

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Delegated Regulation (EU) 2022/2092 of 25 August 2022	L 281	18	31.10.2022
► <u>M2</u>	Commission Delegated Regulation (EU) 2023/2896 of 17 October 2023	L 2896	1	22.12.2023



COMMISSION DELEGATED REGULATION (EU) 2016/232

of 15 December 2015

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to certain aspects of producer cooperation

Article 1

Scope

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 with regard to certain aspects of producer cooperation. It applies without prejudice to the specific rules laid down in the following regulations:

- (a) Commission Implementing Regulation (EU) No 543/2011 ⁽¹⁾ as regards the fruit and vegetables sector;
- (b) Commission Delegated Regulation (EU) No 880/2012 ⁽²⁾ and Commission Implementing Regulation (EU) No 511/2012 ⁽³⁾ as regards the milk and milk products sector; and
- (c) Commission Delegated Regulation (EU) No 611/2014 ⁽⁴⁾ as regards the olive-oil and table-olives sector.

Article 2

Definitions

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

- (a) ‘transnational producer organisation’ means any producer organisation of which the member producers' holdings are located in more than one Member State;
- (b) ‘transnational association of producer organisations’ means any association of producer organisations of which the member organisations are located in more than one Member State;

⁽¹⁾ Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ L 157, 15.6.2011, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) No 880/2012 of 28 June 2012 supplementing Council Regulation (EC) No 1234/2007 as regards transnational cooperation and contractual negotiations of producer organisations in the milk and milk products sector (OJ L 263, 28.9.2012, p. 8).

⁽³⁾ Commission Implementing Regulation (EU) No 511/2012 of 15 June 2012 on notifications concerning producer and interbranch organisations and contractual negotiations and relations provided for in Council Regulation (EC) No 1234/2007 in the milk and milk products sector (OJ L 156, 16.6.2012, p. 39).

⁽⁴⁾ Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector (OJ L 168, 7.6.2014, p. 55).

▼B

- (c) ‘transnational interbranch organisation’ means any interbranch organisation of which the members are engaged in production, processing or trade in the products covered by the organisation's activities in more than one Member State.

*Article 3***Outsourcing**

1. The sectors in which Member States may permit outsourcing in accordance with Article 155 of Regulation (EU) No 1308/2013 shall be those listed in Article 1(2) of that Regulation.
2. Producer organisations or associations of producer organisations outsourcing any of their activities shall enter into a commercial arrangement by way of a written agreement that shall ensure that the producer organisation or the association of producer organisations maintains control and supervision of the activity being carried out.

*Article 4***Recognition of transnational organisations and associations**

1. Subject to Sections 1 and 2 of Chapter III of Title II of Part II of Regulation (EU) No 1308/2013, it is for the Member State in which a transnational producer organisation or a transnational association of producer organisations has a significant number of members or member organisations or a significant volume or value of marketable production, or the Member State in which the headquarters of a transnational interbranch organisation is established, to decide on the recognition of such organisation or association.
2. The Member State referred to in paragraph 1 shall establish the necessary administrative cooperation with the other Member States in which the members of such organisation or association are located with respect to verifying compliance with the terms of recognition referred to in Articles 154, 156 and 157 of Regulation (EU) No 1308/2013.
3. The other Member States in which the members of a transnational producer organisation, transnational association of producer organisations or transnational interbranch organisation are located shall give all necessary administrative assistance to the Member State referred to in paragraph 1.
4. The Member State referred to in paragraph 1 shall make available all relevant information upon request of another Member State in which members of such organisation or association are located.

▼M1*Article 5***Notifications**

1. By 31 March each year, Member States shall notify the Commission of the following information concerning producer organisations, associations of producer organisations and interbranch organisations, whether national or transnational, recognised by those Member States (‘recognised entities’) during the previous year, grouped according to the different sectors of agricultural products listed in Article 1(2) of Regulation (EU) No 1308/2013:

▼ **M1**

- (a) the name, the identification number, if any, and the date of recognition of the recognised entities, as well as the relevant provision of Regulation (EU) No 1308/2013 under which each entity has been recognised;
- (b) the total number of members of each entity;
- (c) the indication as to which of those entities have implemented an operational programme in accordance with Article 42 of Regulation (EU) 2021/2115 during the previous financial year;
- (d) for producer organisations, the number of their non-producer members;
- (e) the name of the entities for which recognition was refused, suspended or withdrawn, including the date of the decision, and, where appropriate, their identification number;
- (f) the name of the recognised entities that merged with other recognised entities, including the date of the merger, the total number and name of recognised entities resulting from the merger and, where appropriate, their identification number.

By 31 March each year, Member States shall also notify the Commission of a complete and updated list of all recognised entities having that status on 31 December of the previous year, accompanied by the relevant information listed in the first subparagraph.

2. By 15 November each year, Member States shall notify the Commission of the following data for the previous year concerning recognised national and transnational producer organisations and recognised associations thereof, grouped according to the different sectors of agricultural products listed in Article 1(2) of Regulation (EU) No 1308/2013:

- (a) the value of marketed production per entity, determined in accordance with Articles 31 and 32 of Commission Delegated Regulation (EU) 2022/126 ⁽¹⁾ and, where appropriate, for each product or list of products for which the recognition was granted. If no data on marketed production is available, a value of '0' shall be communicated;
- (b) for entities recognised in the milk and milk products sector, where appropriate, the annual marketable raw milk volumes produced by each entity, broken down per Member State of production in the case of a transnational organisation;
- (c) for entities recognised in the fruit and vegetable sector, the part of the production intended for the fresh market and the part of the production intended for processing, in value and volume.

⁽¹⁾ Commission Delegated Regulation (EU) 2022/126 of 7 December 2021 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental condition (GAEC) standard 1, (OJ L 20, 31.1.2022, p. 52).

▼M2

2a. By 31 March each year, Member States shall notify the Commission of the following information concerning the extension of rules decisions taken during the previous year pursuant to Article 164 of Regulation (EU) No 1308/2013: the title of each decision, the sector concerned, the date of adoption of the decision, the period of application of the extension, the official publication references and, where applicable, the uniform resource locator (URL) of the decision.

▼M1

3. For recognised transnational organisations of all recognised entities, the information required in paragraphs 1 and 2 shall be submitted by the Member State which decided on the recognition pursuant to Article 4(1).

4. Member States shall notify the information referred to in this Article using the information technology-based system referred to in Article 1 of Implementing Regulation (EU) 2017/1185.

▼B*Article 6***Repeals**

Regulations (EC) No 223/2008 and (EC) No 709/2008 are repealed.

Article 7

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

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