

COMMISSION DELEGATED REGULATION (EU) 2021/2245**of 12 October 2021****amending Delegated Regulation (EU) 2017/891 as regards the calculation of the value of marketed production of producer organisations in the fruit and vegetable sector**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 37, point (c)(i) and (iv), thereof,

Whereas:

- (1) Natural disasters or adverse climatic events have increasingly damaged the production of fruit and vegetables in the Union for several years. In 2017, the European Union Solidarity Fund, which was established by Council Regulation (EC) No 2012/2002 ⁽²⁾, was mobilised and a specific aid was granted to Latvia with the view to repairing damage caused by intense floods in the summer and autumn of 2017. In 2018, due to heavy rainfall and floods that occurred in some parts of the Union (Estonia, Latvia, Lithuania, and Finland), Commission Implementing Regulation (EU) 2018/108 ⁽³⁾ granted an emergency measure in the form of aid to farmers. In spring 2021, a severe period of frost occurred in certain regions of several Member States (especially in Spain, France, Italy) and for certain products (peaches, nectarines, apples and others). Consequently more than 50 % of the production is lost.
- (2) In view of more frequent natural disasters or adverse climatic events, a long-term solution regarding the calculation of the value of marketed production of producer organisations is needed, in order to reinforce their resilience for the future. It is necessary to amend Commission Delegated Regulation (EU) 2017/891 ⁽⁴⁾ by providing for flexibility in the calculation of the value of marketed production of producer organisations in the Union in case they face natural disasters and climatic events making the production unusable for consumption and processing.
- (3) Large losses in the value of marketed production caused by natural disasters or adverse climatic events have a major impact on the amount of Union aid received by producer organisations in the subsequent year, as the amount of Union aid is calculated as a percentage of the value of marketed production of each producer organisation. Where a large part or the entire harvest is lost, producer organisations risk losing their recognition, as one of the criteria for the recognition is reaching a certain minimum value of marketed production fixed at national level. This would entail a double economic loss, which would put at risk the long-term stability of producer organisations.
- (4) In view of the increased frequency of natural disasters or adverse climatic events and the resulting significantly larger production loss, the safeguard established by Article 23(4) of Delegated Regulation (EU) 2017/891 pursuant to which the value of marketed production of a product is to be deemed to represent 65 % of its value in the previous reference period, is insufficient.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund (OJ L 311, 14.11.2002, p. 3).

⁽³⁾ Commission Implementing Regulation (EU) 2018/108 of 23 January 2018 on an emergency measure in the form of aid to farmers due to the floods and heavy rainfalls in certain areas of Lithuania, Latvia, Estonia and Finland (OJ L 19, 24.1.2018, p. 6).

⁽⁴⁾ Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4).

- (5) Therefore, and due to the need to achieve economic and financial stability of producer organisations concerned by large losses in the value of marketed production caused by natural disasters and adverse climatic events, the threshold for the calculation of the value of marketed production for a given reference period should be increased. Taking into consideration the important damage caused by the recent adverse climatic events, the value of marketed production in case of natural disasters and adverse climatic events laid down in Article 23(4) of Delegated Regulation (EU) 2017/891 should be increased to 85 %.
- (6) Furthermore, a solution should be provided to avoid situations where producer organisations, that invest in preventive measures and nonetheless incur substantial damage due to natural disasters, adverse climatic events, plant diseases or pest infestation, not only incur losses of their value of marketed production but also see their Union financial assistance decreased. Therefore, the value of marketed production laid down in Article 23(4) of Delegated Regulation (EU) 2017/891 should be increased to 100 % for producer organisations, that prove that they have taken the necessary preventive measures against plant diseases, pest infestations, natural disasters and adverse climatic events such as heating systems or nets installed in fields, insurance schemes, or setting-up of mutual funds.
- (7) Delegated Regulation (EU) 2017/891 should therefore be amended accordingly.
- (8) In view of the implementation of operational programmes by calendar years and considering that the calculation of the value of marketed production that determines the amount of maximum Union financial assistance is based on the previous calendar year, it is necessary that this Regulation enters into force as soon as possible, on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

In paragraph 4 of Article 23 of Delegated Regulation (EU) 2017/891, the second subparagraph is replaced by the following:

‘Where a reduction of at least 35 % in the value of a product has occurred due to natural disasters, climatic events, plant diseases or pest infestations falling outside the responsibility and control of the producer organisation, the value of marketed production of that product shall be deemed to represent 85 % of its value in the previous reference period. The producer organisation shall prove to the competent authority of the Member State concerned that those reasons were falling outside its responsibility and control. In case the producer organisation proves to the competent authority of the Member State concerned that it has taken the necessary preventive measures against the natural disaster, climatic event, plant disease or pest infestation concerned, the value of marketed production of that product shall be deemed to represent 100 % of its value in the previous reference period.’

Article 2

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

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

Done at Brussels, 12 October 2021.

For the Commission
The President
Ursula VON DER LEYEN
