

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1620**of 8 August 2023****on temporary emergency measures derogating in respect of the year 2023 from certain provisions of Regulation (EU) 2021/2115 of the European Parliament and of the Council, to resolve specific problems in the fruit and vegetables sector caused by adverse meteorological events and measures linked to them**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 ⁽¹⁾, and in particular Article 148(1) thereof,

Whereas:

- (1) Due to severe adverse meteorological events that have taken place in several Member States' regions in the spring of 2023, the production of fruit and vegetables has been dramatically damaged, affecting both the volume produced and its quality, with higher proportion of class II products and consequent unbalanced pricing among qualities. In Spain, the planned production in the region of Catalonia is reduced of at least 50 % due to a drought situation, whereas the production in the region of Emilia-Romagna in Italy has been destroyed by a flood. Drought has also seriously impacted the level of production and its quality in some regions in France and in Portugal.
- (2) Given the severe adverse meteorological events of the spring of 2023, many recognised producer organisations and associations of producer organisations in the fruit and vegetables sector are facing difficulties in implementing their approved operational programmes. Some of the approved actions and measures will not be implemented in 2023 and therefore part of operational funds will not be spent. Other recognised producer organisations and associations of producer organisations are amending their operational programmes with a view to implementing interventions to address the impact of the severe adverse meteorological events in the fruit and vegetables sector, such as interventions aiming to crisis prevention and risk management objectives.
- (3) Recognised producer organisations and associations of producer organisations may implement, as part of their approved operational programmes, interventions pursuing crisis prevention and management objectives in the fruit and vegetables sector as referred to in Article 47(2), points (f), (g) and (h) of Regulation (EU) 2021/2115 that are intended to increase their resilience to market disturbances.
- (4) However, pursuant to Article 50(7), first subparagraph, point (d), of Regulation (EU) 2021/2115, such interventions are not to comprise more than one third of the total expenditure under the operational programme. In order to provide greater flexibility for producer organisations impacted by the severe adverse meteorological events of the spring of 2023 and to enable them to focus the resources under operational programmes to addressing the consequences of such events, that rule should not apply in the year 2023.
- (5) Recognised producer organisations and associations of producer organisations need to be able to redirect funds, including Union financial assistance within the operational fund to the interventions that are necessary to address the consequences of the severe adverse meteorological events of the spring of 2023. To ensure that recognised producer organisations and associations of producer organisations are able to do this, it is necessary to increase in the year 2023 the limit of Union financial assistance laid down in Article 52(1) of Regulation (EU) 2021/2115 from 50 % to 60 % of the actual expenditure incurred.

⁽¹⁾ OJ L 435, 6.12.2021, p. 1.

- (6) In view of the unprecedented nature of the severe adverse meteorological events of the spring of 2023, it is necessary to alleviate those difficulties by derogating only to an extent that is strictly necessary and only for the year 2023, from certain provisions of Regulation (EU) 2021/2115 applicable to interventions in the fruit and vegetables sector.
- (7) In view of the necessity to take immediate action, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Common Agricultural Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Temporary derogations from Regulation (EU) 2021/2115 with regard to fruit and vegetables

1. By way of derogation from Article 50(7), first subparagraph, point (d), of Regulation (EU) 2021/2115, the limit of one third of the total expenditure for interventions within the types of intervention referred to in Article 47(2), points (f), (g) and (h), of that Regulation, shall not apply in the year 2023 in areas affected by the severe adverse meteorological events of the spring of 2023 to be identified by the Member States.
2. By way of derogation from Article 52(1) of Regulation (EU) 2021/2115, the Union financial assistance to the operational fund in the year 2023 of producer organisations or associations of producer organisations affected by the severe adverse meteorological event of the spring of 2023 to be identified by the Member States shall not exceed the amount of the Union financial contribution to operational funds approved by Member States for the year 2023 and shall be limited to 60 % of the actual expenditure incurred.

Article 2

Entry into force

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

This Regulation shall apply until 31 December 2023.

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

Done at Brussels, 8 August 2023.

For the Commission
The President
Ursula VON DER LEYEN
