to the achievement of commitments undertaken under the operational programme.

b Refers to a set of detailed obligations concerning the production methods (a) the respect of which is subject to independent inspection, and (b) that result in a final product the quality of which (i) goes significantly beyond the normal commercial standards as regards public health, plant health or environmental standards and (ii) responds to current and foreseeable market opportunities. It is proposed that the main types of 'quality schemes' cover the following: (a) certified organic production; (b) protected geographical indications and protected designations of origin, (c) certified integrated production, (d) private certified product quality schemes.

c Protected designations of origin/Protected Geographical Indications/Traditional Speciality Guaranteed

d Each day of a promotion/communication campaign counts as one action.

e 'At risk of soil erosion' shall mean any sloping plot with an inclination higher than 10 %, whether or not anti-erosion measures (e.g. soil cover, crop rotation, etc.) have been taken. Where the relevant information is available, a Member State may instead use the following definition: 'At risk of soil erosion' shall mean any plot with a predicted loss of soil exceeding the rate of natural soil formation, whether or not anti-erosion measures (e.g. soil cover or crop rotation) have been taken.

f Actions relating to the setting up/refilling of different mutual funds count as different actions.

g Market withdrawal of the same product in different periods of the year and market withdrawals of different products count as different actions. Each market withdrawal operation for a given product counts as one action.

h Green-harvesting and non-harvesting of different products count as different actions. Green harvesting and non-harvesting of the same product count as one action, regardless of the number of days they take, the number of holdings participating and the number of plots or hectares concerned.

Table 4.2.

INDICATORS AS REGARDS PRODUCER GROUPS

	Indicator	Number
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PG investments	Investments required to attain recognition for PGs	Number of members of PGs]
		Number of PGs which have been recognised as POs	

ANNEX III

Minimum requirements for withdrawal of products as referred to in Article 15(2)

1. The products shall be:
 - whole,
 - sound; products affected by rotting or deterioration such as to make them unfit for consumption shall be excluded,
 - clean, practically free from any visible foreign matter,
 - practically free from pests and damage caused by pests,
 - free of abnormal external moisture,
 - free of any foreign taste or smell.
2. Products must be sufficiently developed and ripe, taking account of their type.
3. Products must be characteristic of the variety and commercial type.

ANNEX IV

Transport costs under free distribution as referred to in Article 16(1)

Distance between the place of withdrawal and the place of delivery	Transport costs (EUR/t) ^a
Less than or equal to 25 km	18,20
More than 25 km but less than or equal to 200 km	41,40
More than 200 km but less than or equal to 350 km	54,30
More than 350 km but less than or equal to 500 km	72,60
More than 500 km but less than or equal to 750 km	95,30
More than 750 km	108,30

^a Supplement for refrigerated transport: EUR 8,50/t.

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892. (See end of Document for details)

ANNEX V

Sorting and packing costs as referred to in Article 17(1)

Product	Sorting and packing costs (EUR/t)
Apples	187,70
Pears	159,60
Oranges	240,80
Clementines	296,60
Peaches	175,10
Nectarines	205,80
Watermelons	167,00
Cauliflowers	169,10
Other products	201,10

ANNEX VI

Statement for packaging of products as referred to in Article 17(2)

- Продукт, предназначен за безплатна дистрибуция (Регламент за изпълнение (ЕС) 2017/...)
- Producto destinado a su distribución gratuita [Reglamento de ejecución (UE) 2017/...]
- Produkt určený k bezplatné distribuci [prováděcí nařízení (EU) 2017/...]
- Produkt til gratis uddeling (gennemførelsesforordning (EU) 2017/...)
- Zur kostenlosen Verteilung bestimmtes Erzeugnis (Durchführungsverordnung (EU) 2017/...)
- Tasuta jagamiseks mõeldud tooted [rakendusmäärus (EL) 2017/...]
- Προϊόν προοριζόμενο για δωρεάν διανομή [εκτελεστικός κανονισμός (ΕΕ) 2017/...]
- Product for free distribution (Implementing Regulation (EU) 2017/...)
- Produit destiné à la distribution gratuite [règlement d'exécution (UE) 2017/...]
- Proizvod za slobodnu distribuciju (Provedbena uredba (EU) 2017/...)
- Prodotto destinato alla distribuzione gratuita [regolamento di esecuzione (UE) 2017/...]
- Produkts paredzēts bezmaksas izplatīšanai [Īstenošanas regula (ES) 2017/...]
- Nemokamai platinamas produktas [Įgyvendinimo reglamentas (ES) 2017/...]
- Ingyenes szétosztásra szánt termék ((EU) 2017/... végrehajtási rendelet)
- Prodott destinat għad-distribuzzjoni bla ħlas [Regolament ta' implimentazzjoni (UE) 2017/...]
- Voor gratis uitreiking bestemd product (Uitvoeringsverordening (EU) 2017/...)
- Produkt przeznaczony do bezpłatnej dystrybucji [Rozporządzenie wykonawcze (UE) 2017/...]
- Produto destinado a distribuição gratuita [Regulamento de execução (UE) 2017/...]
- Produs destinat distribuirii gratuite [Regulamentul de punere în aplicare (UE) 2017/...]

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- Výrobok určený na bezplatnú distribúciu [vykonávacie nariadenie (EÚ) 2017/...]
- Proizvod, namenjen za prosto razdelitev [Izvedbena uredba (EU) 2017/...]
- Ilmaisjakeluun tarkoitettu tuote (täytäntöönpanoasetus (EU) 2017/...)
- Produkt för gratisutdelning (genomförandeförordning (EU) 2017/...)

ANNEX VII

Products and periods for the application of additional import duties as referred to in Article 39

Without prejudice to the rules on the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. For the purposes of this Annex, the scope of the additional duties is determined by the scope of the CN codes as they stand at the time of adoption of this Regulation.

Order number	CN code	Description of products	Period of application
78.0015	0702 00 00	Tomatoes	From 1 October to 31 May
78.0020			From 1 June to 30 September
78.0065	0707 00 05	Cucumbers	From 1 May to 31 October
78.0075			From 1 November to 30 April
78.0085	0709 91 00	Artichokes	From 1 November to 30 June
78.0100	0709 93 10	Courgettes	From 1 January to 31 December
78.0110	0805 10 20	Oranges	From 1 December to 31 May
78.0120	0805 20 10	Clementines	From 1 November to end of February
78.0130	0805 20 300805 20 500805 20 700805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	From 1 November to end of February
78.0155	0805 50 10	Lemons	From 1 June to 31 December
78.0160			From 1 January to 31 May
78.0170	0806 10 10	Table grapes	From 16 July to 16 November

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78.0175	0808 10 80	Apples	From 1 January to 31 August
78.0180			From 1 September to 31 December
78.0220	0808 30 90	Pears	From 1 January to 30 April
78.0235			From 1 July to 31 December
78.0250	0809 10 00	Apricots	From 1 June to 31 July
78.0265	0809 29 00	Cherries, other than sour	From 16 May to 15 August
78.0270	0809 30	Peaches, including nectarines	From 16 June to 30 September
78.0280	0809 40 05	Plums	From 16 June to 30 September

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- (1) [OJ L 347, 20.12.2013, p. 671.](#)
- (2) [OJ L 347, 20.12.2013, p. 549.](#)
- (3) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([OJ L 299, 16.11.2007, p. 1.](#))
- (4) Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ([OJ L 157, 15.6.2011, p. 1.](#))
- (5) 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 (see p. 4 of this Official Journal).
- (6) Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 ([OJ L 347, 20.12.2013, p. 487.](#))
- (7) Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 ([OJ L 317, 4.11.2014, p. 56.](#))
- (8) Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro ([OJ L 255, 28.8.2014, p. 18.](#))
- (9) Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code ([OJ L 343, 29.12.2015, p. 558.](#))
- (10) http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/customs_tariff/index_en.htm

Status:

Point in time view as at 01/01/2019.

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892.