

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

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.

[^{F1} Article 1A

Definitions

For the purposes of this Regulation, the following definitions apply:

- a ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
- b ‘public funds’ means moneys provided by Parliament, Senedd Cymru, the Scottish Parliament, the Northern Ireland Assembly or a body exercising public functions within the United Kingdom. References to ‘public funding’ are to be construed accordingly;
- c ‘relevant authority’ means:
 - i in relation to England, the Secretary of State;
 - ii in relation to Wales, the Welsh Ministers;
 - iii in relation to Scotland, the Scottish Ministers;
 - iv in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- d ‘third country’ means any country or territory other than:
 - i the United Kingdom;
 - ii the Bailiwick of Jersey;
 - iii the Bailiwick of Guernsey;

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- iv the Isle of Man;
- e ‘existing non-UK member’ means an ex-transnational producer organisation member:
 - i who was, immediately before IP completion day, a producer member of a transnational producer organisation within the meaning of Articles 2(b) and 2(d) of Regulation (EU) 2017/891 (as they had effect immediately before IP completion day); and
 - ii at least one of whose holdings is situated in a European Union Member State;
- f ‘ex-transnational producer organisation’ means a producer organisation that was, immediately before IP completion day, recognised in the United Kingdom as a transnational producer organisation within the meaning of Article 2(d) of Regulation (EU) 2017/891 (as it had effect immediately before IP completion day).]

Textual Amendments

- F1** [Arts. 1A, 1B](#) inserted (25.6.2021) by The Common Organisation of the Markets in [Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(2)**, 7(a)

Article 1B

Definition of appropriate authority

- [^{F1} For the purposes of this Regulation, ‘appropriate authority’ means:
- a in relation to England, the Secretary of State;
 - b in relation to Wales, the Welsh Ministers;
 - c in relation to Scotland, the Scottish Ministers;
 - d in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
- 2 But the appropriate authority is the Secretary of State:
- a in relation to Scotland, at any time that the Secretary of State and the Scottish Ministers so agree;
 - b in relation to Northern Ireland, at any time that the Secretary of State and the Department of Agriculture, Environment and Rural Affairs so agree.
- 3 The relevant authorities for Scotland and Northern Ireland must ensure that a statement identifying the appropriate authority for their constituent nation is published on websites maintained by them or on their behalf.]

Textual Amendments

- F1** [Arts. 1A, 1B](#) inserted (25.6.2021) by The Common Organisation of the Markets in [Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(2)**, 7(a)

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SECTION 2

Operational programmes

Article 2

[^{F2}Strategy] for sustainable operational programmes

The structure and content of the ^{F3}... strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 shall be as set out in Annex I to this Regulation.

Textual Amendments

- F2** Word in [Art. 2](#) heading substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(3)(a)**, 7(a)
- F3** Word in [Art. 2](#) omitted (25.6.2021) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(3)(b)**, 7(a)

Article 3

[^{F4}Framework] for environmental actions and the eligible investments

1 A separate section of the ^{F5}... framework referred to in Article 36(1) of Regulation (EU) No 1308/2013, shall indicate the requirements laid down in Article 28 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council⁽¹⁾ to be fulfilled by the environmental actions selected under an operational programme.

The ^{F5}... framework shall set out a non-exhaustive list of environmental actions and the conditions thereof applicable in the [^{F6}constituent nation or the United Kingdom (as the case may be)] 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 [^{F7}constituent nation concerned or the rural development programmes of the constituent nations concerned (as the case may be)];
- 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 ^{F5}... framework shall indicate:

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

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The ^{F5}... 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.

[^{F8}The appropriate authority] 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.

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, [^{F9}the appropriate authority] 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 [^{F10}appropriate authority].

Investments aimed to achieve a reduction in water use shall:

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- 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 ^[F11]appropriate 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;
 - 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.

Textual Amendments

- F4** Word in Art. 3 heading substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(4)(a)**, 7(a)
- F5** Word in Art. 3(1) omitted (25.6.2021) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(4)(b)(i)**, 7(a)
- F6** Words in Art. 3(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(4)(b)(ii)**, 7(a)
- F7** Words in Art. 3(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(4)(b)(iii)**, 7(a)
- F8** Words in Art. 3(2) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(4)(c)** (replacing an amendment purportedly made by S.I. 2020/1445 (revoked))

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- F9** Words in Art. 3(4) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(4)(d)(i)**, 7(a)
- F10** Words in Art. 3(4) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(4)(d)(ii)**, 7(a)
- F11** Word in Art. 3(6) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(4)(e)**, 7(a)

Article 4

Content of operational programmes

- 1 Operational programmes shall include the following:
- ^{F12}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 ^{F13}strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation in which the producer organisation has its head office], 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 ^{F14}public] 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⁽²⁾. 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 ^{F14}public] funds.

Textual Amendments

- F12** 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](#)

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rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions.

- F13** Words in Art. 4(1)(b) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(5)(a)**, 7(a)
- F14** Word in Art. 4(2) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(5)(b)**, 7(a)

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 [^{F15}European Union or public] funding in respect of actions qualifying for aid under Regulation (EU) No 1308/2013 in the fruit and vegetables sector.

Textual Amendments

- F15** Words in Art. 5(c) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(6)**, 7(a)

Article 6

Time limit for submission

1 An operational [^{F16}programme] shall be submitted for approval by a producer organisation to the [^{F17}appropriate authority of the constituent nation] in which the producer organisation has its [^{F18}head office], by 15 September of the year preceding that in which the programme is to be implemented. However, [^{F19}nothing in this Regulation prevents the appropriate authority from setting] a date later than 15 September.

2 When a legal entity or clearly defined part of a legal entity, including ^{F20}... 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.

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Textual Amendments

- F16** Word in Art. 6(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(7)(a)(i)**, 7(a)
- F17** Words in Art. 6(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(7)(a)(ii)**, 7(a)
- F18** Words in Art. 6(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(7)(a)(iii)**, 7(a)
- F19** Words in Art. 6(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(7)(a)(iv)**, 7(a)
- F20** Words in Art. 6(2) omitted (25.6.2021) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(7)(b)**, 7(a)

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.

SECTION 3

Aid

Article 8

Approved amount of aid

[^{F21}The appropriate authority] 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, [^{F22}the appropriate authority] shall notify those organisations and

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associations of the approved amount of aid by 20 January of the year for which aid is requested.

Textual Amendments

- F21** Words in Art. 8 substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(8)(a)**, 7(a)
- F22** Words in Art. 8 substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(8)(b)**, 7(a)

F23 Article 8a

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

Textual Amendments

- F23** Art. 8a omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(9)**, 7(a)

Article 9

Aid applications

1 Producer organisations shall submit an application for aid, or the balance thereof, to the [F24 appropriate authority] 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:
- a the aid requested;
 - b the value of marketed production;
 - c the financial contributions levied on its members and those of the producer organisation itself;
 - d the expenditure incurred in respect of the operational programme;
 - e the expenditure concerning crisis prevention and management broken down by actions;
 - f the proportion of the operational fund spent on crisis prevention and management broken down by actions;
 - g compliance with Article 33(3), the first subparagraph of Article 33(5) and Article 34 of Regulation (EU) No 1308/2013;
 - h a written commitment that it has not received any duplicate [F25 European Union or public] funding in respect of measures or operations qualifying for aid under Regulation (EU) No 1308/2013 in the fruit and vegetables sector; [F26 and]

F27;
1

[F28] an annual report on the execution of the operational programme.]

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

- a 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;
- b those operations can be carried out by 30 April of the year following the year for which the aid is requested; and
- c an equivalent contribution from the producer organisation remains in the operational fund.

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 [^{F29}appropriate authority] 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 [^{F30}United Kingdom] 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.

[^{F31}5A. An application for aid by an association of producer organisations must relate to actions implemented at the level of the association and must be submitted to the appropriate authority for the constituent nation where that association has its head office. The appropriate authorities must ensure that there is no double funding risk.]

[^{F12}6 Producer organisations shall submit an application for aid regarding actions that are implemented at the level of the producer organisations [^{F32}to the appropriate authority for the constituent nation in which the producer organisation's head office is located.]^{F33} ...

^{F34}7]

Textual Amendments

- F12** 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.](#)
- F24** Words in Art. 9(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(10)(a)**, 7(a)
- F25** Words in Art. 9(2)(h) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(10)(b)(i)(aa)**, 7(a)

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- F26** Word in Art. 9(2)(h) inserted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(10)(b)(i)(bb)**, 7(a)
- F27** Art. 9(2)(i) omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(10)(b)(ii)**, 7(a)
- F28** Art. 9(2)(j) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(10)(b)(iii)**, 7(a)
- F29** Words in Art. 9(4) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(10)(c)**, 7(a)
- F30** Words in Art. 9(5) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(10)(d)**, 7(a)
- F31** Art. 9(5A) inserted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(10)(e)**, 7(a)
- F32** Words in Art. 9(6) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(10)(f)**, 7(a)
- F33** Words in Art. 9(6) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **6(3)(a)**
- F34** Art. 9(7) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **6(3)(b)**

Article 10

Payment of the aid

[^{F35}The appropriate authority] shall pay the aid by 15 October of the year following the year of implementation of the programme.

Textual Amendments

- F35** Words in Art. 10 substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(11)**, 7(a)

Article 11

Advance payments

1 Applications for advance payments may be submitted ^{F36}... on a three-monthly basis in January, April, July and October ^{F37}....

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

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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⁽³⁾.

3 ^[F38]Nothing in this Regulation prevents the appropriate authority from setting] a minimum amount and the deadlines for advance payments.

Textual Amendments

- F36** Words in Art. 11(1) omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(12)(a)(i)**, 7(a)
- F37** Words in Art. 11(1) omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(12)(a)(ii)**, 7(a)
- F38** Words in Art. 11(3) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(12)(b)**, 7(a)

Article 12

Partial payments

1 ^[F39]A producer organisation may apply to the appropriate authority for the constituent nation in which the producer organisation has its head office] 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. ^[F40]Nothing in this Regulation prevents the appropriate authority from setting] a minimum amount for partial payments and deadlines for applications.

Textual Amendments

- F39** Words in Art. 12(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(13)(a)**, 7(a)
- F40** Words in Art. 12(3) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(13)(b)**, 7(a)

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CHAPTER II

CRISIS PREVENTION AND MANAGEMENT MEASURES

^{F41}Article 13

Training measures and exchanges of better practices

Training measures and exchanges of better practices cannot constitute crisis prevention and management measures unless they are additional to any ongoing training actions not related to crisis prevention and management being applied by the producer organisation concerned in its operational programme.]

Textual Amendments

F41 Art. 13 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(14)**, 7(a)

Article 14

Promotion and communication measures

^{F121} ^{F42}Promotion and communication measures implemented by producer organisations in relation to crisis prevention or crisis management, including actions and activities aimed at diversification and consolidation on the fruit and vegetable markets, may be applied rapidly 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 ^{F43}United Kingdom] and about the high quality standards applicable to their production in the ^{F43}United Kingdom];
- b increasing the competitiveness and consumption of agricultural products and of certain processed products produced in the ^{F43}United Kingdom] and raising awareness about their quality both inside and outside the ^{F43}United Kingdom];
- c increasing awareness about ^{F43}United Kingdom] quality schemes both inside and outside the ^{F43}United Kingdom];
- d increasing the market share of agricultural products and certain processed products produced in the ^{F43}United Kingdom], 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 ^{F43}United Kingdom] market in the event of serious market disturbance, loss of consumer confidence or other related problems.]

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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

- F12** 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.
- F42** Words in Art. 14(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(15)(a)**, 7(a)
- F43** Words in Art. 14(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(15)(b)**, 7(a)

^{F44} Article 15

Marketing standards of products withdrawn

Textual Amendments

- F44** Arts. 15-17 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(16)**, 7(a)

^{F44} Article 16

Transport costs for free distribution

Textual Amendments

- F44** Arts. 15-17 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(16)**, 7(a)

^{F44} Article 17

Sorting and packing costs for free distribution

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Textual Amendments

F44 Arts. 15-17 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in [Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(16)**, 7(a)

^{F45}CHAPTER III

[^{F45}NATIONAL FINANCIAL ASSISTANCE

^{F45}Article 18

Authorisation to pay national financial assistance

.....

^{F45}Article 19

Application for and payment of the national financial assistance

.....

^{F45}Article 20

Union reimbursement of the national financial assistance]

.....

Textual Amendments

F45 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.

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CHAPTER IV

INFORMATION, REPORTS AND CHECKS

SECTION 1

Information and reports

[^{F12}Article 21

Information ^{F46}... from producer groups, producer organisations and associations of producer organisations and annual reports from [^{F47}the appropriate authorities]

At the request of [^{F48}the appropriate authority], recognised producer organisations, associations of producer organisations^{F49}... and producer groups [^{F50}referred to in Article 27 of Regulation (EU) No 1305/2013] shall provide any relevant information 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.

[^{F51}The appropriate authority] 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

- F12** 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.
- F46** Words in Art. 21 heading omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(17)(a)(i)**, 7(a)
- F47** Words in Art. 21 heading substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(17)(a)(ii)**, 7(a)
- F48** Words in Art. 21 substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(17)(b)(i)**, 7(a)
- F49** Words in Art. 21 omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1446), regs. 1(3), **6(4)**
- F50** Words in Art. 21 inserted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(17)(b)(ii)**, 7(a)

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F51 Words in Art. 21 substituted (25.6.2021) by The Common Organisation of the Markets in [Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(17)(c)**, 7(a)

SECTION 2

Checks

Article 22

Unique identification system

[^{F52}The Secretary of State must ensure that a unique identification system applies to producer organisations and associations of producer organisations 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.

Textual Amendments

F52 Words in Art. 22 substituted (31.12.2020) by [The Common Organisation of the Markets in Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1446\)](#), regs. 1(3), **6(5)**

[^{F53}Article 23

Submission procedures

Without prejudice to Articles 9, 24 and 25, the procedures for the submission of aid applications, requests for approval of operational programmes, and payment claims are those published from time to time by the appropriate authority, and the procedures for the submission of requests for recognition are those published from time to time by the Secretary of State.]

Textual Amendments

F53 Art. 23 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(18)**, 7(a)

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, [^{F54}the Secretary of State] shall carry out administrative and an on-the-spot checks on the

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

2 ^[F55]The Secretary of State] 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.

Textual Amendments

- F54** Words in Art. 24(1) substituted (31.12.2020) by [The Common Organisation of the Markets in Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1446\)](#), regs. 1(3), **6(7)(a)**
- F55** Words in Art. 24(2) substituted (31.12.2020) by [The Common Organisation of the Markets in Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1446\)](#), regs. 1(3), **6(7)(b)**

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, ^[F56]the appropriate authority] 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 ^[F57]strategy and framework referred to in Article 36 of Regulation (EU) No 1308/2013 of the constituent nation concerned];
- 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 ^{F58}... laws in particular, State aid, rural development and promotion programmes, and obligatory standards established by ^{F59}... legislation or the ^[F60]strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation concerned].

Textual Amendments

- F56** Words in Art. 25(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(19)(a)(i)**, 7(a)

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- F57** Words in Art. 25(1)(b) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(19)(a)(ii)**, 7(a)
- F58** Words in Art. 25(2)(b) omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(19)(b)(i)**, 7(a)
- F59** Word in Art. 25(2)(b) omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(19)(b)(ii)**, 7(a)
- F60** Words in Art. 25(2)(b) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(19)(b)(iii)**, 7(a)

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, [^{F61}the appropriate authority] 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
- 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 [^{F62}approval by the appropriate authority], 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 [^{F62}approval by the appropriate authority], cooperatives which are a member of the producer organisation.

Textual Amendments

- F61** Words in Art. 26(2) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(20)(a)**, 7(a)

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F62 Words in Art. 26(4) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(20)(b)**, 7(a)

Article 27

On-the-spot checks on annual aid applications

1 [F63The appropriate authority] 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 [F64The appropriate authority] 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 [F65the appropriate authority].

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 [F66applicable] 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

F67f

6 The value of marketed production shall be verified on the basis of the financial accounting system as audited and certified in accordance with [F68the law as it applies in the relevant constituent nation].

To that end, the [F69appropriate authority] may decide that the declaration of the value of marketed production shall be certified in the same way as the financial accounting data.

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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, [^{F70}the appropriate authority] 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 [^{F71}appropriate authority] 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.

Textual Amendments

- F63** Words in Art. 27(1) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(21)(a)**, 7(a)
- F64** Words in Art. 27(3) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(21)(b)(i)**, 7(a)
- F65** Words in Art. 27(3)(d) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(21)(b)(ii)**, 7(a)
- F66** Word in Art. 27(5)(c) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(21)(c)(i)**, 7(a)
- F67** Art. 27(5)(f) omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(21)(c)(ii)**, 7(a)
- F68** Words in Art. 27(6) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(21)(d)(i)**, 7(a)
- F69** Words in Art. 27(6) substituted (25.6.2021) by The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(21)(d)(ii)**, 7(a)

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- F70** Words in Art. 27(7) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(21)(e)**, 7(a)
- F71** Words in Art. 27(9) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(21)(f)**, 7(a)

Article 28

Reports of on-the-spot checks

1 ^{F72} [The appropriate authority must produce a detailed report] 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.

^{F73} [If the check reveals any non-compliance with the recognition criteria, the producer organisation or association of producer organisations concerned must send a copy of the report to the Secretary of State within 28 days of the date on which the final version of the report is sent to the producer organisation or association of producer organisations.]

Textual Amendments

- F72** Words in Art. 28(1) substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(22)**, 7(a)
- F73** Art. 28(3) inserted (31.12.2020) by [The Common Organisation of the Markets in Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1446\)](#), regs. 1(3), **6(8)**

^{F74} Article 29

First-level checks on withdrawal operations

Textual Amendments

- F74** Arts. 29-31 omitted (25.6.2021) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(23)**, 7(a)

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F74 Article 30

Second-level checks on withdrawal operations

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Textual Amendments

F74 Arts. 29-31 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in [Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(23)**, 7(a)

F74 Article 31

Green harvesting and non-harvesting

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Textual Amendments

F74 Arts. 29-31 omitted (25.6.2021) by virtue of The Common Organisation of the Markets in [Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(23)**, 7(a)

F75 Article 32

Transnational producer organisations

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Textual Amendments

F75 Art. 32 omitted (31.12.2020) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1446\)](#), regs. 1(3), **6(9)**

F76 Article 33

Transnational associations of producer organisations

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Textual Amendments

- F76** Art. 33 omitted (31.12.2020) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1446\)](#), regs. 1(3), **6(9)**

Article 34

Checks

Without prejudice to specific provisions of this Regulation or other [^{F77}retained EU law, the appropriate authority must conduct] checks and [^{F78}take] 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 [^{F79}in order to ensure proper management of public funds].

In particular, [^{F80}the appropriate authority] shall ensure that:

- (a) [^{F81}all eligibility criteria established by applicable legislation or by the strategy and framework referred to in Article 36 of Regulation (EU) No 1308/2013 of the constituent nation in which the producer organisation or association of producer organisations (as the case may be) has its head office can be checked;]
- (b) [^{F82}it has] 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 [^{F83}schemes funded in whole or in part by European Union or public funds].

[^{F84}If a check reveals any non-compliance with the recognition criteria, a detailed report must be made and sent to the Secretary of State in accordance with Article 28.]

Textual Amendments

- F77** Words in Art. 34 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(24)(a)(i)**, 7(a)
- F78** Word in Art. 34 inserted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(24)(a)(ii)**, 7(a)
- F79** Words in Art. 34 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(24)(a)(iii)**, 7(a)
- F80** Words in Art. 34 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(24)(b)(i)**, 7(a)
- F81** Words in Art. 34 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(24)(b)(ii)**, 7(a)
- F82** Words in Art. 34 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(24)(b)(iii)**, 7(a)

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- F83** Words in Art. 34 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(24)(b)(iv)**, 7(a)
- F84** Words in Art. 34 inserted (31.12.2020) by [The Common Organisation of the Markets in Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1446\)](#), regs. 1(3), **6(10)**

[^{F85} Article 34A

Checks on producer organisations

- 1 The appropriate authority for the constituent nation in which a producer organisation has its head office must:
- a organise checks on that organisation in respect of the operational programme and operational fund; and
 - b apply administrative penalties in accordance with Section 3 of Chapter V of Title II of Regulation (EU) 2017/891 where such checks demonstrate that the relevant obligations have not been met.
- 2 The appropriate authorities for any other constituent nations in which the producer organisation's members are located must, within any reasonable period provided by the appropriate authority in which the producer organisation has its head office:
- a provide such administrative assistance and carry out such administrative and on-the-spot checks as are required by that authority; and
 - b report the results of those checks to that authority.
- 3 In respect of environmental and phytosanitary measures and crisis prevention and management measures, a producer organisation must comply with the rules of the constituent nation where the respective measures and actions take place. In respect of all other matters in relation to the producer organisation and the operational programme and operational fund, the producer organisation must comply with the rules applicable in the constituent nation in which its head office is located.]

Textual Amendments

- F85** [Arts. 34A, 34B](#) inserted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(25)**, 7(a)

[^{F85} Article 34B

Checks on associations of producer organisations

- 1 The appropriate authority for the constituent nation in which a producer organisation which is a member of an association has its head office must:
- a organise checks in respect of actions of the operational programme implemented in that constituent nation and of the operational fund;
 - b apply administrative penalties in accordance with Section 3 of Chapter V of Title II of Regulation (EU) 2017/891 where such checks demonstrate that the relevant obligations have not been met;

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- c provide such administrative assistance as is requested by the appropriate authority for the constituent nation in which the association of producer organisations has its head office; and
- d notify the results of checks it has carried out and administrative penalties it has applied without delay to the appropriate authority for the constituent nation in which the association of producer organisations has its head office.

2 The appropriate authority for the constituent nation in which the association of producer organisations has its head office must:

- a organise checks in respect of actions of the operational programme implemented at the level of the association and of the operational fund of the association;
- b apply administrative penalties in accordance with Section 3 of Chapter V of Title II of Regulation (EU) 2017/891 where such checks demonstrate that the relevant obligations have not been met; and
- c co-ordinate checks and payments in respect of the actions of the operational programme of the association implemented outside the constituent nation where its head office is located.

3 The actions of the operational programmes must comply with the rules and strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013 of the constituent nation where, in accordance with Article 9(6), the application for aid is submitted.

But environmental and phytosanitary measures and crisis prevention and management measures must comply with the rules of the constituent nation where these measures and actions are actually carried out.]

Textual Amendments

F85 Arts. 34A, 34B inserted (25.6.2021) by The Common Organisation of the Markets in [Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(25)**, 7(a)

Article 35

Obvious errors

In cases of obvious errors recognised by the [^{F86}appropriate authority or the Secretary of State (as the case may be)], as referred to in Article 59(6) of Regulation (EU) No 1306/2013, any notification, claim or request made to [^{F87}an appropriate authority or the Secretary of State (as the case may be)] 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.

Textual Amendments

F86 Words in Art. 35 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(26)(a)**, 7

F87 Words in Art. 35 substituted (25.6.2021) by [The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021 \(S.I. 2021/756\)](#), regs. 1(2), **5(26)(b)**, 7

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F88 CHAPTER V

EXTENSION OF RULES

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Textual Amendments

F88 Chapter 5 omitted (31.12.2020) by virtue of The Common Organisation of the Markets in [Agricultural Products \(Producer Organisations and Wine\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1446\)](#), regs. 1(3), **6(12)**

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⁽⁴⁾ shall not apply. It shall be replaced by the standard import value referred to in paragraph 1.

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⁽⁵⁾.

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CHAPTER VII

ADDITIONAL IMPORT DUTIES

Article 39

Levying of additional import duty

[^{F12}1 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.

Textual Amendments

F12 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.

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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.

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*.

F89
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Textual Amendments

- F89** Words in Signature omitted (25.6.2021) by virtue of The Common Organisation of the Markets in Agricultural Products (Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine) (Amendment etc.) Regulations 2021 (S.I. 2021/756), regs. 1(2), **5(27)**, 7(a)

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- (1) 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](#)).
- (2) 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](#)).
- (3) 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](#)).
- (4) 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](#)).
- (5) http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/customs_tariff/index_en.htm

Changes to legislation:

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