

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 2

#### *Operational programmes*

##### *Article 2*

#### **[<sup>F1</sup>Strategy] for sustainable operational programmes**

The structure and content of the <sup>F2</sup>... 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**

- F1** 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)
- F2** 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*

#### **[<sup>F3</sup>Framework] for environmental actions and the eligible investments**

1 A separate section of the <sup>F4</sup>... 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<sup>(1)</sup> to be fulfilled by the environmental actions selected under an operational programme.

The <sup>F4</sup>... framework shall set out a non-exhaustive list of environmental actions and the conditions thereof applicable in the [<sup>F5</sup>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 [<sup>F6</sup>constituent

---

*Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892, SECTION 2. (See end of Document for details)*

---

- 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 <sup>F4</sup>... framework shall indicate:

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

The <sup>F4</sup>... 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.

[<sup>F7</sup>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, [<sup>F8</sup>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 [<sup>F9</sup>appropriate authority].

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 [<sup>F10</sup>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.

**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892, SECTION 2. (See end of Document for details)

### Textual Amendments

- F3** 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)
- F4** 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)
- F5** 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)
- 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)(iii)**, 7(a)
- F7** 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))
- F8** 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)
- 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)(ii)**, 7(a)
- F10** 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:
- [<sup>F11</sup>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 [<sup>F12</sup>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

**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892, SECTION 2. (See end of Document for details)

- (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 [<sup>F13</sup>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<sup>(2)</sup>. 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 [<sup>F13</sup>public] funds.

**Textual Amendments**

- F11** 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.
- F12** 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)
- F13** 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 [<sup>F14</sup>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**

- F14** 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)

---

*Changes to legislation:* There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892, SECTION 2. (See end of Document for details)

---

## Article 6

### Time limit for submission

1 An operational [<sup>F15</sup>programme] shall be submitted for approval by a producer organisation to the [<sup>F16</sup>appropriate authority of the constituent nation] in which the producer organisation has its [<sup>F17</sup>head office], by 15 September of the year preceding that in which the programme is to be implemented. However, [<sup>F18</sup>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 <sup>F19</sup>... 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.

#### Textual Amendments

- F15** 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)
- F16** 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)
- 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)(iii)**, 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)(iv)**, 7(a)
- F19** 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,

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892, SECTION 2. (See end of Document for details)

---

the implementation of operational programmes approved in accordance with those provisions shall start not later than 31 January following their approval.

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892, SECTION 2. (See end of Document for details)

---

- (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](#)).



**Changes to legislation:**

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/892, SECTION 2.