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## Legislation

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<sup>(1)</sup> Text with EEA relevance.

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<sup>(1)</sup> Text with EEA relevance.

## II

(Non-legislative acts)

## REGULATIONS

**COUNCIL IMPLEMENTING REGULATION (EU) 2017/890****of 24 May 2017****implementing Article 17(1) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic <sup>(1)</sup>, and in particular Article 17(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 10 March 2014, the Council adopted Regulation (EU) No 224/2014.
- (2) On 17 May 2017, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 2127 (2013) added one person to the list of persons and entities subject to restrictive measures.
- (3) Annex I to Regulation (EU) No 224/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EU) No 224/2014 is amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the day 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, 24 May 2017.

*For the Council*  
*The President*  
L. GRECH

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<sup>(1)</sup> OJ L 70, 11.3.2014, p. 1.

## ANNEX

The person listed in the Annex to this Regulation shall be added to the list set out in Annex I to Regulation (EU) No 224/2014.

**A. Persons**

12. Abdoulaye HISSÈNE (*alias*: a) Abdoulaye Issène; b) Abdoulaye Hissein; c) Hissene Abdoulaye; d) Abdoulaye Issène Ramadane; e) Abdoulaye Issene Ramadan; f) Issene Abdoulaye

**Date of birth:** 1967

**Place of birth:** Ndele, Bamingui-Bangoran, Central African Republic

**Nationality:** Central African Republic

**Passport no.:** CAR diplomatic passport no. D00000897, issued on 5 April 2013 (valid until 4 April 2018)

**Address:** a) KM5, Bangui, Central African Republic b) Nana-Grebizi, Central African Republic

**Date of UN designation:** 17 May 2017

**Other Information:** Hissène was formerly the Minister of Youth and Sports as part of the Cabinet for the Central African Republic's former President Michel Djotodia. Prior to that, he was the head of the Convention of Patriots for Justice and Peace, a political party. He also established himself as a leader of armed militias in Bangui, in particular in the 'PK5' (3rd district) neighbourhood.

**Information from the narrative summary of reasons for listing provided by the Sanctions Committee:***Additional information:*

Abdoulaye Hissène and other members of the ex-Séléka collaborated with anti-balaka spoilers allied with former Central African Republic (CAR) President François Bozizé, including Maxime Mokom, to encourage violent protests and clashes in September 2015 as part of a failed coup attempt to bring down the Government while then-Transitional President Catherine Samba-Panza was attending the 2015 UN General Assembly. Mokom, Hissène, and others were indicted by the CAR government for various criminal offenses, including murder, arson, torture, and looting, stemming from the failed coup.

Since 2015, Hissène had become one of the main leaders of armed militias located in the 'PK5' neighborhood of Bangui which comprised more than 100 men. As such, he prevented the freedom of movement and the return of state authority in the area, including through illegal taxation of transportation and commercial activities. In the second half of 2015, Hissène acted as the representative of the ex-Séléka 'Nairobists' in Bangui operating in a rapprochement with anti-balaka fighters under Mokom. Armed men under the control of Haroun Gaye and Hissène participated in the violent events which took place in Bangui between 26 September and 3 October 2015.

Members of Hissène's group are suspected of having been involved in an attack on the 13 December 2015 –the day of the constitutional referendum –on the vehicle of Mohamed Moussa Dhaffane, a leader of the ex-Séléka. Hissène is accused of orchestrating violence in Bangui's KM5 district that killed five, wounded twenty, and prevented residents from voting in the constitutional referendum. Hissène put the elections at risk by creating a cycle of retaliatory attacks between different groups.

On 15 March 2016, Hissène was apprehended by the police at Bangui M'poko airport and transferred to the research and investigation section of the national gendarmerie. His militia subsequently released him, using force, and stole one weapon previously handed over by MINUSCA as part of an exemption request approved by the Committee.

On 19 June 2016, following the arrest of Muslim traders by internal security forces at 'PK 12', militias of Gaye and Hissène kidnapped five national policemen in Bangui. On 20 June, MINUSCA attempted to release the policemen. Armed men under the control of Hissène and Gaye exchanged fire with the peacekeepers attempting to release the hostages. As a result, at least six individuals were killed and one peacekeeper was injured.

On 12 August 2016, Hissène took the lead of a 6-vehicles convoy with heavily armed individuals. The convoy, which was fleeing Bangui, was intercepted by MINUSCA south of Sibut. En route to the North, the convoy exchanged fire with internal security forces at several checkpoints. The convoy was eventually stopped by MINUSCA 40 km south of Sibut. After multiple gunfights, MINUSCA captured 11 of the men, but Hissène and several others escaped. Individuals arrested indicated to MINUSCA that Hissène was the leader of the convoy whose objective was to reach Bria and participate in the Assembly of ex-Séléka groups organized by Nourredine Adam.

In August and September 2016, the Panel of Experts traveled twice to Sibut in order to inspect the belongings of the convoy of Hissène, Gaye and Hamit Tidjani, seized by MINUSCA on 13 August. The Panel also inspected the ammunition seized in the house of Hissène on 16 August. Lethal and non-lethal military equipment was recovered in the six vehicles and from the apprehended individuals. On 16 August 2016, the Central Gendarmerie raided the home of Hissène in Bangui. More than 700 weapons were found.

On 4 September 2016, a group of ex-Séléka elements coming from Kaga-Bandoro on six motor-bikes to pick up Hissène and his affiliates opened fire against MINUSCA next to Dékoa. During this incident, one ex-Séléka fighter was killed, and two peacekeepers and one civilian were wounded.'

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**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**

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 <sup>(1)</sup>, and in particular Article 37(a)(i), (ii), (iii) and (vi), (b), (c), (d)(i), (iii) to (vi), (viii), (x), (xi) and (xii) and (e)(i), Article 173(1)(b), (c), (d) and (f) to (j), Article 181(2), Article 223(2)(a) and Article 231(1) thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(2)</sup>, and in particular Articles 62(1) and 64(6)(a) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 has replaced Council Regulation (EC) No 1234/2007 <sup>(3)</sup> and lays down new rules concerning the fruit and vegetables and processed fruit and vegetables sectors. It also empowers the Commission to adopt delegated and implementing acts in that respect. Those acts should replace the corresponding provisions of Commission Implementing Regulation (EU) No 543/2011 <sup>(4)</sup>.
- (2) In order to strengthen the bargaining power of fruit and vegetables producers and to foster a fairer distribution of added value along the supply chain, the recognition of producer organisations and their associations should be encouraged. This has to be achieved while respecting national legal and administrative structures.
- (3) Provisions for the recognition of producer organisations in respect of the products they request should be laid down. Where the recognition is requested for products intended solely for processing, it should be ensured that they are indeed delivered for processing. Producer organisations should have at their disposal the structures necessary to ensure their functioning. Moreover, to implement an operational programme, producer organisations should be required to achieve a minimum value of marketed production, which should be laid down by the Member State in order to ensure efficiency of the support received and thereby help strengthen the bargaining power of the fruit and vegetable producers.
- (4) In order to help achieve the goals of the fruit and vegetables regime and to ensure that producer organisations carry out their work in a sustainable and effective way, there needs to be stability within producer organisations. Membership of producer organisation should therefore be for a minimum period. It should be left to Member States to lay down the notice periods and the dates on which resignation from membership can take effect.
- (5) Where a producer organisation is recognised for a product for which the provision of technical means is required, it should be allowed to provide those means through its members, through subsidiaries, through an association of producer organisations of which it is a member or by outsourcing.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(3)</sup> Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

<sup>(4)</sup> 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).

- (6) The main and essential activities of a producer organisation should relate to the concentration of supply and the placing on the market of their products so that the bargaining power of fruit and vegetables producers is strengthened and a fairer distribution of the resulting benefits along the supply chain is achieved. However, producer organisations should be allowed to engage in other activities, whether or not of a commercial nature. Cooperation between producer organisations should be encouraged and in that regard producer organisations should be allowed to market fruit and vegetables bought exclusively from another recognised producer organisation provided the value of this produce is left out of the calculations of value of the marketed production both for the purposes of the main activity and for other activities.
- (7) Although the main activity of a producer organisation is the concentration of supply and the placing on the market of the products of its members for which it is recognised, in some cases the producer members should be allowed to sell a certain percentage of their production outside the producer organisation where the producer organisation so authorises and where this is in compliance with the terms and conditions of the Member State and the producer organisation. The total percentage of sales outside the producer organisation should not exceed a maximum threshold.
- (8) Provisions regarding outsourcing where the activities are outsourced to entities closely related to the producer organisations should be further specified.
- (9) In order to facilitate the concentration of supply, the merger of existing producer organisations to form new ones should be encouraged by providing rules for the merger of the operational programmes of the merged organisations.
- (10) While respecting the principles whereby a producer organisation must be formed on the initiative of producers themselves and scrutinised by the producers, it should be left to Member States to lay down the conditions under which other natural or legal persons may be accepted as members of a producer organisation or an association of producer organisations.
- (11) In order to ensure that producer organisations genuinely represent a minimum number of producers, Member States should take measures to ensure that a minority of members who may account for the bulk of production or the shares or capital in the producer organisation do not unduly dominate its management and operation. Democratic accountability is already ensured where entities have a legal form requiring it under national legislation before they are recognised as a producer organisation. In other cases, Member States should set a maximum percentage of voting rights or shareholdings and carry out relevant checks.
- (12) Rules should be laid down on the recognition and functioning of associations of producer organisations, transnational producer organisations and transnational associations of producer organisations. For the sake of consistency, they should, as far as possible, reflect the rules laid down for producer organisations.
- (13) To facilitate the use of the scheme of support to operational programmes, the value of marketed production of producer organisations should be clearly defined, including rules on which products may be taken into account and the marketing stage at which the value of production is to be calculated. For control purposes and for the sake of simplification, it is appropriate to use a flat rate for the purpose of calculating the value of fruit and vegetables intended for processing. This flat rate should be calculated on the basis of the value of the basic product, namely the fruit and vegetables intended for processing, to which is added the value of only those activities which are not genuine processing activities. Since the volumes of fruit and vegetables needed for the production of processed fruit and vegetables differ largely between groups of products, those differences should be reflected in the applicable flat rates. In the case of fruit and vegetables intended for processing that are transformed into processed aromatic herbs and paprika powder, it is also appropriate to introduce a flat rate for the purpose of calculating the value of fruit and vegetables intended for processing, which represents the value of the basic product only. The method of calculation of the value of marketed production should attenuate yearly fluctuations or insufficient data and avoid double counting, in particular in the case of transnational producer organisations and their associations. To prevent misuse of the scheme, producer organisations should not be permitted in general to change the methodology for fixing the reference period within the duration of a programme.
- (14) Producer organisations may hold shares or capital in subsidiaries which help to increase the added value of the production of their members. Rules should be fixed for calculating the value of such marketed production. The main activities of such subsidiaries should be the same as those of the producer organisation.

- (15) To ensure the correct use of aid, rules should be laid down for the management and bookkeeping of operational funds and members' financial contributions, allowing for as much flexibility as possible on condition that all producers may take advantage of the operational fund and may democratically participate in decisions on its use.
- (16) Provisions should be laid down establishing the scope and structure of the national strategy for sustainable operational programmes and the national framework for environmental actions. The aim should be to optimise the allocation of financial resources and to improve the quality of the strategy. Provisions should also be laid down to avoid double funding of the same action by other support schemes such as rural development or promotion programmes.
- (17) For reasons of financial security and legal certainty, a list of operations and expenditure which may not be covered and a non-exhaustive list of operations which may be covered by operational programmes should be drawn up. Provisions regarding eligible expenditure, the use of flat-rates and scales of unit costs as well as investments should be laid down. Article 33 of Regulation (EU) No 1308/2013 establishes a number of objectives for operational programmes including objectives concerning the products produced both in fresh and in processed form. With a view to ensuring that those objectives are achieved, it is appropriate that the conditions under which actions related to the transformation of fruit and vegetables into processed fruit and vegetables may be eligible for support should be laid down. In respect of investments implemented on individual holdings, provisions for the recovery of the residual value should be laid down for cases where a member resigns from the producer organisation.
- (18) Although operational programmes of associations of producer organisations are to be subject to the same rules as operational programmes of producer organisations, some requirements should be applied at the level of the member producer organisations.
- (19) In order to allow appropriate evaluation of the information by the competent authorities and measures and actions to be included in, or excluded from, the programmes, procedures for the presentation and approval of operational programmes, including deadlines, should be laid down. Since the programmes are managed on an annual basis, it should be provided that programmes not approved before a given date are postponed for a year.
- (20) There should be a procedure for the amendment of operational programmes for subsequent years, so that they can be adjusted to take account of any new conditions which could not have been foreseen when they were initially presented. In addition, it should be possible for measures and amounts of the operational fund to be changed during the year of execution of a programme. To ensure that the approved programmes maintain their overall objectives, all such changes should be subject to certain limits and conditions to be defined by Member States and to obligatory notification of changes to the competent authorities.
- (21) To prevent cash-flow difficulties, a system of advance payments accompanied by appropriate securities should be available to producer organisations. In case of a cessation of an operational programme or of withdrawal of recognition, be it voluntary or compulsory, or of dissolution of a producer organisation, it has to be ensured that the aims for which aid has been paid have been attained, otherwise the aid paid should be reimbursed to the European Agricultural Guarantee Fund.
- (22) The production of fruit and vegetables is unpredictable and the products are perishable. Surplus on the market, even if it is not too large, can significantly disturb the market. Rules on the scope and application of crisis management and prevention measures in respect of the products referred to in Article 1(2)(i) of Regulation (EU) No 1308/2013 should therefore be laid down. As far as possible, those rules should provide for flexibility and for rapid application in crises and therefore should allow decisions to be taken by Member States and producer organisations themselves. Nevertheless, those rules should guard against abuse of Union financial assistance and should therefore provide for limits on the use of certain measures, including in financial terms. They should also ensure that phytosanitary and environmental requirements are duly respected.
- (23) As regards withdrawals from the market, rules should be adopted taking into account the potential importance of that measure. In particular, rules should be laid down providing for a system of increased support for fruit and vegetables withdrawn from the market which are distributed free of charge as humanitarian aid by charitable organisations and certain other establishments and institutions. In order to facilitate free distribution, it is appropriate to provide for the possibility which allows charitable organisations and institutions to request a symbolic contribution from the final recipients of the withdrawn products. In addition, maximum levels of

support for market withdrawals should be fixed in order to ensure that withdrawals do not become a permanent alternative outlet for products compared to placing them on the market. In this context, it is appropriate to continue using common levels of support for the main products. For other products, where experience has not yet shown any risk of excessive withdrawals, it is appropriate to fix maximum levels of support as a percentage of the average of recorded prices in each Member State. In all cases, however, for similar reasons, it is appropriate to set a quantitative limit of withdrawals per product per producer organisation.

- (24) On the basis of past experience, the provisions on green harvesting and non-harvesting should be further elaborated. Similarly, the provisions on support for the administrative costs of setting up mutual funds and replanting of orchards following mandatory grubbing-up should be simplified.
- (25) Rules should be adopted concerning the national financial assistance that Member States may grant in regions of the Union where the degree of organisation of producers is particularly low, including rules on how the degree of organisation is calculated and a low degree of organisation is confirmed. Those rules should reflect those currently applicable.
- (26) Support to producer groups has become part of the rural development policy under Regulation (EU) No 1305/2013 of the European Parliament and of the Council <sup>(1)</sup>, but rules on notifications regarding producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007 that are necessary to implement the provisions of the aid scheme should be maintained in this Regulation.
- (27) Provisions concerning the type, format and means of notifications necessary to implement this Regulation should be laid down. Those provisions should include notifications from producers and producer organisations to the Member States and from the Member States to the Commission. Past experience regarding the data recorded allows for some simplification on the number and frequency of the data requested.
- (28) Provision should be made for appropriate monitoring and evaluation of ongoing programmes and schemes in order to assess their effectiveness and efficiency by both producer organisations and Member States. It is possible to reduce the number and detail of the current requirements without affecting the quality of the assessment.
- (29) Measures should be laid down as regards the appropriate administrative penalties applicable where irregularities are found. Those measures should involve both specific checks and administrative penalties laid down at Union level as well as additional national checks and administrative penalties.
- (30) Procedural provisions should be adopted concerning the conditions under which the rules issued by producer organisations, associations of producer organisations and interbranch organisations in the fruit and vegetables sector may be extended to all operators established in a specific economic area. In respect of produce sold on the tree it should be made clear which rules are to be extended to the producers and the buyers, respectively.
- (31) Rules concerning the entry price system for fruit and vegetables should be adopted. The fact that most of the perishable fruit and vegetables concerned are supplied on consignment creates special difficulties for determining their value. The possible methods for the calculation of the entry price on the basis of which imported products are classified in the common customs tariff should be set. There should also be rules for the provision of a guarantee in certain circumstances to ensure that the system is correctly applied.
- (32) Provisions concerning notification of prices and quantities of products imported need to be laid down to ensure that the necessary information reaches the Commission in a timely and coherent manner. Rules on the notification of cases of *force majeure* need to be provided for to address the consequences of such situations.
- (33) For reasons of clarity and legal certainty, the provisions of Implementing Regulation (EU) No 543/2011 that are replaced by this Delegated Regulation and Commission Implementing Regulation (EU) 2017/892 <sup>(2)</sup> should be deleted. The provisions of Implementing Regulation (EU) No 543/2011 on marketing standards should be

<sup>(1)</sup> 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).

<sup>(2)</sup> 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 (see p. 57 of this Official Journal).

maintained until they are replaced. Provisions concerning producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007 directly should be maintained, while some other Articles concerning them indirectly should continue to apply until the end of the implementation of their recognition plan and their recognition as producer organisation.

- (34) Transitional provisions should be laid down in order to ensure a smooth transition from the former requirements to the new ones. Producer organisations should have the possibility to finalise the ongoing operational programmes under the previous rules.
- (35) This Regulation should enter into force on and apply from the seventh day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

#### TITLE I

### INTRODUCTORY PROVISIONS

#### Article 1

#### **Subject matter and scope**

This Regulation supplements Regulation (EU) No 1308/2013 as regards the fruit and vegetables and processed fruit and vegetables sectors as referred to in Article 1(2)(i) and (j) of that Regulation, with the exception of marketing standards, and supplements Regulation (EU) No 1306/2013 as regards penalties to be applied in those sectors.

However, Title II of this Regulation 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 for processing.

#### TITLE II

### PRODUCER ORGANISATIONS

#### CHAPTER I

#### **Requirements and recognition**

#### Section 1

#### **Definitions**

#### Article 2

#### **Definitions**

For the purposes of this Title the following definitions shall apply:

- (a) 'producer' means a farmer within the meaning of Article 4(1)(a) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council <sup>(1)</sup> producing fruit and vegetables as referred to in Article 1(2)(i) of Regulation (EU) No 1308/2013 and such products intended solely for processing;
- (b) 'producer member' means a producer or legal entity constituted by producers that is a member of a producer organisation or association of producer organisations;
- (c) 'subsidiary' means a company in which one or more producer organisations or associations of producer organisations have taken shares or constituted capital and which contributes to the objectives of those organisations or associations;

<sup>(1)</sup> Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

- (d) 'transnational producer organisation' means any organisation in which at least one of the producers' holdings is located in a Member State other than where the organisation has its head office;
- (e) 'transnational association of producer organisations' means any association of producer organisations in which at least one of the associated organisations is located in a Member State other than where the association has its head office;
- (f) 'measure' means one of the following:
  - (i) actions aimed at the planning of production, including investments in physical assets;
  - (ii) actions aimed at improving or maintaining product quality, whether in a fresh or processed form, including investments in physical assets;
  - (iii) actions aimed at boosting the commercial value of products and improving marketing, including investments in physical assets, as well as promotion of the products, whether in a fresh or processed form, and communication activities other than promotion and communication activities falling under point (vi);
  - (iv) research and experimental production actions, including investments in physical assets;
  - (v) training and exchange of best practices actions, other than training falling under point (vi), and actions aimed at promoting access to advisory services and technical assistance;
  - (vi) any of the crisis prevention and management actions listed in the first subparagraph of Article 33(3) of Regulation (EU) No 1308/2013;
  - (vii) environmental actions as referred to in Article 33(5) of Regulation (EU) No 1308/2013, including investments in physical assets;
  - (viii) other actions, including investments in physical assets, other than those falling under points (i) to (vii) which fulfil one or more of the objectives referred to or set out in Article 33(1) of Regulation (EU) No 1308/2013;
- (g) 'action' means a specific activity or instrument aimed at contributing to one or more of the objectives referred to or set out in Article 33(1) of Regulation (EU) No 1308/2013;
- (h) 'investment in physical assets' means the acquisition of tangible assets aimed at contributing to one or more of the objectives referred to or set out in Article 33(1) of Regulation (EU) No 1308/2013;
- (i) 'by-product' means a product which results from preparation of a fruit or vegetable product which has a positive economic value but is not the main intended product;
- (j) 'preparation' means preparatory activities such as cleaning, cutting, peeling, trimming and drying of fruit and vegetables, without transforming them into processed fruit and vegetables;
- (k) 'interbranch basis' as referred to in Article 34(3)(b) of Regulation (EU) No 1308/2013 means activities pursuing one or more of the objectives listed in Article 157(1)(c) of that Regulation approved by the Member State and managed jointly by a producer organisation or an association of producer organisations and at least one other actor in the food processing or distribution chain;
- (l) 'baseline indicator' means any indicator reflecting a state or trend existing at the start of a programming period which may provide information useful:
  - (i) in the analysis of the initial situation, in order to establish a national strategy for sustainable operational programmes or an operational programme;
  - (ii) as a reference against which the results and impact of a national strategy or an operational programme may be assessed; or
  - (iii) in interpreting the results and impact of a national strategy or an operational programme;
- (m) 'specific costs' means the additional costs, calculated as the difference between the conventional costs and the costs actually incurred, and income foregone resulting from an action, excluding additional income and costs savings.

## Section 2

**Recognition criteria and other requirements***Article 3***Legal status of producer organisations**

Member States shall define the legal entities which may apply for recognition pursuant to Article 154 of Regulation (EU) No 1308/2013 in the light of their national legal and administrative structures. Where applicable, they shall also lay down provisions on clearly defined parts of legal entities which may apply for recognition pursuant to that Article. Member States may adopt complementary rules on recognition of producer organisations and on legal entities which may apply for recognition as producer organisations.

*Article 4***Product coverage**

1. Member States shall recognise producer organisations in respect of the product or the group of products specified in the application for recognition.
2. Member States shall recognise producer organisations in respect of the product or the group of products solely intended for processing where the producer organisations are able to ensure that such products are delivered for processing, whether through a system of supply contracts or otherwise.

*Article 5***Minimum number of members**

For the purposes of Article 154(1)(b) of Regulation (EU) No 1308/2013, Member States shall lay down a minimum number of members.

When laying down the minimum number of members of a producer organisation, Member States may provide that where an applicant for recognition is wholly or partly made up of members which are themselves legal entities or clearly defined parts of legal entities made up of producers, the minimum number of producers may be calculated on the basis of the number of producers associated with each of the legal entities or clearly defined parts of legal entities.

*Article 6***Minimum length of membership**

1. The minimum membership period of a producer shall not be less than one year.
2. Resignation from membership shall be notified to the producer organisation in writing. Member States shall lay down the notice period, which shall not exceed six months, and the date on which resignation shall take effect.

*Article 7***Structures and activities of producer organisations**

Member States shall verify that producer organisations have at their disposal the staff, infrastructure and equipment necessary to fulfil the requirements laid down in Articles 152, 154 and 160 of Regulation (EU) No 1308/2013 and to ensure their essential functioning, in particular as regards:

- (a) the knowledge of their members' production;
- (b) the technical means for collecting, sorting, storing and packaging the production of their members;
- (c) marketing the production of their members;
- (d) commercial and budgetary management; and
- (e) centralised cost-based accounting and a system of invoicing according to national law.

*Article 8***Value or volume of marketable production**

1. For the purposes of Article 154(1)(b) of Regulation (EU) No 1308/2013, the value or volume of marketable production shall be calculated on the same basis as the value of marketed production set out in Articles 22 and 23 of this Regulation.
2. In circumstances when the historical data on marketed production of a member for the application of paragraph 1 is not sufficient, the value of the marketable production shall be equal to the actual value of marketed production during a period of 12 consecutive months. Those 12 months shall fall within the three years preceding the year in which the application for recognition is submitted.

*Article 9***Minimum value of marketed production**

For the purposes of Article 154(1)(b) of Regulation (EU) No 1308/2013, Member States shall, in addition to a minimum number of members, lay down a minimum value of marketed production for producer organisations implementing an operational programme.

*Article 10***Provision of technical means**

For the purposes of Article 154(1)(c) of Regulation (EU) No 1308/2013 and Article 7(b) of this Regulation, a producer organisation which is recognised for a product for which the provision of technical means is necessary, shall be considered to fulfil its obligation in that regard, where it provides an adequate level of technical means itself or through its members, or through subsidiaries, or through an association of producer organisations of which it is a member or by outsourcing.

*Article 11***Producer organisations' main activities**

1. The main activity of a producer organisation shall relate to the concentration of supply and the placing on the market of the products of its members for which it is recognised.

The placing on the market referred to in the first subparagraph shall be carried out by the producer organisation, or under the control of the producer organisation in the case of outsourcing as set out in Article 13. Placing on the market shall include among others the decision on the product to be sold, the way of selling and unless the sale is by means of auction, the negotiation of its quantity and price.

Producer organisations shall keep records, including accounting documents, for at least five years, which demonstrate that the producer organisation concentrated supply and placed on the market members' products for which it is recognised.

2. A producer organisation may sell products from producers that are not a member of a producer organisation or of an association of producer organisations, where it is recognised in respect of those products and provided that the economic value of that activity is below the value of its marketed production calculated in accordance with Article 22.
3. The marketing of fruit and vegetables that are bought directly from another producer organisation and of products for which the producer organisation is not recognised shall not be considered as forming part of the producer organisation's activities.
4. Where Article 22(8) applies, paragraph 2 of this Article shall apply *mutatis mutandis* to the subsidiaries concerned.

*Article 12***Marketing of the production outside the producer organisation**

1. Where the producer organisation so authorises and where this is in compliance with the terms and conditions laid down by the Member State and the producer organisation, the producer members may:
  - (a) sell products directly or outside their holdings to consumers for their personal needs;
  - (b) market by themselves or through another producer organisation designated by their own organisation, quantities of products which are marginal in relation to the volume of marketable production of their organisation of the products concerned;
  - (c) market by themselves or through another producer organisation designated by their own organisation, products which because of their characteristics, are not normally covered by the commercial activities of the producer organisation concerned.
2. The percentage of the production of any producer member marketed outside the producer organisation shall not exceed 25 % in volume or in value. However, Member States may set a lower percentage. Nevertheless, Member States may increase that percentage up to 40 % in case of products covered by Council Regulation (EC) No 834/2007 <sup>(1)</sup> or where producer members market their production through another producer organisation designated by their own producer organisation.

*Article 13***Outsourcing**

1. The activities that a Member State may permit to be outsourced in accordance with Article 155 of Regulation (EU) No 1308/2013 shall relate to the objectives as set out in Article 152(1)(c) of that Regulation and may include, among others, collecting, storing, packaging and marketing the product of the members of the producer organisation.
2. A producer organisation outsourcing an activity shall enter into a written commercial arrangement by way of a contract, agreement or protocol with another entity, including one or several of its members or a subsidiary, for the purpose of carrying out of the activity concerned. The producer organisation shall remain responsible for ensuring the carrying out of the outsourced activity and overall management control and supervision of the commercial arrangement for the carrying out of the activity.

However, the activity shall be considered as carried out by the producer organisation if it is carried out by an association of producer organisations or a cooperative whose members are themselves cooperatives where the producer organisation is a member thereof or by a subsidiary complying with the 90 % requirement referred to in Article 22(8).

3. The overall management control and supervision referred to in the first subparagraph of paragraph 2 shall be effective and require that the outsourcing contract, agreement or protocol:
  - (a) enables the producer organisation to issue binding instructions and includes provisions enabling the producer organisation to terminate the contract, agreement or protocol if the service provider does not meet the terms and conditions of the outsourcing contract;
  - (b) lays down detailed terms and conditions, including regular reporting obligations and deadlines which enable the producer organisation to exercise effective control over the outsourced activities.

Outsourcing contracts, agreements or protocols as well as the reports referred to in point (b) of the first subparagraph shall be kept by the producer organisation for at least 5 years for the purpose of *ex-post* checks and be accessible to all members on request.

*Article 14***Transnational producer organisations**

1. The head office of a transnational producer organisation shall be located in the Member State in which the organisation achieves the majority of the value of marketed production calculated in accordance with Articles 22 and 23.

<sup>(1)</sup> Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

Alternatively, the head office may be established in the Member State where the majority of producer members are located, if the Member States concerned so agree.

2. Where the transnational producer organisation implements an operational programme and where, at the moment of applying for a new operational programme, the majority of the value of marketed production is achieved in another Member State or where the majority of the producer members are located in a Member State other than that where the head office of that transnational producer organisation is located, the head office shall be maintained in the current Member State until the end of the implementation of the new operational programme.

However, if at the end of the implementation of that new operational programme, the majority of the value of marketed production is still achieved or the majority of the organisation's members are still located in a Member State other than that where the head office is currently located, the head office shall be transferred to that other Member State, unless the Member States concerned agree that the location of the head office shall not be changed.

3. The Member State in which the head office of the transnational producer organisation is located shall be responsible for the following:

- (a) recognising the transnational producer organisation;
- (b) approving the transnational producer organisation's operational programme;
- (c) establishing the necessary administrative cooperation with the other Member States in which the members are located with respect to compliance with the terms of recognition and the system of checks and administrative penalties. Those other Member States shall give all necessary assistance to the Member State in which the head office is located in due time; and
- (d) providing, on the request of a Member State in which the members are located, all relevant documentation, including any applicable legislation available, translated into the official language or one of the official languages of that Member State.

#### *Article 15*

### **Mergers of producer organisations**

1. Where producer organisations merge, the producer organisation resulting from the merger shall assume the rights and obligations of the individual producer organisations that merged. The Member State shall ensure that the new producer organisation complies with all recognition criteria and shall assign to it a new number for the purposes of the unique identification system as referred to in Article 22 of Implementing Regulation (EU) 2017/892.

The producer organisation resulting from the merger may either operate the programmes in parallel and separately until 1 January of the year following the merger, or merge the operational programmes from the moment of the merger.

Article 34 of this Regulation shall apply to operational programmes that are merged.

2. By way of derogation from the second subparagraph of paragraph 1, Member States may authorise on the basis of a duly substantiated request, operational programmes to continue to be implemented in parallel until they reach their natural conclusion.

#### *Article 16*

### **Non-producer members**

1. Member States may determine the conditions under which any natural or legal person who is not a producer may be accepted as a member of a producer organisation.

2. When setting the conditions referred to in paragraph 1, Member States shall ensure, in particular, compliance with Article 153(2)(c) and Article 159(a)(i) of Regulation (EU) No 1308/2013.

3. The natural or legal persons referred to in paragraph 1 shall not:

- (a) be taken into account for the recognition criteria;
- (b) benefit directly from the measures financed by the Union.

Member States may restrict or prohibit the natural or legal persons' right to vote on decisions relating to operational funds, in line with the conditions referred to in paragraph 1.

*Article 17***Democratic accountability of producer organisations**

1. Where a producer organisation has a legal structure requiring democratic accountability under the applicable national legislation, it shall be considered to fulfill this requirement for the purposes of this Regulation unless the Member State decides otherwise.

2. For producer organisations other than the one referred to in paragraph 1, Member States shall set a maximum percentage of voting rights and shares or capital which any natural or legal person may hold in a producer organisation. The maximum percentage of voting rights and shares or capital shall be below 50 % of the total voting rights and below 50 % of the shares or capital.

In duly justified cases, Member States may set a higher maximum percentage of shares or capital that a legal person may hold in a producer organisation provided that measures are adopted to ensure that an abuse of power by such legal person is in any case avoided.

By way of derogation from the first subparagraph, in the case of producer organisations implementing an operational programme on 17 May 2014, the maximum percentage of shares or capital set by the Member State pursuant to the first subparagraph shall only apply after the end of that operational programme.

3. Member States' authorities shall carry out checks, based on a risk analysis, on voting rights and shareholdings. Where the members of the producer organisation are legal persons themselves, these checks shall include the identities of the natural or legal persons that hold shares or capital of the members.

4. Where a producer organisation is a clearly defined part of a legal entity, Member States shall adopt measures to restrict or prohibit the powers of that legal entity to modify, approve or reject decisions of the producer organisation.

*Section 3***Associations of producer organisations***Article 18***Rules on producer organisations applicable to associations of producer organisations**

Articles 3, 6, 11(3), 13, 15 and 17 shall apply *mutatis mutandis* to associations of producer organisations. Where the association of producer organisations sells the products of its member producer organisations, Article 11(2) shall apply *mutatis mutandis*.

*Article 19***Recognition of associations of producer organisations**

1. Member States may recognise associations of producer organisations under Article 156 of Regulation (EU) No 1308/2013 in respect of the activity or activities concerning the product or the group of products specified in the application for recognition where the association of producer organisations is capable of carrying out effectively those activities.

2. An association of producer organisations recognised under Article 156 of Regulation (EU) No 1308/2013 may carry out any of the activities or functions of a producer organisation, even when the marketing of the products concerned continues to be carried out by its members.

3. For a given product or group of products and activity, a producer organisation shall be a member only of one association of producer organisations that implements an operational programme.

4. Member States may adopt complementary rules on recognition of associations of producer organisations.

*Article 20***Members of associations of producer organisations who are not producer organisations**

1. Member States may determine the conditions under which natural or legal persons other than a recognised producer organisation may be a member of an association of producer organisations.

2. Members of a recognised association of producer organisations who are not recognised producer organisations shall not:

- (a) be taken into account for the recognition criteria;
- (b) benefit directly from the measures financed by the Union.

Member States may permit, restrict or prohibit those members' right to vote on decisions relating to operational programmes.

#### Article 21

### **Transnational association of producer organisations**

1. The head office of a transnational association of producer organisations shall be located in the Member State in which the member producer organisations achieve the majority of the value of marketed production.

Alternatively, the head office may be established in the Member State where the majority of member producer organisations are located, if the Member States concerned so agree.

2. Where the transnational association of producer organisations implements an operational programme and where, at the moment of applying for a new operational programme, the majority of the value of marketed production is achieved in another Member State or where the majority of member producer organisations are located in a Member State other than that where the head office of that transnational association is located, the head office shall be maintained in the current Member State until the end of the implementation of the new operational programme.

However, if at the end of the implementation of that new operational programme, the majority of the value of marketed production is still achieved or the majority of member producer organisations are still located in a Member State other than that where the head office is currently located, the head office shall be transferred to that other Member State, unless the Member States concerned agree that the location of the head office shall not be changed.

3. The Member State in which the head office of the transnational association of producer organisations is located shall be responsible for the following:

- (a) recognising the association;
- (b) approving, where applicable, the transnational association's operational programme;
- (c) establishing the necessary administrative cooperation with the other Member States in which the associated organisations are located with respect to compliance with the terms of recognition, the implementation of the operational programme by the member producer organisations and the system of checks and administrative penalties. Those other Member States shall give all necessary assistance to the Member State in which the head office is located; and
- (d) providing, on the request of a Member State in which the members are located, all relevant documentation, including any applicable legislation available, translated into the official language or one of the official languages of that Member State.

#### CHAPTER II

### **Operational funds and operational programmes**

#### Section 1

### **Value of marketed production**

#### Article 22

### **Basis for calculation**

1. The value of marketed production for a producer organisation shall be calculated on the basis of the production of the producer organisation itself and its producer members, and shall only include the production of those fruit and vegetables for which the producer organisation is recognised. The value of marketed production may include fruit and vegetables that are not required to conform to the marketing standards, where those standards do not apply.

The value of marketed production for an association of producer organisations shall be calculated on the basis of the production marketed by the association of producer organisations itself and by its member producer organisations, and shall only include the production of those fruit and vegetables for which the association of producer organisations is recognised. In making this calculation duplicate counting shall be avoided.

2. The value of the marketed production shall not include the value of processed fruit and vegetables or any other product that is not a product of the fruit and vegetables sector.

However, the value of the marketed production of fruit and vegetables intended for processing, which have been transformed into one of the processed fruit and vegetable products listed in Part X of Annex I to Regulation (EU) No 1308/2013 or any other processed product referred to in this Article and described further in Annex I to this Regulation, by either a producer organisation, an association of producer organisations or their producer members or subsidiaries complying with the 90 % requirement referred to in paragraph 8 of this Article, either by themselves or through outsourcing, shall be calculated as a flat rate in percentage applied to the invoiced value of those processed products. That flat rate shall be:

- (a) 53 % for fruit juices;
- (b) 73 % for concentrated juices;
- (c) 77 % for tomato concentrate;
- (d) 62 % for frozen fruit and vegetables;
- (e) 48 % for canned fruit and vegetables;
- (f) 70 % for canned mushrooms of the genus *Agaricus*;
- (g) 81 % for fruits provisionally preserved in brine;
- (h) 81 % for dried fruits;
- (i) 27 % for processed fruit and vegetables other than those referred to in points (a) to (h);
- (j) 12 % for processed aromatic herbs;
- (k) 41 % for paprika powder.

3. Member States may allow producer organisations to include the value of the by-products in the value of marketed production.

4. The value of marketed production shall include the value of market withdrawals disposed of as provided for in Article 34(4) of Regulation (EU) No 1308/2013. The value shall be calculated on the basis of the average price of those products marketed by the producer organisation in the concerned period.

5. Only the production of the producer organisation and its producer members which is marketed by that producer organisation shall be counted in the value of marketed production. The production of the producer members of the producer organisation marketed by another producer organisation designated by their own organisation shall be counted in the value of marketed production of the second producer organisation. Duplicate counting shall be avoided.

6. Except where paragraph 8 applies, the marketed production of fruit and vegetables shall be invoiced at the 'ex-producer organisation' stage as a product listed in Part IX of Annex I to Regulation (EU) No 1308/2013 that is prepared and packaged, excluding:

- (a) VAT;
- (b) costs of transport internal to the producer organisation, for the distance between the centralised collection or packing points of the producer organisation and the point of distribution of the producer organisation which exceeds 300 km.

7. The value of marketed production may also be calculated at the 'ex-association of producer organisation' stage and on the same basis as set out in paragraph 6.

8. The value of marketed production may also be calculated at the 'ex-subsidiary' stage, on the same basis as set out in paragraph 6, provided that at least 90 % of the shares or capital of the subsidiary is owned:

- (a) by one or more producer organisations or associations of producer organisations; or
- (b) subject to Member State approval, by producer members of the producer organisations or associations of producer organisations, if doing so contributes to the objectives listed in Article 152(1)(c) of Regulation (EU) No 1308/2013.

9. In case of outsourcing, the value of marketed production shall be calculated at the 'ex-producer organisation' stage and shall include the added economic value of the activity that has been outsourced by the producer organisation to its members, third parties or to another subsidiary than the one referred to in paragraph 8.

10. Where a reduction in production occurs due to a natural disaster, climatic event, animal or plant diseases or pest infestations, any insurance indemnification received in respect of harvest insurance actions covered by Section 7 of Chapter III, or equivalent actions managed by the producer organisation, due to those causes may be included in the value of marketed production.

#### Article 23

### Reference period and ceiling on Union financial assistance

1. Member States shall determine for each producer organisation a 12-month reference period, starting no earlier than 1 January of the year that is three years prior to the year for which the aid is requested and ending no later than 31 December of the year preceding the year for which the aid is requested.

The 12-month reference period shall be the accounting period of the producer organisation concerned.

The methodology for fixing the reference period shall not vary during an operational programme except in duly justified situations.

2. The ceiling on Union financial assistance referred to in Article 34(2) of Regulation (EU) No 1308/2013 shall be calculated each year on the basis of the value of the marketed production during the reference period of the producers who are members of the producer organisation or association of producer organisations on 1 January of the year for which the aid is requested.

3. As an alternative to the method set out in paragraph 2, for non-transnational producer organisations or associations of producer organisations, Member States may decide to use the actual value of the marketed production in the reference period concerned of the producer organisation or association of producer organisations in question. In that case, the rule shall apply to all non-transnational producer organisations and associations of producer organisations in that Member State.

4. Where a reduction of at least 35 % in the value of a product has occurred due to reasons falling outside the responsibility and control of the producer organisation, the value of marketed production of that product shall be deemed to represent 65 % of its value in the previous reference period.

The producer organisation shall justify the reasons referred to in the first subparagraph to the competent authority of the Member State concerned.

This paragraph shall also apply for the purpose of determining compliance with the minimum value of marketed production as provided for in Article 9.

5. Where historical data on marketed production for newly recognised producer organisations is insufficient for the purpose of the application of paragraph 1, the value of marketed production shall be the value of marketable production provided by the producer organisation for the purposes of recognition.

#### Article 24

### Accounting

Member States shall ensure that producer organisations comply with the national standards of cost-based accounting that allow independent auditors to promptly identify, check and certify their expenditure and revenue.

#### Section 2

### Operational funds

#### Article 25

### Financing of operational funds

1. The financial contributions to the operational fund referred to in Article 32(1)(a) of Regulation (EU) No 1308/2013 shall be determined by the producer organisation or association of producer organisations.

2. All producer members or member organisations shall have the opportunity to benefit from the operational fund and to participate democratically in decisions concerning the use of the operational fund of the producer organisation or association of producer organisations and of the financial contributions to the operational fund.
3. The statutes of a producer organisation or rules of association of an association of producer organisations shall require its producer members or member organisations to pay the financial contributions in accordance with its statutes or rules of association for the establishment and replenishment of the operational fund provided for in Article 32 of Regulation (EU) No 1308/2013.

#### Article 26

### Notification of estimated amount

1. Producer organisations and associations of producer organisations shall notify the Member State, which has granted the recognition, of the estimated amounts of Union financial assistance and of the contribution, of its members and of the producer organisation or association itself, to the operational funds for the following year, by 15 September at the latest, together with the operational programmes or any request for approval of amendments to an existing operational programme.

However, Member States may set a later date than 15 September.

2. The calculation of the estimated amount of operational funds shall be based on the operational programmes and the value of marketed production. The calculation shall be split between expenditure for crisis prevention and management measures and other measures.

#### Section 3

### Operational programmes

#### Article 27

### National strategy

1. The national strategy referred to in Article 36(2) of Regulation (EU) No 1308/2013, including the national framework referred to in Article 36(1) of that Regulation shall be established prior to the annual submission of the draft operational programmes. The national framework shall be integrated into the national strategy after having been submitted to the Commission and, where applicable, after having been amended in accordance with the second subparagraph of Article 36(1) of Regulation (EU) No 1308/2013.

The national strategy may be subdivided into regional elements.

2. In addition to the elements referred to in Article 36(2) of Regulation (EU) No 1308/2013, the national strategy shall integrate all the decisions taken and provisions adopted by the Member State for the purposes of Articles 152 to 165 of Regulation (EU) No 1308/2013.

3. An analysis of the initial situation shall form part of the process of drawing up the national strategy and be carried out under responsibility of the Member State.

It shall identify and assess the priority needs, the objectives, the results expected and the quantified targets against the initial situation.

It shall also lay down the instruments and actions to attain those objectives.

4. Member States shall monitor and evaluate the national strategy and its implementation through operational programmes.

The national strategy may be amended prior to the annual submission of the draft operational programmes.

5. Member States shall set out in the national strategy the maximum percentages of the operational fund which may be spent on any individual measure or type of action in order to ensure a balance between different measures.

*Article 28***National framework for environmental actions**

In addition to the submission of the proposed framework referred to in the second subparagraph of Article 36(1) of Regulation (EU) No 1308/2013, Member States shall notify the Commission of any amendments to the national framework, which shall be subject to the procedure set out in that subparagraph.

The Commission shall make the national framework available to other Member States by the means that it considers appropriate.

*Article 29***Complementary Member State rules**

Member States may adopt rules complementing Regulation (EU) No 1308/2013, this Regulation and Implementing Regulation (EU) 2017/892 concerning the eligibility of measures, actions or expenditure under operational programmes.

*Article 30***Relationship with rural development, State aid and promotion programmes**

1. Where support under the Member State's rural development programme or programmes has been granted to operations which are identical to actions that would be potentially eligible under Regulation (EU) No 1308/2013, that Member State shall ensure that a beneficiary may receive support for a given action only under one scheme.

Where a Member State includes such operations in its rural development programme or programmes, it shall ensure that the national strategy indicates the safeguards, provisions and checks put in place to avoid double funding of the same action or operation.

2. Producer organisations which have been granted the support provided for in Article 27 of Regulation (EU) No 1305/2013 or Article 19 of Commission Regulation (EU) No 702/2014 <sup>(1)</sup> shall not implement an operational programme in the same period.

3. Where applicable, and without prejudice to Article 34(1) and (3) and Article 35 of Regulation (EU) No 1308/2013, the level of support for measures covered by that Regulation shall not exceed the level applicable for the measures under the rural development programme.

4. Support for environmental 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, shall be limited to the maximum amounts laid down in Annex II to that Regulation for agri-environment-climate payments or for organic farming payments. Those amounts may be increased in duly substantiated cases taking account of specific circumstances to be justified in the national strategy and in the operational programmes of the producer organisations.

5. Paragraph 4 shall not apply to environmental actions which do not relate directly or indirectly to a particular parcel.

6. Where producer organisations, associations of producer organisations or interbranch organisations benefit from promotion programmes approved under Regulation (EU) No 1144/2014 of the European Parliament and of the Council <sup>(2)</sup>, Member States shall ensure that a beneficiary may receive support for a given action only under one scheme.

*Article 31***Eligibility of actions under operational programmes**

1. Operational programmes shall not include actions or expenditure listed in Annex II. A non-exhaustive list of eligible actions is set out in Annex III.

<sup>(1)</sup> Commission Regulation (EU) no 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 193, 1.7.2014, p. 1).

<sup>(2)</sup> 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).

2. Expenditure under operational programmes eligible for aid shall be restricted to the actual costs incurred. However, Member States may fix standard flat rates or scales of unit costs in the following cases:

- (a) where such standard flat rates or scales of unit costs are referred to in Annex III;
- (b) for additional per-kilometre external transport costs, compared to road haulage costs, incurred when using rail or ship transport as part of a measure to respect the environment.

In addition, Member States may decide to use differentiated scales of unit costs to take into account regional or local specificities.

Member States shall review the standard flat rates or scales of unit costs at least every five years.

3. Member States shall ensure that the relevant calculations are adequate and accurate and established in advance on the basis of a fair, equitable and verifiable calculation. To that end Member States shall:

- (a) ensure that a body, that is functionally independent from the authorities responsible for the programme implementation and possesses the appropriate expertise, performs the calculations or confirms the adequacy and accuracy of the calculations;
- (b) keep all the documentary evidence concerning the establishment of standard flat rates or scales of unit costs and their review.

4. In order for an action to be eligible, products for which the producer organisation is recognised shall account for more than 50 % of the value of the products covered by that action. In addition, the products concerned shall come from the producer organisation's members or producer members of another producer organisation or association of producer organisations. Articles 22 and 23 shall apply *mutatis mutandis* to the calculation of the value.

5. Investments in physical assets shall entail the following commitments:

- (a) without prejudice to paragraph 4, the physical assets acquired shall be used in accordance with their intended use, as described in the approved operational programme concerned;
- (b) without prejudice to the third and fourth subparagraphs of paragraph 6, the physical assets acquired shall remain both in the property and possession of the beneficiary until either the end of the fiscal depreciation period of the physical asset or for 10 years, whichever period is shorter. The beneficiary shall also ensure the maintenance of the physical asset during that period. However, where the investment is made on ground rented under particular national property rules, the requirement of being in the property of the beneficiary may not apply provided that the investments have been in the possession of the beneficiary at least for the period required in the first sentence of this point;
- (c) where the producer organisation is the owner and the member of the producer organisation is the holder of the physical asset to which the investment relates, the producer organisation shall have access rights to that asset for the duration of the fiscal depreciation period.

However, for the purposes of point (b) of the first subparagraph, Member States may provide that a period different to that of the fiscal depreciation period shall apply. Such period shall be indicated and duly justified in their national strategy and cover at least the period referred to in Article 71(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council <sup>(1)</sup>.

6. Investments, including those under leasing contracts, may be financed through the operational fund in one amount or in identical instalments as approved in the operational programme. Member States may approve amendments to the operational programme providing for a new distribution of the instalments in duly justified cases.

If the fiscal depreciation period of an investment exceeds the length of the operational programme, it may be carried over to a subsequent operational programme.

<sup>(1)</sup> Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

Where investments are replaced, the residual value of the investments replaced shall be:

- (a) added to the operational fund of the producer organisation; or
- (b) subtracted from the cost of the replacement.

If the investment is sold before the end of the period referred to in paragraph 5 but it is not replaced, the Union aid paid to finance the investment shall be recovered and reimbursed to the European Agricultural Guarantee Fund (EAGF) in proportion to the number of full years that remain until the end of the depreciation period referred to in point (b) of the first subparagraph of paragraph 5.

7. Actions, including investments, may be implemented on individual holdings or premises of producer members of the producer organisation, association of producer organisations or their subsidiaries complying with the 90 % requirement as referred to in Article 22(8), including where the actions are outsourced to members of the producer organisation or association of producer organisations, provided that they contribute to the objectives of the operational programme.

If the producer member leaves the producer organisation, Member States shall ensure that the investment or its residual value is recovered by the producer organisation and in the latter case, added to the operational fund.

However, in duly justified circumstances, Member States may provide that the producer organisation shall not be required to recover the investment or its residual value.

8. Actions, including investments, related to the transformation of fruit and vegetables into processed fruit and vegetables may be eligible for support where such actions and investments pursue the objectives set out in Article 33(1) of Regulation (EU) No 1308/2013, including those referred to in Article 160 of that Regulation, and provided that they are identified in the national strategy referred to in Article 36 of Regulation (EU) No 1308/2013.

9. Investments in intangible assets may be eligible for support where such investments pursue the objectives set out in Article 33(1) of Regulation (EU) No 1308/2013, including those referred to in Article 160 of that Regulation, and provided that they are identified in the national strategy referred to in Article 36 of Regulation (EU) No 1308/2013.

#### Article 32

### Operational programmes of associations of producer organisations

1. Member States may authorise that producer members of associations of producer organisations which are not producer organisations, but which are members of such associations pursuant to Article 20, finance the measures implemented by the association of producer organisations in proportion to the contribution of member producer organisations.

2. Articles 30, 31, 33 and 34 of this Regulation and Articles 4 to 7 of Implementing Regulation (EU) 2017/892 shall apply *mutatis mutandis* to operational programmes of associations of producer organisations. However, a balance between the activities referred to in Article 4(1)(b) of Implementing Regulation (EU) 2017/892 shall not be required in respect of partial operational programmes of associations of producer organisations.

3. The ceiling for the crisis management and prevention expenditure, referred to in the fourth subparagraph of Article 33(3) of Regulation (EU) No 1308/2013, under the operational programmes of associations of producer organisations shall be calculated at the level of each member producer organisation.

#### Article 33

### Decision

1. Member States shall:

- (a) approve amounts of operational funds and operational programmes which meet the requirements of Regulation (EU) No 1308/2013 and those of this Chapter;
- (b) approve the operational programmes, on condition that certain amendments are accepted by the producer organisation; or
- (c) reject the operational programmes or parts thereof.

2. Member States shall take decisions on operational programmes and operational funds by 15 December of the year in which they are submitted.

Member States shall notify the producer organisations of those decisions by 15 December.

However, for duly justified reasons, such decisions may be taken after that date, but no later than 20 January following the date of submission. The approval decision may provide that expenditure is eligible from 1 January of the year following the submission.

#### Article 34

### Amendments to operational programmes

1. Producer organisations may request amendments to operational programmes, including their duration, for subsequent years. Member States shall set deadlines for the submission and approval of such requests so that the approved amendments apply as from 1 January of the following year.

For duly justified reasons, such requests may be approved after the deadlines set by Member States, but no later than 20 January following the year of the request. The approval decision may provide that expenditure is eligible from 1 January following the year of the request.

2. Member States may authorise amendments to operational programmes during the year, under conditions to be determined by them. The decisions on those amendments shall be taken by 20 January of the year following the year on which amendments are requested.

Producer organisations may be authorised by Member States, during the year to:

- (a) implement their operational programmes in part only;
- (b) change the content of the operational programmes;
- (c) increase the amount of the operational fund by a maximum of 25 %, and decrease it by a percentage to be fixed by Member States, of the amount initially approved, provided that the overall objectives of the operational programme are maintained;
- (d) add national financial assistance to the operational fund in case of application of Article 53.

Member States shall determine the conditions under which operational programmes may be amended during the year without prior approval by the competent authority of the Member State. Those amendments shall only be eligible for aid if they are notified by the producer organisation to the competent authority without delay.

Member States may modify the percentages referred to in point (c) of the second subparagraph in case of mergers of producer organisations as referred to in Article 15(1).

3. Requests for amendments shall be accompanied by supporting documents giving the reason, nature and implications of the changes.

#### Section 4

### Aid

#### Article 35

### Advance payments

1. Member States may permit producer organisations to apply for an advance payment of a part of the aid. That advance payment shall correspond to the forecast expenditure resulting from the operational programme during the three or four-month period starting in the month in which the application for an advance payment is submitted.

Member States shall provide for conditions to ensure that financial contributions to the operational fund have been levied in accordance with Articles 24 and 25 and previous advance payments and the corresponding producer organisation contribution have actually been spent.

2. Applications for the release of securities may be submitted during the current programme year and shall be accompanied by supporting documents, such as invoices and documents proving that payment has been made.

Securities shall be released in respect of up to 80 % of advances paid.

3. In the event of failure to comply with the operational programmes or of serious failure to meet the obligations provided for in Article 5(b) and (c) of Implementing Regulation (EU) 2017/892 the security shall be forfeited, without prejudice to other administrative penalties to be applied in accordance with Section 3 of Chapter V of this Title.

In the event of failure to comply with other requirements, the security shall be forfeited in proportion to the gravity of the irregularity that has been established.

#### Article 36

### **Cessation of an operational programme and discontinuity of recognition**

1. If a producer organisation or association of producer organisations ceases to implement its operational programme before the end of its scheduled duration, no further payments shall be made to that organisation or association for actions implemented after the date of cessation.
2. Aid received for eligible actions carried out before the cessation of the operational programme shall not be recovered, provided that:
  - (a) the producer organisation or association of producer organisations complied with the recognition criteria and the objectives of the actions laid down in the operational programme have been fulfilled at the moment of cessation; and
  - (b) the investments financed with support from the operational fund are maintained in the possession of and used by the producer organisation, association of producer organisations or its subsidiaries complying with the 90 % requirement referred to in Article 22(8) or its members at least until the end of their depreciation period as referred to in Article 31(5). Otherwise, the Union financial assistance paid to finance those investments shall be recovered and reimbursed to the EAGF.
3. Union financial assistance for multiannual commitments, such as environmental actions, where their long term objectives and expected benefits cannot be realised because of the interruption of the measure shall be recovered and reimbursed to the EAGF.
4. This Article shall apply *mutatis mutandis* in case of voluntary discontinuity of recognition, withdrawal of recognition or dissolution of the producer organisation or association of producer organisations.
5. Unduly paid aid shall be recovered in accordance with Article 67.

#### CHAPTER III

### **Crisis prevention and management measures**

#### Section 1

### **General provisions**

#### Article 37

### **Selection of crisis prevention and management measures**

Member States may provide that one or more of the measures listed in the first subparagraph of Article 33(3) of Regulation (EU) No 1308/2013 shall not apply in their territory.

#### Article 38

### **Loans to finance crisis prevention and management measures**

Loans taken out to finance crisis prevention and management measures pursuant to the fifth subparagraph of Article 33(3) of Regulation (EU) No 1308/2013 may, on duly justified economic grounds, be carried over to a subsequent operational programme, if their repayment period exceeds the length of the operational programme.

## Section 2

**Investments making the management of the volumes placed on the market more efficient**

## Article 39

**Investments related to the management of volumes**

1. Member States shall include in their national strategy the list of eligible investments aimed at making the management of volumes placed on the market more efficient as referred to in point (a) of the first subparagraph of Article 33(3) of Regulation (EU) No 1308/2013.
2. Before approving the operational programmes containing actions relating to the investments referred to in paragraph 1, Member States shall require justification that the proposed investment is suitable to effectively prevent or better withstand a crisis.

## Section 3

**Support for the administrative costs of setting up mutual funds**

## Article 40

**Conditions for support for the administrative cost of setting up mutual funds**

1. Member States shall adopt detailed provisions concerning support for the administrative cost of setting up mutual funds as referred to in point (d) of the first subparagraph of Article 33(3) of Regulation (EU) No 1308/2013.
2. The support referred to in paragraph 1 shall comprise both the Union financial assistance and the contribution from the producer organisation. The total amount of that support shall not exceed 5 %, 4 % and 2 % respectively of the contribution of the producer organisation to the mutual fund in the first, second and third year of its operation:
3. A producer organisation may receive the support referred to in paragraph 1 only once and only within the three first years of the operation of the fund. Where a producer organisation only asks for support in the second or the third year of operation of the fund, the support shall be 4 % and 2 % respectively.
4. Member States may fix ceilings for the amounts that may be received by a producer organisation as support for the administrative cost of setting up mutual funds.

## Section 4

**Replanting of orchards following mandatory grubbing-up**

## Article 41

**Replanting of orchards**

1. Where Member States include in their national strategy the replanting of orchards, following mandatory grubbing-up for health or phytosanitary reasons as referred to in point (e) of the first subparagraph of Article 33(3) of Regulation (EU) No 1308/2013, the measures taken shall comply with Council Directive 2000/29/EC <sup>(1)</sup>.
2. Replanting of orchards shall not cover more than 20 % of the total expenditure under operational programmes. Member States may decide to set a lower percentage.

## Section 5

**Market withdrawals**

## Article 42

**Scope**

This Section lays down rules concerning market withdrawals and free distribution as referred to respectively in point (f) of the first subparagraph of Articles 33(3) and 34(4) of Regulation (EU) No 1308/2013.

<sup>(1)</sup> Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

*Article 43***Three-year average for market withdrawals for free distribution**

1. The limit of 5 % of the volume of marketed production referred to in Article 34(4) of Regulation (EU) No 1308/2013 shall be calculated on the basis of an arithmetic mean of the overall volumes of products for which the producer organisation is recognised and which are marketed through the producer organisation during the three previous years.
2. For newly recognised producer organisations, the data for marketing years prior to recognition shall be:
  - (a) where the organisation was a producer group, the equivalent data for that producer group, where applicable; or
  - (b) the volume applicable to the application for recognition.

*Article 44***Prior notification of withdrawal operations**

1. Producer organisations and associations of producer organisations shall notify the competent authorities of the Member States in writing or by electronic means in advance of an intention to withdraw products.

Such notification shall specify, in particular, the list of products to be withdrawn and their principal characteristics according to the relevant marketing standards, the estimated quantity of each product concerned, their intended destination and the place where the withdrawn products may be inspected as provided for in Article 29 of Implementing Regulation (EU) 2017/892.

Notifications shall include a written statement attesting that the products to be withdrawn conform to the applicable marketing standards or minimum requirements referred to in Article 15 of Implementing Regulation (EU) 2017/892.

2. Member States shall lay down detailed rules for producer organisations and associations of producer organisations as regards notifications provided for in paragraph 1, in particular as regards time limits.

*Article 45***Support**

1. The support for market withdrawals, comprising both the Union financial assistance and the producer organisation contribution, shall be no more than the amounts set out in Annex IV.

For products not included in Annex IV, Member States shall set maximum amounts of support, comprising both the Union financial assistance and the producer organisation contribution, at a level not exceeding 40 % of the average market prices for the previous five years in case of free distribution and at a level not exceeding 30 % of the average of market prices for the previous five years for destinations other than free distribution.

Where the producer organisation has received compensation from third parties for withdrawn products, the support referred to in the first subparagraph shall be reduced by an amount equivalent to the compensation received. In order to be eligible for support, the products concerned shall not enter again the commercial market for fruit and vegetables.

2. Market withdrawals shall not exceed 5 % of the volume of the marketed production of any given product of any given producer organisation. However, amounts which are disposed of in one of the ways referred to in Article 34(4) of Regulation (EU) No 1308/2013 or any other way approved by Member States under Article 46(2) of this Regulation shall not be taken into account in that proportion.

The volume of marketed production referred to in the first subparagraph shall be the average of the volume of marketed production in the previous three years. If this information is not available, the volume of marketed production for which the producer organisation was recognised shall be used.

The percentage referred to in the first subparagraph shall be annual averages of a three year period including the year in question and the previous two years, with five percentage points of annual margin of overrun.

3. The Union financial assistance in case of market withdrawals of fruit and vegetables which are disposed of by way of free distribution to the charitable organisations and institutions referred to in Article 34(4) of Regulation (EU) No 1308/2013 shall only cover payment for the disposed products in accordance with paragraph 1 of this Article and the costs referred to in Articles 16(1) and 17(1) of Implementing Regulation (EU) 2017/892.

#### Article 46

##### **Destinations for withdrawn products**

1. Member States shall lay down the permissible destinations for products withdrawn from the market. They shall adopt provisions to ensure that no negative impact on the environment nor any negative phytosanitary consequences result from the withdrawal or its destination.

2. The destinations referred to in paragraph 1 shall include free distribution within the meaning of Article 34(4) of Regulation (EU) No 1308/2013 and any other equivalent destinations approved by Member States.

Upon request, Member States may authorise the charitable organisations and institutions referred to in Article 34(4) of Regulation (EU) No 1308/2013 to ask for a contribution from the final recipients of products withdrawn from the market.

When the charitable organisations and institutions concerned have obtained the authorisation, they shall, in addition to the obligations under Article 47(1) of this Regulation, keep financial accounts for the operation in question.

Payment in kind by the beneficiaries of free distribution to processors of fruit and vegetables may be allowed, where such payment only compensates for processing costs and where the Member State in which the payment takes place has provided for rules ensuring that processed products are intended for consumption by the final recipients referred to in the second subparagraph.

Member States shall take all the necessary steps to facilitate contacts and cooperation between producer organisations and the charitable organisations and institutions referred to in Article 34(4) of Regulation (EU) No 1308/2013 they have approved.

3. Disposal of products to the processing industry shall be possible. Member States shall adopt detailed provisions to ensure that no distortion of competition occurs for the industries concerned within the Union or for imported products and that products withdrawn do not enter the commercial market again. The alcohol resulting from distillation shall be used exclusively for industrial or energy purposes.

#### Article 47

##### **Conditions for the recipients of withdrawn products**

1. The recipients of withdrawn products referred to in Article 34(4) of Regulation (EU) No 1308/2013 shall undertake to:

- (a) comply with the rules laid down in and pursuant to Regulation (EU) No 1308/2013;
- (b) keep separate stock records for the operations in question;
- (c) accept the checks provided for by Union law; and
- (d) provide the supporting documents on the final destination of each of the products concerned, in the form of a take-over certificate or equivalent document certifying that the withdrawn products have been taken over by a third party with a view to their free distribution.

Member States may decide that recipients do not have to keep records as referred to in point (b) of the first subparagraph, if they receive quantities below a maximum to be determined by them based on a documented risk analysis.

2. The recipients of withdrawn products for other destinations shall undertake to:

- (a) comply with the rules laid down in and pursuant to Regulation (EU) No 1308/2013;
- (b) keep separate stock records and financial accounts for the operations in question if the Member State considers it as necessary despite the fact that the product has been denatured before delivery;

- (c) accept the checks provided for by Union law; and
- (d) not request additional aid for the alcohol produced from the products concerned in the case of withdrawn products intended for distillation.

## Section 6

### **Green harvesting and non-harvesting**

#### *Article 48*

#### **Conditions for the application of green harvesting and non-harvesting**

1. Green harvesting and non-harvesting as referred to in point (g) of the first subparagraph of Article 33(3) of Regulation (EU) No 1308/2013 shall be additional to and different from normal cultivation practices.
2. Fruit and vegetable plants having undergone green harvesting or non-harvesting shall not be used for further production purposes in the same growing season after the operation has taken place.
3. Green harvesting measures shall not be undertaken in respect of fruit and vegetables of which the normal harvest has already begun, and non-harvesting measures shall not be undertaken where commercial production has been taken from the area concerned during the normal production cycle.

The first subparagraph shall not apply where fruit and vegetable plants have a harvesting period exceeding one month. In such cases, the amounts referred to in paragraph 4 shall only compensate for the production to be harvested in the six weeks following the green harvesting and non-harvesting operation. Those fruit and vegetable plants shall not be used for further production purposes in the same growing season after the operation has taken place.

For the purposes of the second subparagraph, Member States may prohibit the application of green harvesting and non-harvesting measures if, in the case of green harvesting, a significant part of the normal harvest has been carried out and, in the case of non-harvesting, a significant part of the commercial production has already been taken. A Member State intending to apply this provision shall lay down in its national strategy the part it deems to be significant.

Green harvesting and non-harvesting shall not be applied for the same product and the same given area in any given year, except for the purposes of the second subparagraph where both operations may be applied simultaneously.

4. Support for green harvesting shall only cover the products which are physically on the fields and which are actually green harvested. Compensation amounts, comprising both the Union financial assistance and the producer organisation contribution for green harvesting and non-harvesting shall be per hectare payments set by the Member State under point (a) of the first paragraph of Article 49 at a level to cover not more than 90 % of the maximum support level for market withdrawals applicable to withdrawals for destinations other than free distribution as referred to in Article 34(4) of Regulation (EU) No 1308/2013.
5. Producer organisations and associations of producer organisations shall notify the competent authorities of the Member State in writing or by electronic means in advance of an intention of green harvesting or non-harvesting.

#### *Article 49*

### **Obligations of the Member States**

Member States shall adopt:

- (a) detailed provisions on the implementation of the green harvesting and non-harvesting measures, including on prior notifications of green harvesting and non-harvesting, their content and deadlines, on the amount of compensation to be paid and on the application of the measures, as well as the list of products eligible under the measures;
- (b) provisions to ensure that no negative impact on the environment nor any negative phytosanitary consequences results from the implementation of the measures.

Member States shall check that the measures are carried out correctly, including in relation to the provisions referred to in points (a) and (b) of the first paragraph. If Member States find that the measures have not been carried out correctly, they shall not approve the application of the measures.

## Section 7

**Harvest insurance**

## Article 50

**Objective of harvest insurance actions**

Actions relating to harvest insurance as referred to in point (h) of the first subparagraph of Article 33(3) of Regulation (EU) No 1308/2013 shall contribute to safeguarding producers' incomes and to covering market losses incurred by the producer organisation or its members where they are affected by natural disasters, climatic events and, where applicable, diseases or pest infestations.

## Article 51

**Implementation of harvest insurance actions**

1. Member States shall adopt detailed provisions on the implementation of harvest insurance actions, including provisions necessary to ensure that harvest insurance actions do not distort competition in the insurance market.
2. Member States may grant additional national financing to support harvest insurance actions which are benefiting from the operational fund. However, total public support for harvest insurance shall not exceed:
  - (a) 80 % of the cost of the insurance premiums paid for by producers for insurance against losses as a result of adverse climatic events which can be assimilated to natural disasters;
  - (b) 50 % of the cost of the insurance premiums paid for by producers for insurance against:
    - (i) losses referred to in point (a) and against other losses caused by adverse climatic events; and
    - (ii) losses caused by animal or plant diseases or pest infestations.

The limit set out in point (b) of the first subparagraph shall apply even in cases where the operational fund is otherwise eligible for 60 % Union financial assistance pursuant to Article 34(3) of Regulation (EU) No 1308/2013.

3. Harvest insurance actions shall not cover insurance payments which compensate producers for more than 100 % of the income loss suffered, taking into account any compensation the producers obtain from other support schemes related to the insured risk.

## CHAPTER IV

**National financial assistance**

## Article 52

**Degree of organisation of producers and definition of a region**

1. For the purposes of Article 35(1) of Regulation (EU) No 1308/2013, the degree of organisation of producers in a region of a Member State shall be calculated on the basis of the value of fruit and vegetables produced in the region concerned and marketed by:
  - (a) recognised producer organisations and associations of producer organisations; and
  - (b) producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007 and producer organisations and producer groups referred to in Article 27 of Regulation (EU) No 1305/2013.

The value of the fruit and vegetables produced shall be divided by the total value of the fruit and vegetable production that was produced in that region.

The value of fruit and vegetables produced in the region concerned and marketed by the organisations, associations and groups referred to in points (a) and (b) of the first subparagraph shall only include those products for which those producer organisations, associations and groups are recognised. Article 22 shall apply *mutatis mutandis*.

Only the fruit and vegetables produced in the region concerned by producer organisations, associations of producer organisations, producer groups and their members obtained and marketed by them shall be included in the calculation of that value.

For the calculation of the total value of the fruit and vegetables produced in that region, the methodology set out in Annex I to Regulation (EC) No 138/2004 of the European Parliament and of the Council <sup>(1)</sup> shall apply *mutatis mutandis*.

2. The degree of organisation of producers in a region of a Member State shall be considered as particularly low where the average of the degrees of organisation, calculated in accordance with paragraph 1, for the last three years for which the data are available, is less than 20 %.

3. Only fruit and vegetables produced in the region referred to in paragraphs 1 and 2 shall benefit from national financial assistance.

4. For the purposes of this Chapter, Member States shall define the regions as a distinct part of their territory in accordance with objective and non-discriminatory criteria, such as their agronomic and economic characteristics and their regional agricultural/fruit and vegetable potential, or their institutional or administrative structure and for which data are available in order to calculate the degree of organisation in accordance with paragraph 1.

The regions defined by a Member State for the purposes of this Chapter shall not be amended for at least five years unless such amendment is objectively justified by substantive reasons unconnected with the calculation of the degree of organisation of producers in the region or regions concerned.

Where a Member State requests a partial reimbursement of the national financial assistance in accordance with Article 20 of Implementing Regulation (EU) 2017/892, such a request shall concern the same definition of the regions as specified in the request for authorisation.

#### Article 53

### **Amendments to the operational programme**

A producer organisation wishing to apply for national financial assistance shall, if necessary, amend its operational programme pursuant to Article 34.

#### CHAPTER V

### **General provisions**

#### Section 1

### **Notifications and reports**

#### Article 54

### **Member States' notifications concerning producer organisations, associations of producer organisations and producer groups**

Member States shall notify the Commission of the following information and documents:

- (a) by 31 January each year, the total amount of the operational funds approved that year for all operational programmes. This notification shall show the total amount of the operational funds and the total amount of Union financial assistance granted included in those funds. Those figures shall be further broken down between amounts for crisis prevention and management measures and other measures;
- (b) by 15 November each year, an annual report on producer organisations and associations of producer organisations, as well as on producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007, and operational funds, operational programmes and recognition plans in operation during the previous year. This annual report shall contain the information set out in Annex V to this Regulation;

<sup>(1)</sup> Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community (OJ L 33, 5.2.2004, p. 1).

- (c) by 31 January each year, the amounts corresponding to each forthcoming annual period of implementation of the recognition plans of producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007, including the current implementing year. Approved or estimated amounts shall be provided. This notification shall include the following information for each producer group and each annual forthcoming period of implementation of the plan:
- (i) the total amount for the annual period of implementation of the recognition plan, the Union financial assistance and the contributions from the Member States, the producer groups and the members of the producer groups;
  - (ii) a breakdown between the aid granted pursuant to Article 103a(1)(a) and (b) of Regulation (EC) No 1234/2007, respectively.

#### *Article 55*

### **Member States' notifications concerning producer prices of fruit and vegetables on the internal market**

1. Member States shall notify the Commission, by 12.00 hours (Brussels time) each Wednesday of the weighted average recorded prices for fruit and vegetables listed in Annex VI during the previous week, where data are available.

For fruit and vegetables covered by the general marketing standard set out in Part A of Annex I to Implementing Regulation (EU) No 543/2011, only prices of products meeting that standard shall be notified, whereas prices for products covered by a specific marketing standard set out in Part B of that Annex shall only concern products of class I.

Member States shall notify a single weighted average price corresponding to the types and varieties of products, sizes and presentations specified in Annex VI to this Regulation. Where recorded prices concern other types, varieties, sizes or presentations than those specified in that Annex, Member States shall notify the Commission of the types, varieties, sizes and presentations of the products to which prices correspond.

Notified prices shall be ex-packaging station, sorted, packaged and, where applicable, on pallets, expressed in euro per 100 kilograms net weight.

2. Member States shall identify representative markets in the production area of the fruit and vegetables concerned. Member States shall notify the Commission of the representative markets and their weight in the average with the first notification or when they modify them. Member States may notify other prices on a voluntary basis.

#### *Section 2*

### **Monitoring and evaluation of operational programmes and of national strategies**

#### *Article 56*

### **Common performance indicators**

1. The operational programmes and the national strategies shall be subject to monitoring and evaluation aimed at assessing the progress made towards achieving the objectives set for operational programmes, as well as the efficiency and the effectiveness in relation to those objectives.
2. Progress, efficiency and effectiveness shall be assessed by means of common performance indicators, as set out in Annex II to Implementing Regulation (EU) 2017/892, relating to the baseline situation as well as to the inputs (financial execution), outputs, results and impact of the operational programmes implemented.
3. Member States may specify additional indicators in their national strategy.

#### *Article 57*

### **Monitoring and evaluation procedures in relation to operational programmes**

1. Producer organisations and associations of producer organisations shall establish a system to collect, record and maintain information for the compilation of the applicable indicators for the monitoring and evaluation of the operational programmes.

2. The monitoring exercise shall be carried out in such a way that its results:
  - (a) verify the quality of programme implementation;
  - (b) identify any need for adjustments or review of the operational programme;
  - (c) provide information for reporting requirements. Information concerning the results of the monitoring activities shall be included in the annual report referred to in Article 21(2) of Implementing Regulation (EU) 2017/892.
3. Evaluation shall take the form of a report in the last but one year of the implementation of the operational programme as referred in Article 21(4) of Implementing Regulation (EU) 2017/892.

The evaluation exercise shall examine the progress made in relation to the overall objectives of the programme. Common performance indicators relating to the baseline situation, output and results shall be used for this purpose.

Where applicable, the evaluation exercise shall include a qualitative assessment of the results and the impact of the environmental actions aimed at:

- (a) the prevention of soil erosion;
- (b) a reduction in the use or better management of plant protection products;
- (c) the protection of habitats and biodiversity; and
- (d) landscape conservation.

The results of the exercise shall be used to:

- (a) improve the quality of the operational programme;
- (b) identify any need for substantive change of the operational programme; and
- (c) draw lessons useful in improving future operational programmes.

The evaluation report shall be attached to the corresponding annual report referred to in Article 21(2) of Implementing Regulation (EU) 2017/892.

#### *Article 58*

### **Monitoring and evaluation procedures in relation to the national strategy**

1. Member States shall establish a system to collect, record and maintain information in electronic form adequate for the purpose of compiling the indicators referred to in Article 56. To this end, they shall use the information transmitted by the producer organisations and associations of producer organisations in relation to the monitoring and the evaluation of their operational programmes.
2. Monitoring shall be ongoing in order to assess the progress made towards achieving the objectives of the operational programmes. For this purpose, use shall be made of the information provided in the annual reports transmitted by the producer organisations and associations of producer organisations. The monitoring exercise shall be carried out in such a way that its results:
  - (a) verify the quality of the implementation of the operational programmes;
  - (b) identify any need for adjustments or review of the national strategy aimed at achieving the goals set for the strategy or at improving the management of the strategy implementation, including the financial management of the operational programmes.
3. Evaluation shall be aimed at assessing the progress made towards the overall objectives of the strategy. For this purpose, use shall be made of the results of the monitoring and evaluation of the operational programmes as indicated in the annual and last but one annual reports transmitted by the producer organisations. The results of the evaluation exercise shall be used to:
  - (a) improve the quality of the strategy;
  - (b) identify any need for substantive change of the strategy.

The evaluation shall include an evaluation exercise carried out in 2020. Its results shall be part of the same year annual national report referred to in Article 54(b). The report shall examine the degree of utilisation of financial resources, the efficiency and effectiveness of the operational programmes implemented, and assess the effects and impact of those programmes, in relation to the objectives, targets and measures set by the strategy and, where applicable, other objectives set in Article 33(1) of Regulation (EU) No 1308/2013.

### Section 3

#### **Administrative penalties**

##### *Article 59*

#### **Non-respect of recognition criteria**

1. If a Member State has established that a producer organisation fails to respect one of the recognition criteria linked to the requirements of Articles 5 and 7, Article 11(1) and (2) and Article 17, it shall send to the producer organisation in question no later than two months after the failure has been identified, by registered delivery, a warning letter stating the failure identified, the corrective measures required and the time periods within which these measures have to be taken, which shall not exceed four months. As from the moment a failure is established, Member States shall suspend payments of aid until the corrective measures are taken to their satisfaction.

2. A failure to take the corrective measures referred to in paragraph 1 within the time period fixed by the Member State shall lead to the suspension of the recognition of the producer organisation. The Member State shall notify the producer organisation of the period of suspension, which shall start immediately after the expiry of the time period fixed for taking those corrective measures and shall not exceed 12 months from the date of the receipt of the warning letter by the producer organisation. This is without prejudice to the application of horizontal national legislation which may provide for the suspension of such an action following the commencement of connected legal proceedings.

During the suspension of the recognition, the producer organisation may continue its activity, but aid payments shall be withheld until the suspension of the recognition is lifted. The yearly aid amount shall be reduced by 2 % for each calendar month or part thereof during which recognition is suspended.

The suspension shall end on the day of the check which confirms that the recognition criteria in question have been fulfilled.

3. If the criteria are not fulfilled by the end of the period of suspension set by the competent authority of the Member State, the Member State shall withdraw the recognition with effect from the date from which the conditions for recognition were not fulfilled, or, if it is not possible to identify that date, from the date when the failure was established. This is without prejudice to the application of horizontal national legislation which may provide for the suspension of recognition following the commencement of connected legal proceedings. Outstanding aid concerning the period during which the failure has been identified shall not be paid and unduly paid aid shall be recovered.

4. If a Member State has established that a producer organisation fails to respect any of the recognition criteria laid down in Article 154 of Regulation (EU) No 1308/2013 other than those mentioned in paragraph 1, it shall send to the producer organisation in question, no later than two months after the failure has been established, by registered delivery, a warning letter stating the failure identified, the corrective measures required and the time periods within which these measures have to be taken, which shall not exceed four months.

5. A failure to take the corrective measures referred to in paragraph 4 within the time period fixed by the Member State shall lead to a suspension of payments and a reduction of the yearly aid amount by 1 % for each calendar month, or part thereof, following the expiry of that time period. This is without prejudice to the application of horizontal national legislation which may provide for the suspension of such an action following the commencement of connected legal proceedings.

6. Member States shall withdraw recognition if the producer organisation does not prove compliance with the minimum volume or value of marketed production criteria as required by Article 154(1)(b) of Regulation (EU) No 1308/2013 by 15 October of the second year following the year in which those criteria were not complied with. Withdrawal shall take effect from the date from which the conditions for recognition were not fulfilled, or, if it is not possible to identify that date, from the date when the failure was established. Outstanding aid concerning the period during which the failure has been identified shall not be paid and unduly paid aid shall be recovered.

However, when a producer organisation delivers to the Member State proof that due to natural disasters, adverse climatic events, diseases or pest infestations, despite having undertaken the risk prevention measures it is not able to respect the recognition criteria laid down in Article 154(1)(b) of Regulation (EU) No 1308/2013 in respect of the minimum volume or value of marketable production laid down by Member States, the Member State may, for the year in question, derogate from the minimum volume or value of marketable production for this producer organisation.

7. In cases where paragraphs 1, 2, 4 and 5 apply, Member States may make payments after the deadline set out in Article 10 of Implementing Regulation (EU) 2017/892. However, these payments shall not be made later than 15 October of the second year following the year of implementation of the programme.

8. Paragraphs 1 to 5 shall apply *mutatis mutandis* in cases of failure by a producer organisation to provide the Member State with the information required under Article 21 of Implementing Regulation (EU) 2017/892.

#### Article 60

##### Fraud

1. Member States shall suspend payments to and the recognition of a producer organisation or an association of producer organisations, which are under investigation by a national authority in connection with a charge of fraud in respect of aid covered by Regulation (EU) No 1308/2013, until the charge has been determined.

2. Where a producer organisation or an association of producer organisations has committed fraud in respect of aid covered by Regulation (EU) No 1308/2013, Member States shall, without prejudice to any other penalties applicable under Union and national legislation:

- (a) withdraw the recognition of that organisation or association;
- (b) exclude the actions concerned from support under the operational programme concerned and recover any aid already paid with respect to those actions; and
- (c) exclude that organisation or association from recognition during the following year.

#### Article 61

##### Penalty for ineligible amounts

1. Payments shall be calculated on the basis of eligible actions.

2. The Member State shall examine the aid application, and establish the amounts that are eligible for support. It shall establish the amount that:

- (a) would be payable to the beneficiary based solely on the application;
- (b) is payable to the beneficiary after an examination of the eligibility of the application.

3. If the amount established pursuant to paragraph 2(a) exceeds the amount established pursuant to paragraph 2(b) by more than 3 %, a penalty shall be applied. The amount of the penalty shall be the difference between the amounts calculated pursuant to paragraph 2(a) and (b). However, no penalty shall be applied if the producer organisation is able to demonstrate that it is not responsible for the inclusion of the ineligible amount.

4. Paragraphs 2 and 3 shall apply *mutatis mutandis* to ineligible expenditure identified during on-the-spot or subsequent checks.

5. If the value of marketed production is declared and checked before the application for aid, the declared and approved values shall be used when establishing the amounts pursuant to paragraph 2(a) and (b), respectively.

6. Where at the end of the operational programme, the conditions referred to in Article 33(5)(b) of Regulation (EU) No 1308/2013 have not been complied with, the total amount of support for the last year of the operational programme shall be reduced in proportion to the amount of expenditure not incurred on environmental actions.

*Article 62***Administrative penalties following first-level checks on withdrawal operations**

1. If, following the check referred to in Article 29 of Implementing Regulation (EU) 2017/892, non-compliances are found with regard to the marketing standards or the minimum requirements referred to in Article 15 of Implementing Regulation (EU) 2017/892, exceeding the established tolerances, the producer organisation concerned shall be required to pay a penalty calculated according to the proportion of the withdrawn products not complying:
  - (a) where those quantities are less than 10 % of the quantities actually withdrawn pursuant to Article 44 of this Regulation, the penalty shall be equal to the Union financial assistance, calculated on the basis of the quantities of the non-complying withdrawn products;
  - (b) where those quantities are between 10 % and 25 % of the quantities actually withdrawn, the penalty shall be double the amount of the Union financial assistance, calculated on the basis of the quantities of the non-complying withdrawn products; or
  - (c) where those quantities exceed 25 % of the quantity actually withdrawn, the penalty shall be equal to the amount of the Union financial assistance for the entire quantity notified pursuant to Article 44 of this Regulation.
2. The penalties referred to in paragraph 1 shall apply without prejudice to any penalty applied pursuant to Article 61.

*Article 63***Administrative penalty applicable to producer organisations regarding withdrawal operations**

Expenditure for withdrawal operations shall not be eligible if the products have not been disposed of as provided for by the Member State under Article 46(1) or if the operation had a negative impact on the environment or any negative phytosanitary consequences, without prejudice to any penalty applied pursuant to Article 61.

*Article 64***Administrative penalties applicable to recipients of products withdrawn from the market**

Where irregularities attributable to the recipients of products withdrawn from the market are detected during checks made in accordance with Articles 29 and 30 of Implementing Regulation (EU) 2017/892, those recipients:

- (a) shall be excluded from the right to receive products withdrawn from the market; and
- (b) shall be required to pay the value of the products they received plus the related sorting, packaging and transport costs in accordance with the rules laid down by the Member States.

The exclusion provided for in point (a) of the first paragraph shall take effect immediately and last for at least one year with a possibility of extension.

*Article 65***Administrative penalties in relation to green harvesting and non-harvesting**

1. If the producer organisation has not fulfilled its obligations with regard to green harvesting, it shall pay by way of penalty the amount of the compensation relating to the areas for which the obligation has not been respected. A failure to fulfil obligations shall include cases where:
  - (a) the area notified for green harvesting is not eligible for green harvesting;
  - (b) the area is not totally harvested or the production not denatured;
  - (c) there has been a negative impact on the environment or a negative phytosanitary consequence for which the producer organisation is responsible.

2. If the producer organisation has not fulfilled its obligations with regard to non-harvesting, it shall pay, by way of penalty, the amount of the compensation relating to the areas for which the obligation has not been respected. A failure to fulfil obligations shall include cases where:

- (a) the area notified for non-harvesting is not eligible for non-harvesting;
- (b) a harvest or partial harvest has nevertheless taken place;
- (c) there has been a negative impact on the environment or a negative phytosanitary consequence for which the producer organisation is responsible.

Point (b) of the first subparagraph of this paragraph shall not apply where the second subparagraph of Article 48(3) applies.

3. The penalties referred to in paragraphs 1 and 2 shall apply in addition to any penalty imposed pursuant to Article 61.

#### Article 66

##### **Preventing an on-the-spot check**

A request for recognition, approval of an operational programme or an aid application shall be rejected for the item or the part of expenditure concerned, if a producer organisation, including its members or relevant representatives, prevents an on-the-spot check from being carried out.

#### Article 67

##### **Payment of recovered aid and penalties**

1. Producer organisations and associations of producer organisations or other operators concerned shall reimburse unduly paid aid with interest and pay the penalties provided for in this Section.

The interest shall be calculated:

- (a) on the basis of the period elapsing between receipt of undue payment and its reimbursement by the beneficiary;
- (b) at the rate applied by the European Central Bank to its main refinancing operations published in the 'C' series of the *Official Journal of the European Union* and in force on the date on which the undue payment is made, plus three percentage points.

2. Aid recovered, interest and penalties imposed shall be paid to the EAGF.

#### CHAPTER VI

##### **Extension of rules**

#### Article 68

##### **Conditions for the extension of rules**

1. Article 164 of Regulation (EU) No 1308/2013 shall apply to products of the fruit and vegetables and processed fruit and vegetables sectors provided that the rules referred to in paragraph 4 of that Article:

- (a) have been in force for at least one year;
- (b) are made binding for no more than three years.

However, Member States may derogate from the condition laid down in point (a) of the first subparagraph of this paragraph where the aim of the rules to be extended is one of those referred to in points (a), (e), (f), (h), (i) (j), (m) and (n) of the first subparagraph of Article 164(4) of Regulation (EU) No 1308/2013.

2. The rules which are made binding on all producers in a specific economic area shall not apply to products delivered for processing under a contract signed before the beginning of the harvest, unless the extension of rules expressly covers such products, with the exception of the rules on market reporting referred to in point (a) of the first subparagraph of Article 164(4) of Regulation (EU) No 1308/2013.

3. Rules of producer organisations or associations of producer organisations may not be made binding on producers of organic products covered by Regulation (EC) No 834/2007 unless they have been agreed by at least 50 % of producers covered by that Regulation in the economic area in which the producer organisation or the association of producer organisations operates and that organisation or association covers at least 60 % of such production of that area.

4. The rules referred to in point (b) of the first subparagraph of Article 164(4) of Regulation (EU) No 1308/2013 shall not apply to products which were produced outside the specific economic area referred to in Article 164(2) of that Regulation.

*Article 69***National rules**

1. For the purposes of Article 164(2) of Regulation (EU) No 1308/2013, Member States may decide that the economic area that is taken into account in the case of extension of rules of an interbranch organisation is a region or the entire national territory where production and marketing conditions are homogenous.
2. For the purpose of determining representativeness of producer organisations and associations of producer organisations within the meaning of Article 164(3) of Regulation (EU) No 1308/2013, Member States shall lay down rules excluding:
  - (a) producers whose production is intended essentially for direct sale to consumers on the holding or in the production area;
  - (b) direct sales as referred to in point (a);
  - (c) produce delivered for processing under a contract signed before the beginning of the harvest, unless the extended rules expressly cover such products;
  - (d) producers or production of organic products covered by Regulation (EC) No 834/2007.

*Article 70***Notification of extension of rules and economic areas**

1. When a Member State notifies rules it has made binding for a given product and economic area pursuant to Article 164(6) of Regulation (EU) No 1308/2013, it shall immediately inform the Commission of:
  - (a) the economic area in which those rules will apply;
  - (b) the producer organisation, association of producer organisations or interbranch organisation which requested the extension of the rules and the data showing the compliance with Article 164(3) of Regulation (EU) No 1308/2013;
  - (c) where the extension of rules is requested by a producer organisation or association of producer organisations, the number of producers who belong to that organisation or association and the total number of producers in the economic area concerned; such information shall be given in respect of the situation at the time when the request for extension is made;
  - (d) where the extension of rules is requested by a producer organisation or association of producer organisations, the total production of the economic area and the production marketed by that organisation or association during the last year for which figures are available;
  - (e) the date from which the rules to be extended have applied to the producer organisation, association of producer organisations or interbranch organisation concerned; and
  - (f) the date from which the extension is to take effect and its duration.
2. Where a Member State has laid down national rules regarding representativeness in case of extension of rules of interbranch organisations pursuant to the second subparagraph of Article 164(3) of Regulation (EU) No 1308/2013, it shall notify those rules to the Commission and their justification together with the notification of the extension of rules itself.
3. Before making the extended rules publicly available, the Commission shall inform Member States of those rules by any means it considers appropriate.

*Article 71***Repeal of extension of rules**

The Commission shall adopt the decision referred to in Article 175(d) of Regulation (EU) No 1308/2013 requiring a Member State to repeal an extension of rules decided on by that Member State pursuant to Article 164(1) of that Regulation where it finds that:

- (a) the decision of the Member State excludes competition in a substantial part of the internal market or jeopardises the free trade, or that the objectives of the Article 39 of the Treaty are endangered;

- (b) Article 101(1) of the Treaty applies to the rules extended to other producers;
- (c) the provisions of this Chapter have not been complied with.

The Commission's decision with regard to those rules shall apply from the date of the notification of such a finding to the Member State concerned.

#### Article 72

### Buyers of produce sold on the tree

1. In cases where producers not belonging to a producer organisation sell their produce on the tree, the buyer shall, for the purposes of compliance with the rules regarding production reporting and marketing, be considered as having produced that produce.
2. The Member State concerned may decide that rules other than those referred to in paragraph 1 may be made binding on buyers where they are responsible for the management of the production concerned.

#### TITLE III

### TRADE WITH THIRD COUNTRIES ENTRY PRICE SYSTEM

#### Article 73

### Definitions

For the purposes of this Chapter:

- (a) 'lot' means the goods presented under a declaration of release for free circulation, covering only goods of the same origin falling within one single CN code; and
- (b) 'importer' means the declarant within the meaning of Article 5(15) of Regulation (EU) No 952/2013 of the European Parliament and of the Council <sup>(1)</sup>.

#### Article 74

### Notification of prices and quantities of products imported

1. For each product and for the periods set out in Part A of Annex VII, for each market day and origin, Member States shall notify the Commission, by 12.00 noon (Brussels time) the following working day, of:
  - (a) the average representative prices of the products imported from third countries sold on Member States' import markets; and
  - (b) the total quantities relating to the prices referred to in point (a).

For the purposes of point (a) of the first subparagraph, Member States shall notify the Commission of the import markets they consider representative and which shall include London, Milan, Perpignan and Rungis.

Where the total quantities referred to in point (b) of the first subparagraph are less than 10 tonnes, the corresponding prices shall not be notified to the Commission.

2. The prices referred to in point (a) of the first subparagraph of paragraph 1 shall be recorded:
  - (a) for each of the products listed in Part A of Annex VII;
  - (b) for all of the available varieties and sizes; and
  - (c) at the importer/wholesaler stage or the wholesaler/retailer stage where no prices at the importer/wholesaler stage are available.

They shall be reduced by the following amounts:

- (a) a marketing margin of 15 % for the marketing centres of London, Milan and Rungis and of 8 % for other marketing centres; and
- (b) costs of transport and insurance within the customs territory of the Union.

For the costs of transport and insurance to be deducted pursuant to the second subparagraph, Member States may fix standard amounts for deduction. Such standard amounts and the methods for calculating them shall be notified to the Commission immediately.

<sup>(1)</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

3. The prices recorded in accordance with paragraph 2 shall, where they are established at the wholesale/retail stage, be reduced by:

- (a) an amount equal to 9 % to take in respect of the wholesaler's trade margin, and
- (b) an amount equal to EUR 0,7245 per 100 kilograms in respect of the costs of handling and market taxes and charges.

4. For products listed in Part A of Annex VII covered by a specific marketing standard, the following prices shall be deemed to be representative:

- (a) prices of Class I products where the quantities in that class account for at least 50 % of the total quantities marketed;
- (b) prices of Class I and Class II products where the quantities in those classes account for at least 50 % of the total quantities marketed;
- (c) prices of Class II products, where Class I products are not available, unless it is decided to apply an adjustment coefficient to them if, as a result of their quality characteristics, those products are not normally marketed in Class I.

The adjustment coefficient referred to in point (c) of the first subparagraph shall be applied after deduction of the amounts referred to in paragraph 2.

For products listed in Part A of Annex VII that are not covered by a specific marketing standard, prices of products complying with the general marketing standard shall be deemed to be representative.

#### Article 75

#### Entry price basis

1. For the purposes of Article 181(1) of Regulation (EU) No 1308/2013, the products of the fruit and vegetables and processed fruit and vegetables sectors referred to in that Article shall be those listed in Annex VII to this Regulation.

2. When the customs value of the products listed in Part A of Annex VII is determined in accordance with the transaction value referred to in Article 70 of Regulation (EU) No 952/2013 and that customs value is higher by more than 8 % than the flat-rate calculated by the Commission as a standard import value at the time the declaration of release of the products for free circulation is made, the importer must provide a guarantee as referred to in Article 148 of Commission Implementing Regulation (EU) 2015/2447 <sup>(1)</sup>. For this purpose, the amount of import duty for which the products listed in Part A of Annex VII to this Regulation may be liable, shall be the amount of the duty due if the product in question had been classified on the basis of the standard import value concerned.

The first subparagraph shall not apply when the standard import value is higher than the entry prices listed in Annex 2 of Section I of Part Three of Annex I to Council Regulation (EEC) No 2658/87 <sup>(2)</sup>, or where the declarant requests the immediate entry in the accounts of the amount of duties to which the goods may ultimately be liable instead of providing a guarantee.

3. When the customs value of the products listed in Part A of Annex VII is calculated in accordance with Article 74(2)(c) of Regulation (EU) No 952/2013, the duty shall be deducted as provided for in Article 38(1) of Implementing Regulation (EU) 2017/892. In that case, the importer shall provide a guarantee equal to the amount of duty which he would have paid if the classification of the products had been made on the basis of the standard import value applicable.

4. The customs value of the goods imported on consignment shall be directly determined in accordance with Article 74(2)(c) of Regulation (EU) No 952/2013, and for this purpose, the standard import value calculated in accordance with Article 38 of Implementing Regulation (EU) 2017/892 shall apply during the periods in force.

5. The importer shall have one month from the sale of the products in question, subject to a limit of four months from the date of acceptance of the declaration of release for free circulation, to prove that the lot was disposed of under the conditions confirming the correctness of the prices referred to in Article 70 of Regulation (EU) No 952/2013, or to determine the customs value referred to in Article 74(2)(c) of that Regulation.

<sup>(1)</sup> 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).

<sup>(2)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Failure to meet one of these deadlines shall entail the loss of the guarantee provided, without prejudice to the application of paragraph 6.

The guarantee provided shall be released to the extent that proof of the conditions of disposal is provided to the satisfaction of the customs authorities. Otherwise the guarantee shall be forfeit by way of payment of the import duties.

In order to prove that the lot was disposed of under the conditions set out in the first subparagraph, the importer shall make available, in addition to the invoice, all documents needed for the carrying out of the relevant customs controls in relation to the sale and disposal of each product of the lot in question, including documents relating to the transport, insurance, handling and storage of the lot.

Where the marketing standards referred to in Article 3 of Implementing Regulation (EU) No 543/2011 require the product variety or the type of the fruit and vegetables to be indicated on the packaging, the product variety or the type of the fruit and vegetables that form part of the lot shall be indicated on documents related to transport, invoices and the delivery order.

6. The time limit of four months referred to in the first subparagraph of paragraph 5 may be extended by the competent authorities of the Member State by a maximum of three months at the request of the importer, which must be duly justified.

If on verification, the competent authorities of the Member States establish that the requirements of this Article have not been met, they shall recover the duty due in accordance with Article 105 of Regulation (EU) No 952/2013. The amount of the duty to be recovered or remaining to be recovered shall include interest from the date the goods were released for free circulation up to the date of recovery. The interest rate applied shall be that in force for recovery operations under national law.

#### TITLE IV

### GENERAL, TRANSITIONAL AND FINAL PROVISIONS

#### *Article 76*

#### **National penalties**

Without prejudice to any penalties set out in Regulation (EU) No 1306/2013, Regulation (EU) No 1308/2013, this Regulation or Implementing Regulation (EU) 2017/892, Member States shall apply penalties at national level in relation to irregularities with regard to requirements set out in those regulations, including in respect of producer organisations not implementing an operational programme. Those penalties shall be effective, proportionate and dissuasive so that they provide adequate protection for the financial interests of the Union.

#### *Article 77*

#### **Notifications**

1. Member States shall designate a single competent authority or body responsible for fulfilling the notification obligations with respect to each one of the following topics:

- (a) producer groups, producer organisations, associations of producer organisations, and interbranch organisations, as provided for in Article 54;
- (b) producer prices of fruit and vegetables on the internal market, as provided for in Article 55;
- (c) prices and quantities of the products imported from third countries and sold on the representative import markets referred to in Article 74;
- (d) import volumes put into free circulation, as provided for in Article 39 of Implementing Regulation (EU) 2017/892.

2. Member States shall notify the Commission of the designation and the contact details of the authority or body concerned, and every change of this information.

The list of the designated authorities or bodies containing their names and addresses shall be made available to the Member States and to the public by every appropriate means via the information systems put in place by the Commission, including publication on the internet.

3. The notifications provided for in this Regulation and in Implementing Regulation (EU) 2017/892 shall be made in accordance with Commission Regulation (EC) No 792/2009 <sup>(1)</sup>.

4. If a Member State fails to make a notification as required under Regulation (EU) No 1308/2013, this Regulation or Implementing Regulation (EU) 2017/892, or if the notification appears incorrect in the light of objective facts in the Commission's possession, the Commission may suspend part or all of the monthly payments referred to in Article 17 of Regulation (EU) No 1306/2013 as regards the fruit and vegetables sector until the notification is made correctly.

#### Article 78

#### **Notification of *force majeure***

For the purposes of Articles 59(7) and 64(2)(a) of Regulation (EU) No 1306/2013, any case of *force majeure* shall be notified to the competent authority of the Member State, with relevant evidence to the satisfaction of that authority, within 30 working days of the date on which the case of *force majeure* took place.

#### Article 79

#### **Amendment of Implementing Regulation (EU) No 543/2011**

Implementing Regulation (EU) No 543/2011 is amended as follows:

- (1) Article 2 is deleted;
- (2) Articles 19 to 35 are deleted;
- (3) Articles 50 to 148 are deleted;
- (4) Annexes VI to XVIII are deleted.

#### Article 80

#### **Transitional provisions**

1. Without prejudice to Article 34, at the request of a producer organisation or association of producer organisations an operational programme approved under Implementing Regulation (EU) No 543/2011 may:

- (a) continue to operate until its end under the conditions applicable under Implementing Regulation (EU) No 543/2011;
- (b) be modified to meet the requirements of Regulation (EU) No 1308/2013, this Regulation and Implementing Regulation (EU) 2017/892; or
- (c) be replaced by a new operational programme approved under Regulation (EU) No 1308/2013, this Regulation and Implementing Regulation (EU) 2017/892.

2. By way of derogation from Article 23, the ceiling on Union financial assistance for 2017 shall be as calculated under Implementing Regulation (EU) No 543/2011.

3. As regards producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007, the deleted provisions of Implementing Regulation (EU) No 543/2011 as referred to in Article 79 of this Regulation shall continue to apply until those producer groups have been recognised as producer organisations or the Member State concerned has recovered the aid paid pursuant to Article 116(2) of Implementing Regulation (EU) No 543/2011.

<sup>(1)</sup> Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

*Article 81***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*.

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

Done at Brussels, 13 March 2017

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX I

## Processed products referred to in Article 22(2)

Category	CN code	Description
Fruit juices	ex 2009	Fruit juices, excluding grape juice and grape must of subheadings 2009 61 and 2009 69, banana juice of subheading ex 2009 80 and concentrated juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.  Concentrated fruit juices are fruit juices coming under heading ex 2009 obtained by the physical removal of at least 50 % of the water content, in packings of a net content of not less than 200 kg.
Tomato concentrate	ex 2002 90 31 ex 2002 90 91	Tomato concentrate with a dry weight content of not less than 28 % in immediate packings of a net content of not less than 200 kg.
Frozen fruit and vegetables	ex 0710  ex 0811  ex 2004	Vegetables (uncooked or cooked by steaming or boiling in water) frozen, excluding sweetcorn of subheading 0710 40 00, olives of subheading 0710 80 10 and fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> of subheading 0710 80 59.  Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter, excluding frozen bananas falling within subheading ex 0811 90 95.  Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than the products of heading 2006, excluding sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) of subheading ex 2004 90 10, olives of subheading ex 2004 90 30 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2004 10 91.
Canned fruit and vegetables	ex 2001  ex 2002  ex 2005	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid, excluding: — fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos of subheading 2001 90 20 — sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) of subheading 2001 90 30 — yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch of subheading 2001 90 40 — palm hearts of subheading 2001 90 60 — olives of subheading 2001 90 65 — vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2001 90 97.  Tomatoes prepared or preserved otherwise than by vinegar or acetic acid excluding tomato concentrate of subheadings ex 2002 90 31 and ex 2002 90 91 described above.  Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006 excluding olives of subheading 2005 70, sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) of subheading 2005 80 00 and fruit of the genus <i>Capsicum</i> , other than sweet peppers or pimentos of subheading 2005 99 10 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2005 20 10.

Category	CN code	Description
	ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding: <ul style="list-style-type: none"> <li>— peanut butter of subheading 2008 11 10</li> <li>— other nuts, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included, of subheading ex 2008 19</li> <li>— palm hearts of subheading 2008 91 00</li> <li>— maize of subheading 2008 99 85</li> <li>— yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2008 99 91</li> <li>— vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2008 99 99</li> <li>— mixtures of banana otherwise prepared or preserved of subheadings ex 2008 92 59, ex 2008 92 78, ex 2008 92 93 and ex 2008 92 98</li> <li>— bananas otherwise prepared or preserved of subheadings ex 2008 99 49, ex 2008 99 67 and ex 2008 99 99.</li> </ul>
Canned mushrooms	2003 10	Mushrooms of the genus <i>Agaricus</i> prepared or preserved otherwise than by vinegar or acetic acid.
Fruits provisionally preserved in brine	ex 0812	Fruit and nuts, provisionally preserved in brine, but unsuitable in that state for immediate consumption, excluding bananas provisionally preserved falling within subheading ex 0812 90 98.
Dried fruits	ex 0813 0804 20 90 0806 20 ex 2008 19	Fruit, dried, other than that of headings 0801 to 0806. Dried figs. Dried grapes. Other nuts, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included, excluding tropical nuts and their mixtures.
Other processed fruit and vegetable		Processed fruit and vegetables listed in Part X of Annex I of Regulation (EU) No 1308/2013, different from the products listed in the categories above.
Processed aromatic herbs	ex 0910 ex 1211	Dried thyme. Basil, melissa, mint, <i>Origanum vulgare</i> (oregano/wild marjoram), rosemary, sage, dried, whether or not cut, crushed or powdered.
Paprika powder	ex 0904	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , excluding sweet peppers falling within subheading 0904 20 10.

## ANNEX II

**List of actions and expenditure not eligible under operational programmes referred to in Article 31(1)**

1. General production costs and, in particular, costs for (even certified) mycelium, seeds and non-perennial plants; plant protection products (including integrated control materials); fertilisers and other inputs; costs of collection or transport (internal or external); storage costs; packaging costs (including use and management of packaging), even as part of new processes; operating costs (in particular electricity, fuel and maintenance).
2. Administrative and personnel costs with the exception of expenditure relating to the implementation of operational funds and operational programmes.
3. Income or price supplements outside crisis prevention and management.
4. Insurance costs outside the harvest insurance measures referred to in Section 7 of Chapter III of Title II.
5. Reimbursement of loans taken out for an operation carried out before the beginning of the operational programme other than those referred to in Article 38.
6. Purchase of land not built on costing more than 10 % of all the eligible expenditure on the operation concerned.
7. Costs of meetings and training programmes not related to the operational programme.
8. Operations or costs relating to the quantities produced by the members of the producer organisation outside the Union.
9. Operations that could distort competition in the other economic activities of the producer organisation.
10. Investments in means of transport to be used for marketing or distribution by the producer organisation.
11. Operating costs of goods hired.
12. Expenditure linked to leasing contracts (taxes, interest, insurance costs, etc.) and operating costs.
13. Subcontracting or outsourcing contracts relating to the operations or expenditure mentioned as not eligible in this list.
14. Value added tax (VAT) except where it is non-recoverable under national VAT legislation.
15. Any national or regional taxes or fiscal levies.
16. Interest on debt except where the contribution is made in a form other than a non-repayable direct assistance.
17. Investments in shares or capital of companies if the investment represents a financial investment.
18. Costs incurred by parties other than the producer organisation or its members and associations of producer organisations or their producer members or subsidiaries in the situation referred to in Article 22(8).
19. Investments or similar types of actions not on the holdings and/or premises of the producer organisation, association of producer organisations, or their producer members or a subsidiary in the situation referred to in Article 22(8).
20. Measures outsourced by the producer organisation outside the Union.

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## ANNEX III

**Non-exhaustive list of actions and expenditure eligible under operational programmes referred to in Article 31(1)**

## 1. Specific costs for:

- quality improvement measures;
- biological plant protection materials (such as pheromones and predators) whether used in organic, integrated or conventional production;
- environmental actions referred to in Article 33(5) of Regulation (EU) No 1308/2013;
- organic, integrated or experimental production, including specific costs for organic seeds and seedlings;
- monitoring of compliance with the standards referred to in Title II of Implementing Regulation (EU) No 543/2011, with plant-health rules and with maximum level of residues.

Specific costs shall mean the additional costs, calculated as the difference between the conventional costs and the costs actually incurred, and income foregone resulting from an action excluding additional income and costs savings.

For each category of eligible specific costs referred to in the first paragraph, in order to calculate additional costs compared with conventional ones, Member States may fix, in a duly justified way, standard flat-rates or scales of unit costs.

## 2. Administrative and personnel costs relating to the implementation of operational funds and operational programmes which shall include:

- (a) overheads specifically related to the operational fund or operational programme, including management and personnel costs, reports and evaluation studies, and the costs of keeping accounts and the management of accounts, by means of the payment of a standard flat rate up to a maximum of 2 % of the operational fund as approved in accordance with Article 33 and up to a maximum of EUR 180 000, comprising both the Union financial assistance and the producer organisation contribution.

In the case of operational programmes submitted by recognised associations of producer organisations, overheads shall be calculated as the addition of the overheads of each producer organisation as provided for in the first paragraph but limited to a maximum of EUR 1 250 000 per association of producer organisations.

Member States may restrict funding to the real costs, in which case they should define the eligible costs;

- (b) personnel costs including legally compulsory charges linked to wages and salaries, if these are directly borne by the producer organisation, association of producer organisation or subsidiaries in the situation referred to in Article 22(8) subject to Member States' approval, by cooperatives which are a member of the producer organisation, resulting from measures:

- (i) to improve or maintain a high level of quality or environmental protection;

- (ii) to improve the level of marketing.

The implementation of these measures shall essentially involve the use of qualified personnel. If, in such cases, the producer organisation uses its own employees or producer members, the time worked shall be documented.

If a Member State wishes to provide an alternative to restricting funding to the real costs, for all the eligible personnel costs referred to in this point, it shall fix, *ex ante* and in a duly justified way, standard flat rates or scales of unit costs up to a maximum of 20 % of the approved operational fund. This percentage may be increased in duly justified cases.

When requesting those standard flat rates, producer organisations shall furnish proof of the implementation of the action to the satisfaction of the Member State;

- (c) legal and administrative costs of mergers of producer organisations, as well as legal and administrative costs related to creating transnational producer organisations or transnational associations of producer organisations; feasibility studies and proposals commissioned by producer organisations in this respect.
3. Costs of meetings and training programmes where they are related to the operational programme, including daily allowances, transport and accommodation costs, where applicable, on a standard flat-rate or scales of unit costs basis.
4. Promotion of:
- brands/trademarks of producer organisation, associations of producer organisations and subsidiaries in the situation referred to in Article 22(8),
  - generic promotion and promotion of quality labels,
  - costs for promotional printing on packaging or on labels under any of the first and second indents on the condition that it is provided for in the operational programme.

Geographical names are allowed only if:

- (a) they are a protected designation of origin or a protected geographical indication, covered by Regulation (EU) No 1151/2012 of the European Parliament and of the Council <sup>(1)</sup>; or
- (b) in all cases where point (a) does not apply, these geographical names are secondary to the principal message.

Promotional material for generic promotion and promotion of quality labels shall bear the emblem of the European Union (in the case of visual media only) and include the following statement: 'Campaign financed with the aid of the European Union'. Producer organisations, associations of producer organisations and subsidiaries in the situation referred to in Article 22(8) of this Regulation shall not use the emblem of the European Union in promotion of their brands/trademarks.

5. Costs for transport, sorting and packing related to free distribution as referred to in Articles 16 and 17 of Implementing Regulation (EU) 2017/892.
6. Purchase of land not built on where purchase is necessary to carry out an investment included in the operational programme provided it costs less than 10 % of all the eligible expenditure on the operation concerned; in exceptional and duly justified cases, a higher percentage can be fixed for operations concerning environmental conservation.
7. Purchase of equipment, including second hand equipment provided it has not been purchased with Union or national support in a period of seven years preceding the purchase.
8. Investments in means of transport where the producer organisation duly justifies to the Member State concerned that the means of transport shall only be used for transport internal to the producer organisation; and investments in additional on-the-truck facilities for cold-storage or controlled atmosphere transport.
9. Leasing, including of second hand equipment which has not received Union or national support in a period of seven years preceding the leasing, within the limits of the net market value of the item.
10. Hire of equipment or other items where economically justified as an alternative to purchase, at the approval of the Member State.
11. Investments in shares or capital of companies contributing directly to the achievement of the goals of the operational programme.

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<sup>(1)</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

## ANNEX IV

**Maximum amounts of support for market withdrawals as referred to in Article 45(1)**

Product	Maximum support (EUR/100 kg)	
	Free distribution	Other destinations
Cauliflowers	21,05	15,79
Tomatoes (1 June – 31 October)	7,25	7,25
Tomatoes (1 November – 31 May)	33,96	25,48
Apples	24,16	18,11
Grapes	53,52	40,14
Apricots	64,18	48,14
Nectarines	37,82	28,37
Peaches	37,32	27,99
Pears	33,96	25,47
Aubergines	31,2	23,41
Melons	48,1	36,07
Watermelons	9,76	7,31
Oranges	21,00	21,00
Mandarins	25,82	19,50
Clementines	32,38	24,28
Satsumas	25,56	19,50
Lemons	29,98	22,48

## ANNEX V

**Information to be included in the annual report of Member States as referred to in Article 54(b)**

All information shall relate to the year being reported on. It shall also include information on expenditure paid after the end of the year being reported on. It shall cover information on checks executed and administrative penalties applied in respect of that year including those executed or applied after that year. As regards the information that varies during the year the annual report should contain an overview of the variations of this information that occurred during the year reported on as well as the situation existing on 31 December of the year reported on.

## PART A — INFORMATION FOR MARKET MANAGEMENT

## 1. Administrative information

- (a) National legislation adopted in order to implement Articles 32 to 38, 152 to 160, 164 and 165 of Regulation (EU) No 1308/2013, including the national strategy for sustainable operational programmes applicable to operational programmes implemented in the year being reported on.
- (b) Information on producer organisations and associations of producer organisations and producer groups:
  - code number;
  - name and contact details;
  - date of recognition (preliminary recognition in case of producer groups);
  - all the legal entities or clearly defined parts of legal entities involved and all subsidiaries involved;
  - number of members (broken down between producers and non-producers) as well as changes in membership during the year;
  - area under fruit and vegetable production (total and broken down into main crops), product coverage and description of the final products sold (with the indication of their value and volume according to the main sources), and the main destinations of the products, by value (with details concerning the products marketed for the fresh market, the products sold for processing and the products that were withdrawn from the market);
  - changes in structures during the year, in particular: newly recognised or formed bodies, withdrawals and suspensions of recognitions and mergers with dates of these events.
- (c) Information on interbranch organisations:
  - name of the organisation and contact details;
  - date of recognition;
  - product coverage;
  - changes during the year.

## 2. Information related to expenditures

- (a) Producer organisations. Financial data per beneficiary (producer organisation or association of producer organisations):
  - operational fund: total amount, financial assistance from the Union, from the Member State (national assistance), contributions from the producer organisation and the members;
  - description of the level of Union financial assistance under Article 34 of Regulation (EU) No 1308/2013;
  - financial data of the operational programme, broken down between producer organisations and associations of producer organisations;
  - value of marketed production: total and broken down into the different legal entities composing the producer organisation or association of producer organisations;

- expenditure on the operational programme, broken down by measures and types of action selected as eligible for support;
  - information on the volume of products withdrawn broken down by products and by months and between total volumes withdrawn from the market and volumes disposed of by way of free distribution, expressed in tonnes;
  - list of the approved bodies for the purposes of Article 34(4) of Regulation (EU) No 1308/2013.
- (b) For producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007. Financial data per beneficiary:
- total amount, aid from the Union, from the Member State and contributions from the producer group and members;
  - aid from the Member State, showing sub-totals for producer groups in the first, second, third, fourth and fifth years of the transition period;
  - expenditure on investments required to attain recognition under Article 103a(1)(b) of Regulation (EC) No 1234/2007 with breakdown into aid from the Union and the Member State and producer group contribution;
  - value of marketed production, with sub-totals for produce groups in the first, second, third, fourth and fifth years of the transition period.
- (c) For producer organisations and producer groups referred to in Article 27 of Regulation (EU) No 1305/2013:
- value and volume of marketed production and number of members.

### 3. Information on the implementation of the national strategy:

- summary description of progress made in the implementation of the operational programmes, broken down between each type of measure as referred to in Article 2(1)(f). The description shall be based on financial and common output and result indicators and summarise the information provided in the annual progress reports transmitted by the producer organisations concerning the operational programmes;
- a summary of the results of the evaluations of the operational programmes, as transmitted by the producer organisations including the qualitative assessments of the results and impact of environmental actions;
- a summary of the major problems encountered in the implementation of the national strategy and its management and any measure taken including an indication of whether the national strategy has been updated and the reason for the updating. A copy of the updated strategy shall be annexed to the annual report.

## PART B — INFORMATION FOR THE CLEARANCE OF ACCOUNTS

### Information on checks and administrative penalties:

- checks carried out by the Member State: details of bodies visited and dates of visiting;
  - checking rates;
  - results of checks;
  - administrative penalties applied.
-

## ANNEX VI

**Price notification referred to in Article 55(1)**

Product	Type/variety	Presentation/size	Representative Markets
Tomatoes	Round	Size 57-100 mm, in bulk in packages of around 5-6 kg	Belgium Greece
	Trusses	in bulk in packages of around 3-6 kg	Spain France
	Cherry	Trays of around 250-500 g	Italy Hungary The Netherlands Poland Portugal Romania
Apricots	All types and varieties	Size 45-50 mm Trays or packages of around 6-10 kg	Bulgaria Greece Spain France Italy Hungary
Nectarines	White flesh	Size A/B Trays or packages of around 6-10 kg	Greece Spain France
	Yellow flesh	Size A/B Trays or packages of around 6-10 kg	Italy
Peaches	White flesh	Size A/B Trays or packages of around 6-10 kg	Greece Spain France
	Yellow flesh	Size A/B Trays or packages of around 6-10 kg	Italy Hungary Portugal
Table grapes	All types and varieties with seeds	Trays or packages of 1 kg	Greece Spain
		Trays or packages of 1 kg	France Italy
	All type and varieties seedless		Hungary Portugal

Product	Type/variety	Presentation/size	Representative Markets
Pears	Blanquilla	Size 55/60, packages of around 5-10 kg	Belgium
	Conference	Size 60/65+, packages of around 5-10 kg	Greece Spain
	Williams	Size 65+/75+, packages of around 5-10 kg	France Italy
	Rocha		Hungary The Netherlands
	Abbé Fétel	Size 70/75, packages of around 5-10 kg	Poland
	Kaiser		Portugal
	Doyenné du Comice	Size 75/90, packages of around 5-10 kg	
Apples	Golden delicious	Size 70/80, packages of around 5-20 kg	Belgium
	Braeburn		Czech Republic
	Jonagold (or Jonagored)		Germany
	Idared		Greece
	Fuji		Spain
	Shampion		France
	Granny smith		Austria
	Red delicious and other red varieties		
	Boskoop		
	Gala	Size 70/80, packages of around 5-20 kg	France
	Elstar		Italy Hungary
	Cox orange		The Netherlands Poland Portugal Romania
	Satsumas	All varieties	Sizes 1-X -3, packages of around 10-20 kg
Lemons	All varieties	Sizes 3-4, packages of around 10-20 kg	Greece Spain Italy
Clementines	All varieties	Sizes 1-X -3, packages of around 10-20 kg	Greece Spain Italy

Product	Type/variety	Presentation/size	Representative Markets
Mandarins	All varieties	Sizes 1 – 2, packages of around 10-20 kg	Greece Spain Italy Portugal
Oranges	Salustiana	Size 3-6, kg packages of around 10-20 kg	Greece Spain Italy Portugal
	Navelinas		
	Navelate		
	Lanelate		
	Valencia late		
	Tarocco		
	Navel		
Courgettes	All varieties	Size 14-21, loose in the package	Greece Spain France Italy The Netherlands
Cherries	All sweet varieties	Sizes 22 and over, loose in the package	Bulgaria Czech Republic Germany Greece Spain France Italy Hungary Poland Portugal Romania
Cucumbers	Smooth varieties	Sizes 350-500 g, arranged in the package	Bulgaria Greece Spain France Italy Hungary The Netherlands Poland

Product	Type/variety	Presentation/size	Representative Markets
Garlic	White	Size 50-60 mm, packages of around 2-5 kg	Greece Spain
	Violet	Size 45-55 mm, packages of around 2-5 kg	France Italy
	Spring	Size 50-60 mm, packages of around 2-5 kg	Hungary
Plums	All types and varieties	Size 35 mm and over	Bulgaria Germany
		Size 35 mm and over	Spain France
		Size 40 mm and over	Italy Hungary
		Size 40 mm and over	Poland Romania
Sweet peppers	All types and varieties	Size 70 mm and over	Bulgaria Greece
		Size 50 mm and over	Spain Italy
		Size 40 mm and over	Hungary The Netherlands Portugal
Lettuces	All types and varieties	Size 400 g and over, packages of 8 – 12	Germany Greece
		Size 400 g and over, packages of 8 – 12	Spain France Italy The Netherlands Portugal United Kingdom
Strawberries	All varieties	Packages of 250/500 g	Belgium Germany Spain France Italy The Netherlands Poland Portugal United Kingdom

Product	Type/variety	Presentation/size	Representative Markets
Cultivated mushrooms	Closed	Medium sized (30-65 mm)	Ireland Spain France Hungary The Netherlands Poland United Kingdom
Kiwis	Hayward	Sizes 105-125 g, packages of around 3-10 kg	Greece France Italy Portugal
Cauliflowers	All types and varieties	Size 16-20 mm	Germany Spain France Italy Poland
Asparagus	All types and varieties	Size 10-16/16+	Germany Spain France The Netherlands Poland
Eggplants (aubergines)	All types and varieties	Size 40+/70+	Spain Italy Romania
Carrots	All types and varieties	usual standards in the representative market	Germany Spain France Italy The Netherlands Poland United Kingdom
Onions	All types and varieties	Size 40-80	Germany Spain France Italy The Netherlands Poland United Kingdom

Product	Type/variety	Presentation/size	Representative Markets
Beans	All types and varieties	usual standards in the representative market	Belgium Greece Spain France Italy Poland
Leeks	All types and varieties	usual standards in the representative market	Belgium Germany Spain France The Netherlands Poland
Water melons	All types and varieties	usual standards in the representative market	Greece Spain Italy Hungary Romania
Melons	All types and varieties	usual standards in the representative market	Greece Spain France Italy
Cabbages	All types and varieties	usual standards in the representative market	Germany Greece Spain France Poland Romania United Kingdom

## ANNEX VII

**List of products for the purposes of the entry price system set out in Title III**

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. For the purposes of this Annex, the scope of the arrangements provided for in the Title III is determined by the scope of the CN codes as they exist at the time of adoption of this Regulation. Where 'ex' appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and that of the description of the products, and the corresponding period of application

## PART A

CN code	Description	Period of application
ex 0702 00 00	Tomatoes	From 1 January to 31 December
ex 0707 00 05	Cucumbers (1)	From 1 January to 31 December
ex 0709 90 80	Artichokes	From 1 November to 30 June
0709 90 70	Courgettes	From 1 January to 31 December
ex 0805 10 20	Sweet oranges, fresh	From 1 December to 31 May
ex 0805 20 10	Clementines	From 1 November to end of February
ex 0805 20 30	Mandarins (including tangerines and satsumas);	From 1 November to end of February
ex 0805 20 50	wilking and similar citrus hybrids	
ex 0805 20 70		
ex 0805 20 90		
ex 0805 50 10	Lemons ( <i>Citrus limon</i> , <i>Citrus limonum</i> )	From 1 June to 31 May
ex 0806 10 10	Table grapes	From 21 July to 20 November
ex 0808 10 80	Apples	From 1 July to 30 June
ex 0808 20 50	Pears	From 1 July to 30 April
ex 0809 10 00	Apricots	From 1 June to 31 July
ex 0809 20 95	Cherries, other than sour cherries	From 21 May to 10 August
ex 0809 30 10	Peaches, including nectarines	From 11 June to 30 September
ex 0809 30 90		
ex 0809 40 05	Plums	From 11 June to 30 September

## PART B

CN code	Description	Period of application
ex 0707 00 05	Cucumbers intended for processing	From 1 May to 31 October
ex 0809 20 05	Sour cherries ( <i>Prunus cerasus</i> )	From 21 May to 10 August

**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**

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 <sup>(1)</sup>, and in particular Article 38, Article 174(1)(d), Article 181(3), and Article 182(1) and (4) thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(2)</sup>, and in particular Article 58(4)(a), Article 62(2)(a) to (d) and (h) and Article 64(7)(a) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 has replaced Council Regulation (EC) No 1234/2007 <sup>(3)</sup> and lays down new rules concerning the fruit and vegetables and processed fruit and vegetables sectors. It also empowers the Commission to adopt delegated and implementing acts in that respect. Those acts should replace some of the provisions of Commission Implementing Regulation (EU) No 543/2011 <sup>(4)</sup>. That Regulation is amended by Commission Delegated Regulation (EU) 2017/891 <sup>(5)</sup>.
- (2) In order to optimise the allocation of financial resources and to improve the quality of the strategy, provisions should be laid down establishing the structure and content of the national strategy for sustainable operational programmes and the national framework for environmental actions. The environmental actions that may be included in that national framework and the requirements to be complied with should be established to facilitate the drafting and implementation of those actions.
- (3) Furthermore, rules should be provided regarding the content of the operational programmes, the documents to be submitted, time limits for submission and implementation periods of operational programmes.
- (4) To ensure the correct application of the aid scheme for producer organisations, provisions on information to be included in the applications for aid as well as procedures for the payment of aid should be laid down. To prevent cash-flow difficulties, a system of advance payments accompanied by appropriate securities should be made available to producer organisations. For similar reasons, an alternative system should be available for the reimbursement of expenditure already incurred.
- (5) As the production of fruit and vegetables is unpredictable and the products are perishable, the surplus on the market, even if it is not too great, can significantly disturb the market. Therefore, implementing rules relating to crisis prevention and management measures need to be laid down.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(3)</sup> Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

<sup>(4)</sup> 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).

<sup>(5)</sup> 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 (see p. 4 of this Official Journal).

- (6) Detailed rules concerning the national financial assistance which Member States may grant in regions of the Union where the degree of organisation of producers is particularly low should be laid down. Procedures should be provided for the approval of such national financial assistance as well as for the approval and the amount of the reimbursement by the Union. In addition, the proportion of reimbursement should be laid down.
- (7) Provisions concerning the type and format of certain information to be provided for the application of Regulation (EU) No 1308/2103, Delegated Regulation (EU) 2017/891 and this Regulation should be laid down. Those provisions should cover information from producers and producer organisations to the Member States and from the Member States to the Commission.
- (8) Provisions should be laid down as regards the administrative and the on-the spot checks necessary to ensure the proper application of Regulation (EU) No 1308/2013 in the fruit and vegetables sector.
- (9) For the purposes of Article 59(6) of Regulation (EU) No 1306/2013, rules on the correction of obvious errors in aid applications, notifications, claims or requests need to be laid down.
- (10) Rules should be laid down concerning financial contributions from producers who do not belong to producer organisations, associations of producer organisations or inter-branch organisations for which rules are made binding that are agreed within organisations or associations that are considered to be representative in a specific economic area.
- (11) Standard import values should be calculated on the basis of the weighted average of the average representative prices of imported products sold on Member State's import markets, using the data on these prices and on imported quantities of the products concerned notified by Member States to the Commission pursuant to Article 74 of Delegated Regulation (EU) 2017/891. Provisions should be laid down concerning cases in which no average representative prices are available for products of a given origin.
- (12) Detailed rules concerning the import duty which can be imposed on certain products in addition to that provided for in the Common Customs Tariff should be laid down. Provision should be made that additional import duty may be imposed if import volumes of the products concerned exceed trigger levels determined for the product and the period of application. Goods en route to the Union are exempt from the additional import duty and, therefore, specific provisions for such goods should be adopted.
- (13) This Regulation should enter into force on and apply from the seventh day following that of its publication in the *Official Journal of the European Union*.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### 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.

## SECTION 2

**Operational programmes**

## Article 2

**National strategy for sustainable operational programmes**

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

## Article 3

**National framework for environmental actions and the eligible investments**

1. A separate section of the national 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 national framework shall set out a non-exhaustive list of environmental actions and the conditions thereof applicable in the Member State 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 Member State concerned;
- (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 national framework shall indicate:

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

The national 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.

Member States 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

<sup>(1)</sup> 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).

- (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, Member States 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 Member State.

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 national competent 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.

#### Article 4

### Content of operational programmes

1. Operational programmes shall include the following:
  - (a) a description of the initial situation, based, where relevant, on the common baseline indicators listed in point 5 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 national strategy, 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 Union 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>(1)</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 Union funds.

#### 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 Union or national funding in respect of actions qualifying for aid under Regulation (EU) No 1308/2013 in the fruit and vegetables sector.

<sup>(1)</sup> 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).

*Article 6***Time limit for submission**

1. An operational programmes shall be submitted for approval by a producer organisation to the competent authority of the Member State in which the producer organisation has its headquarters, by 15 September of the year preceding that in which the programme is to be implemented. However, Member States may set a date later than 15 September.
2. When a legal entity or clearly defined part of a legal entity, including a producer group formed pursuant to Article 125e of Regulation (EC) No 1234/2007 or 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.

*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**

Member States 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, Member States shall notify those organisations and associations of the approved amount of aid by 20 January of the year for which aid is requested.

*Article 9***Aid applications**

1. Producer organisations shall submit an application for aid, or the balance thereof, to the competent authority of the Member State 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 Union or national funding in respect of measures or operations qualifying for aid under Regulation (EU) No 1308/2013 in the fruit and vegetables sector;
- (i) in the case of an application for payment based on standard flat rates or scales of unit costs as referred to in Article 31(2) of Delegated Regulation (EU) 2017/891, proof of the implementation of the action concerned; and
- (j) the annual report referred to in Article 21.

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 competent authority of the Member State 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 same Member State which recognised the association of producer organisations 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.

6. Producer organisations which are members of transnational associations of producer organisations shall apply for aid in the Member State where they are recognised regarding actions implemented on the territory of that Member State. The transnational association of producer organisations shall provide the Member State where it has its headquarters with a copy of the application.

7. Without prejudice to paragraph 6, transnational associations of producer organisations may submit an application for aid in the Member State where the association has its headquarters regarding actions implemented at the level of the association provided that there is no risk of double funding.

#### Article 10

#### Payment of the aid

Member States shall pay the aid by 15 October of the year following the year of implementation of the programme.

*Article 11***Advance payments**

1. Applications for advance payments may be submitted as decided by the Member State, either on a three-monthly basis in January, April, July and October or on a four-monthly basis in January, May and September.

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

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 <sup>(1)</sup>.

3. Member States may set a minimum amount and the deadlines for advance payments.

*Article 12***Partial payments**

1. Member States may permit producer organisations to apply 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. Member States may set a minimum amount for partial payments and deadlines for applications.

## CHAPTER II

**CRISIS PREVENTION AND MANAGEMENT MEASURES***Article 13***Training measures and exchanges of better practices**

Member States shall adopt provisions on the conditions to be fulfilled by training measures and exchanges of better practices to be considered as crisis prevention and management measures.

*Article 14***Promotion and communication measures**

1. Member States shall adopt provisions on the conditions to be fulfilled by promotion and communication measures, whether those measures relate to crisis prevention or crisis management. Those provisions shall allow for the rapid application of the measures when required.

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.

*Article 15***Marketing standards of products withdrawn**

1. A product withdrawn from the market shall comply with the marketing standard for that product as referred to in Title II of Implementing Regulation (EU) No 543/2011, except for the provisions on the presentation and marking of products. Where products are withdrawn in bulk, the minimum requirements for class II shall be complied with.

<sup>(1)</sup> 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).

However, miniature produce as defined in the relevant standard shall comply with the applicable marketing standard, including the provisions on the presentation and marking of products.

2. If a marketing standard is not laid down for a given product, the minimum requirements set out in Annex III shall be met. Member States may lay down additional rules supplementing those minimum requirements.

#### *Article 16*

##### **Transport costs for free distribution**

1. The costs of transport by land for the free distribution of all products withdrawn from the market shall be eligible under the operational programme on the basis of the scale of unit costs set according to the distance between the point of withdrawal and the place of delivery as set out in Annex IV.

In the case of sea transport, Member States shall determine the distance between the point of withdrawal and the place of final delivery. The compensation may not exceed the cost of land transport over the shortest route between the place of loading and the point of final delivery where land transport is possible. A correcting coefficient of 0,6 shall be applied to the amounts as set out in Annex IV.

In case of combined transport, the applicable transport cost shall be the sum of the cost corresponding to the distance of transport by land plus 60 % of the cost's increase if the total distance of transport had been by land, as set out in Annex IV.

2. The transport costs shall be paid to the party which actually bears the financial cost of the transport operation in question.

Payment shall be subject to the presentation of supporting documents certifying in particular:

- (a) the names of the beneficiary organisations;
- (b) the quantity of the products concerned;
- (c) acceptance by the beneficiary organisations and the means of transport used; and
- (d) the distance between the place of withdrawal and the place of delivery.

#### *Article 17*

##### **Sorting and packing costs for free distribution**

1. The costs of sorting and packaging fruit and vegetables withdrawn from the market for free distribution shall be eligible under operational programmes. For products in packages of less than 25 kilograms net weight the flat-rate amounts set out in Annex V shall apply.

2. Packages of products for free distribution shall display the European emblem together with one or more of the statements set out in Annex VI.

3. The costs of sorting and packaging shall be paid to the producer organisations which have carried out those operations.

Payment shall be subject to the presentation of supporting documents certifying in particular:

- (a) the names of the beneficiary organisations;
- (b) the quantity of the products concerned; and
- (c) acceptance by the beneficiary organisations, specifying the presentation.

## CHAPTER III

## NATIONAL FINANCIAL ASSISTANCE

## Article 18

**Authorisation to pay national financial assistance**

1. Member States shall submit a request to the Commission for authorisation to grant national financial assistance pursuant to Article 35(1) of Regulation (EU) No 1308/2013 for operational programmes to be implemented in any given calendar year by 31 January of that year.

The request shall be accompanied by evidence showing:

- (a) that the degree of organisation of producers in the region concerned is particularly low, in accordance with Article 52 of Delegated Regulation (EU) 2017/891;
- (b) that only products of the fruit and vegetables sector produced in that region benefit from the assistance; and
- (c) details of the producer organisations and the amount of assistance concerned and the proportion of financial contributions being made pursuant to Article 32(1) of Regulation (EU) No 1308/2013.

2. The Commission shall approve or refuse the request by way of a decision within three months. That period shall begin on the day following the day on which the Commission received a completed request from the Member State. If the Commission does not request additional information within the three-month period, the request shall be deemed to be complete.

## Article 19

**Application for and payment of the national financial assistance**

1. Articles 9 and 10 shall apply *mutatis mutandis* to applications for and the payment of the national financial assistance.
2. Member States may adopt additional rules on the payment of the national financial assistance, including the possibility of advance and partial payments.

## Article 20

**Union reimbursement of the national financial assistance**

1. Before 1 January of the second year following the year of implementation of the programme Member States may request Union reimbursement of the approved national financial assistance actually paid to producer organisations.

The request shall be accompanied by evidence showing that the conditions set out in Article 35(2) of Regulation (EU) No 1308/2013 have been fulfilled in three of the previous four years.

For the purpose of the calculation of the degree of organisation of producers in the fruit and vegetables sector, the value of fruit and vegetables production from producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007 shall also be taken into account.

The request for Union reimbursement of the national financial assistance shall also contain:

- (a) details of the producer organisations concerned;
- (b) the amount of assistance paid, limited for each producer organisation to the amount initially authorised; and
- (c) a description of the operational fund showing the total amount, the Union financial assistance, the national financial assistance and the contributions of the producer organisations and of the members.

2. The Commission shall approve or refuse the request.

The request shall be refused where the rules on the authorisation and reimbursement of national financial assistance have not been complied with or where the rules on producer organisations, the operational fund and operational programmes laid down in or pursuant to Regulation (EU) No 1308/2013 have not been respected.

3. Where Union reimbursement of the assistance has been approved, the eligible expenditure shall be declared to the Commission in accordance with the procedure set out in Article 11 of Commission Implementing Regulation (EU) No 908/2014 <sup>(1)</sup>.

4. The proportion of Union reimbursement of national financial assistance shall not exceed 60 % of the national financial assistance granted to the producer organisation. The amount reimbursed shall not exceed 48 % of the Union financial assistance referred to in Article 32(1)(b) of Regulation (EU) No 1308/2013.

#### CHAPTER IV

### INFORMATION, REPORTS AND CHECKS

#### SECTION 1

#### *Information and reports*

#### Article 21

#### **Information and annual reports from producer groups, producer organisations and associations of producer organisations and annual reports from Member States**

1. At the request of the competent authority of the Member State, producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007, recognised producer organisations and associations of producer organisations shall provide any relevant information needed for the drawing up of the annual report referred to in Article 54(b) of Delegated Regulation (EU) 2017/891. Member States 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.

2. Producer organisations and associations of producer organisations shall submit annual reports on the implementation of their operational programmes with their applications for aid.

Those annual reports shall concern the following:

- (a) the operational programme implemented during the preceding year;
- (b) the main amendments to the operational programme; and
- (c) differences between estimated aid and aid applied for.

3. The annual report from producer organisations and associations of producer organisations shall indicate:

- (a) the achievements of the operational programme, based on the indicators set out in Annex II and, where applicable, additional indicators set out in the national strategy as follows:
  - (i) common baseline indicators and input (financial) indicators shall be used in each annual report;
  - (ii) result and output indicators shall be used in the last two years of the operational programme; and
- (b) a summary of the major problems encountered in managing the programme and the measures taken to ensure the quality and effectiveness of programme implementation.

Where applicable, the annual report shall specify what safeguards have been put in place, in accordance with the national strategy and in application of Article 33(6) of Regulation (EU) No 1308/2013, to protect the environment from possible increased pressures coming from investments supported under the operational programme.

<sup>(1)</sup> Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of 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, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

4. The annual report from producer organisations and associations of producer organisations of the last but one year of an operational programme shall show to what extent the objectives pursued by the programmes have been achieved. This report shall also mention factors which contributed to the success or failure of the programme's implementation and the way those factors were taken into account in the ongoing programme or will be taken into account in the following operational programme.

The Member State shall include details of cases referred to in the first subparagraph in its annual report referred to in Article 54(b) of Delegated Regulation (EU) 2017/891.

## SECTION 2

### **Checks**

#### *Article 22*

### **Unique identification system**

Member States shall ensure that a unique identification system applies to producer organisations, associations of producer organisations and producer groups formed pursuant to Article 125e of Regulation (EC) No 1234/2007 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.

#### *Article 23*

### **Submission procedures**

Without prejudice to Articles 9, 24 and 25, Member States shall provide for procedures for the submission of aid applications, requests for recognition or approval of operational programmes, as well as payment claims.

#### *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, Member States shall carry out administrative and on-the-spot checks on the producer organisation or association of producer organisations to verify compliance with the recognition criteria.

2. Member States 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.

#### *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, Member States 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 national strategy and the national framework;

- (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 national and Union laws in particular, State aid, rural development and promotion programmes, and obligatory standards established by national legislation or the national strategy.

#### 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, Member States 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 Member State approval, 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 Member State approval, cooperatives which are a member of the producer organisation.

#### Article 27

#### **On-the-spot checks on annual aid applications**

1. Member States 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. Member States 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 Member States.
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 Union 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
  - (f) second level checks as referred to in Article 30 for the expenses of market withdrawals, green harvesting and non-harvesting.
6. The value of marketed production shall be verified on the basis of the financial accounting system as audited and certified in accordance with national law.

To that end, the Member States may decide that the declaration of the value of marketed production shall be certified in the same way as the financial accounting data.

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, Member States 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 Member State 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.

*Article 28***Reports of on-the-spot checks**

1. A detailed report shall be made 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.

*Article 29***First-level checks on withdrawal operations**

1. Member States shall carry out first-level checks on withdrawal operations in each producer organisation, comprising of a document and identity check supported by a physical check, of the weight of the products withdrawn from the market and a check on compliance with Article 15, in accordance with the procedures laid down in Chapter II of Title II of Implementing Regulation (EU) No 543/2011. The check shall take place following receipt of the notification referred to in Article 44(1) of Delegated Regulation (EU) 2017/891, within the time limits set in accordance with paragraph 2 of that Article.
2. The first-level checks shall cover 100 % of the quantity of products withdrawn from the market. At the end of this check, the withdrawn products other than those for free distribution, shall be denatured or disposed of to the processing industry under the supervision of the competent authorities under the terms and conditions laid down by the Member State in accordance with Article 46 of Delegated Regulation (EU) 2017/891.
3. By way of derogation from paragraph 2, where the products are for free distribution, Member States may check a smaller percentage than that laid down in that paragraph, provided it is not less than 10 % of the quantities concerned during the marketing year of any given producer organisation. The check may take place at the premises of the producer organisation or at the sites of the recipients of the products. In the event that the checks reveal irregularities, Member States shall carry out additional checks.

*Article 30***Second-level checks on withdrawal operations**

1. Member States shall carry out second-level checks on withdrawal operations at the premises of the producer organisation and of the recipients of the products withdrawn based on a risk analysis. The risk analysis shall include the findings of previous first and second-level checks, and whether or not a producer organisation has some form of quality-assurance procedure. This risk analysis shall serve as the basis to establish the minimum frequency of second-level checks for each producer organisation.
2. The second-level checks referred to in paragraph 1 shall concern:
  - (a) the specific stock and accounting records to be kept by all producer organisations which carry out withdrawal operations during the marketing year concerned;
  - (b) the quantities marketed as declared in the aid applications, checking, in particular, the stock and accounting records, the invoices and, ensuring that the declarations tally with the accounting and tax data of the producer organisations concerned;
  - (c) the accounts, in particular the veracity of net receipts by the producer organisations as declared in their payment applications and the proportionality of any withdrawal costs; and
  - (d) the destination of withdrawn products as declared in the payment application and their denaturing.

3. Each check shall include a sample representing at least 5 % of the quantities withdrawn by the producer organisation during the marketing year.
4. The specific stock and accounting records referred to in point (a) of paragraph 2 shall show, for each product withdrawn, the quantities moved, expressed in tonnes, of:
  - (a) the production delivered by members of the producer organisation and by members of other producer organisations in accordance with Article 12(1)(b) and (c) of Delegated Regulation (EU) 2017/891;
  - (b) sales by the producer organisation, identifying products intended for the fresh market and products for processing; and
  - (c) products withdrawn from the market.
5. The checks on the destination of products withdrawn from the market shall include:
  - (a) a sample check on the stock records to be kept by recipients and on the financial accounts of the charitable organisations and institutions concerned where the second subparagraph of Article 46(2) of Delegated Regulation (EU) 2017/891 applies; and
  - (b) checks on compliance with the relevant environmental requirements.
6. If the second-level checks reveal irregularities, Member States shall carry out more detailed second-level checks for the year concerned and shall increase the frequency of second-level checks at the premises of producer organisations or associations of producer organisations during the following year.

#### Article 31

#### **Green harvesting and non-harvesting**

1. Before a green harvesting operation takes place, Member States shall verify by an on-the-spot check that the products concerned are not damaged and the area concerned has been well maintained. After green harvesting, Member States shall verify that the area concerned has been harvested in total and the harvested product has been denatured.
2. Before a non-harvesting operation takes place, Member States shall verify by an on-the-spot check that the area concerned has been well maintained, that no partial harvest has already taken place, that the product is well developed and would in general be sound, fair and of marketable quality.

Member States shall ensure that the production is denatured. If this is not possible, they shall ensure, by an on-the-spot visit or visits during the harvest season, that no harvest takes place.

3. Where the second subparagraph of Article 48(3) of Delegated Regulation (EU) 2017/891 applies:
  - (a) the requirement provided for in the first subparagraph of paragraph 2 of this Article that no partial harvest has taken place, shall not apply; and
  - (b) Member States shall ensure that the fruit and vegetable plants on which non-harvesting and green harvesting measures have been undertaken shall not be used for further production purposes in the same production season.
4. Article 30(1), (2), (3) and (6) shall apply *mutatis mutandis*.

#### Article 32

#### **Transnational producer organisations**

1. The Member State in which a transnational producer organisation has its head office shall have overall responsibility for the organisation of checks on that organisation in respect of the operational programme and operational fund and for the application of administrative penalties where such checks demonstrate that obligations have not been met.

2. The other Member States required to provide the administrative co-operation referred to in Article 14(3)(c) of Delegated Regulation (EU) 2017/891 shall carry out such administrative and on-the-spot checks as required by the Member State referred to in paragraph 1 of this Article, and report the results to it. They shall respect the deadlines set by the Member State referred to in paragraph 1.

3. The rules applicable in the Member State referred to in paragraph 1 shall apply in relation to the producer organisation and the operational programme and operational fund. However, in respect of environmental and phytosanitary questions and crisis prevention and management measures, the rules of the Member State where the respective actions take place shall apply.

#### Article 33

### Transnational associations of producer organisations

1. The Member State in which a producer organisation which is a member of a transnational association has its head office shall have overall responsibility for the organisation of checks in respect of actions of the operational programme implemented on its territory and of the operational fund and for the application of administrative penalties where such checks demonstrate that obligations have not been met.

2. The Member State referred to in paragraph 1 shall closely co-operate with the Member State in which the transnational association of producer organisations has its head office and notify without delay the results of the checks carried out and possible administrative penalties applied.

3. The Member State in which the transnational association of producer organisations has its head office shall have overall responsibility for the organisation of checks in respect of actions of the operational programme implemented at the level of the transnational association and of the operational fund of the transnational association and for the application of administrative penalties where such checks demonstrate that obligations have not been met. It shall also ensure the coordination of checks and payments in respect of actions of the operational programmes implemented on the territory of the other Member States.

4. The actions of the operational programmes shall comply with the national rules of the Member State where they are actually carried out.

#### Article 34

### Checks

Without prejudice to specific provisions of this Regulation or other Union legislation, Member States shall introduce checks and 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 so that they provide adequate protection for the financial interests of the Union.

In particular, Member States shall ensure that:

- (a) all eligibility criteria established by Union or national legislation or the national strategy or national framework can be checked;
- (b) the competent authorities of the Member State responsible for carrying out checks have 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 Union or national schemes.

#### Article 35

### Obvious errors

In cases of obvious errors recognised by the competent authority of the Member State, as referred to in Article 59(6) of Regulation (EU) No 1306/2013, any notification, claim or request made to a Member State 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.

## CHAPTER V

## EXTENSION OF RULES

## Article 36

**Financial contributions**

Where a Member State decides, pursuant to Article 165 of Regulation (EU) No 1308/2013, that operators who do not belong to producer organisations, associations of producer organisations or interbranch organisations, but in respect of whom rules are made binding, shall pay a financial contribution, the Member State shall forward to the Commission the information needed to assess compliance with the conditions laid down in that Article. Such information shall include the basis on which the contribution is calculated, the unit amount thereof, the activities covered and their associated costs.

## Article 37

**Extensions beyond one year**

1. Where it is decided to apply an extension of rules for a period exceeding one year, the Member States shall verify, in respect of each year, whether the conditions regarding representativeness laid down in Article 164(3) of Regulation (EU) No 1308/2013 have continued to be met throughout the period of application of the extension.
2. If Member States find that the conditions are no longer met, they shall repeal the extension with effect from the beginning of the following year.
3. Member States shall inform the Commission without delay of any repeal. The Commission shall make such information publicly available by the appropriate means.

## 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 <sup>(1)</sup> 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.

<sup>(1)</sup> 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).

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 <sup>(1)</sup>.

## CHAPTER VII

**ADDITIONAL IMPORT DUTIES***Article 39***Levying of additional import duty**

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.
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.

*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.

*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;

<sup>(1)</sup> [http://ec.europa.eu/taxation\\_customs/customs/customs\\_duties/tariff\\_aspects/customs\\_tariff/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/customs_tariff/index_en.htm)

- (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*.

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

Done at Brussels, 13 March 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX I

**Structure and content of a national strategy for sustainable operational programmes as referred to in Article 2**

## 1. Duration of the national strategy

To be indicated by the Member State.

## 2. Analysis of the situation in terms of strengths and weaknesses and potential for development, the strategy chosen to meet them and the justification of the priorities chosen as referred to in Article 36(2)(a) and (b) of Regulation (EU) No 1308/2013.

## 2.1. Analysis of the situation

Description of the current situation of the fruit and vegetable sector using quantified data, highlighting strengths and weaknesses, disparities, needs and gaps and potential for development on the basis of the relevant common baseline indicators set out in point 5 of Annex II and of other additional indicators, if applicable. This description shall concern at least:

- the performances of the fruit and vegetables sector: strengths and weaknesses of the sector, competitiveness and the potential for development of the producer organisations;
- the environmental effects (impacts, pressures and benefits) of the fruit and vegetables production, including key trends.

## 2.2. The strategy chosen to meet strengths and weaknesses

Description of the key areas where intervention is expected to bring the maximum value added:

- relevance of the objectives set for the operational programmes, of the expected results and the extent to which they can be realistically achieved;
- internal coherence of the strategy, existence of mutually reinforcing interactions and possible conflicts or contradictions between the operational objectives of different actions selected;
- complementarity and consistency of the actions selected with other national or regional actions, and with activities supported through Union funds, in particular with the rural development and promotion programmes;
- expected results and impact compared to the baseline situation and their contribution to Union objectives.

## 2.3. Impact from the previous national strategy (where applicable)

Description of results and impact of operational programmes implemented in the recent past.

## 3. Objectives of operational programmes and performance indicators as referred to in Article 36(2)(c) of Regulation (EU) No 1308/2013

Description of the types of actions selected as eligible for support (non-exhaustive list), the objectives pursued, the verifiable targets and the indicators that allow the progress towards achievement of the objectives, efficiency and effectiveness to be assessed.

## 3.1. Requirements concerning all or several types of actions

Member States shall ensure that all the actions included in the national strategy and in the national framework are verifiable and controllable. Where the assessment during the implementation of the operational programmes reveals that the requirements of verifiability and controllability are not met, the actions concerned shall be adjusted accordingly or deleted.

Where support is granted on the basis of standard flat rates or scales of unit costs, Member States shall ensure that the relevant calculations are adequate and accurate and established in advance on the basis of a fair, equitable and verifiable calculation. Environmental actions shall comply with the requirements set out in Article 33(5) of Regulation (EU) No 1308/2013.

Member States shall adopt safeguards, provisions and checks for ensuring that actions selected as eligible for support are not also supported by other relevant instruments of the common agricultural policy, in particular by rural development and promotion programmes or other national or regional schemes.

Effective safeguards in place pursuant to Article 33(6) of Regulation (EU) No 1308/2013, to protect the environment from possible increased pressures coming from investments supported under operational programmes, and eligibility criteria adopted pursuant to Article 36(1) of that Regulation, for ensuring that investments on individual holdings supported under operational programmes respect the objectives set out in Article 191 TFEU and in the seventh Union environment action programme.

3.2. Specific information required for types of actions aimed at the attainment of the objectives set out or referred to in Article 33(1) of Regulation (EU) No 1308/2013 (to be filled only for the types of actions selected)

3.2.1. Acquisition of fixed assets

- types of investments eligible for support,
- other forms of acquisition eligible for support, e.g. renting, leasing,
- details on eligibility conditions for support.

3.2.2. Other actions

- description of the types of actions eligible for support,
- details on eligibility conditions for support.

4. Designation of competent authorities and responsible bodies

Designation by the Member State of the national authority responsible for the management, monitoring and evaluation of the national strategy.

5. A description of the monitoring and evaluation systems

The performance indicators set out by the national strategy shall comprise the common performance indicators provided for in Article 4 and listed in Annex II. Where deemed appropriate, the national strategy shall specify additional indicators reflecting national or regional needs, conditions and objectives specific to the national operational programmes.

5.1. Assessment of the operational programmes and reporting obligations for producer organisations as referred to in Article 36(2)(d) and (e) of Regulation (EU) No 1308/2013.

Description of the monitoring and evaluation requirements and procedures in relation to operational programmes, including the reporting obligations for producer organisations.

5.2. Monitoring and evaluation of the national strategy

Description of the monitoring and evaluation requirements and procedures in relation to the national strategy.

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## ANNEX II

**List of common performance indicators referred to in Articles 4(1)(a) and 21(3)(a) of this Regulation and Article 56(2) of Delegated Regulation (EU) 2017/891**

The system of common performance indicators related to actions undertaken by producer organisations, associations of producer organisations and their members under an operational programme does not necessarily capture all the factors that may intervene and affect the outputs, results and impact of an operational programme. In this context, the information provided by common performance indicators should be interpreted in the light of quantitative and qualitative information relating to other key factors contributing to the success or failure of the programme's implementation.

1. COMMON INDICATORS RELATING TO THE FINANCIAL EXECUTION (INPUT INDICATORS) (ANNUAL)

Measure	Type of action	Input indicators (annual)
Actions aimed at planning of production	(a) Investments in physical assets (b) Other forms of acquisition of fixed assets, including renting, hiring and leasing (c) Other actions	Expenditure (Euro)
Actions aimed at improving or maintaining product quality	(a) Investments in physical assets (b) Other forms of acquisition of fixed assets, including renting, hiring and leasing (c) Other actions	Expenditure (Euro)
Actions aimed at improving marketing	(a) Investments in physical assets (b) Other forms of acquisition of fixed assets, including renting, hiring and leasing (c) Promotion and communication activities (other than in relation to crisis prevention and management) (d) Other actions	Expenditure (Euro)
Research and experimental production	(a) Investments in physical assets (b) Other forms of acquisition of fixed assets, including renting, hiring and leasing (c) Other actions	Expenditure (Euro)
Training actions and actions for the exchange of information on best practices (other than in relation to crisis prevention and management) and actions aimed at promoting access to advisory services and technical assistance	Based on the main issue covered: (a) Organic production (b) Integrated production or integrated pest management (c) Other environmental issues (d) Traceability (e) Product quality, including pesticides residues (f) Other issues	Expenditure (Euro)
Crisis prevention and management measures	(a) Investments making the management of the volumes placed on the market more efficient; (b) Training measures and exchange of best practices; (c) Promotion and communication, whether for prevention or during a crisis period;	Expenditure (Euro)

Measure	Type of action	Input indicators (annual)
	(d) Support for the administrative costs of setting up mutual funds; (e) Replanting of orchards where that is necessary following mandatory grubbing up for health or phytosanitary reasons on the instruction of Member State competent authority; (f) Market withdrawal (g) Green harvesting or non-harvesting of fruit and vegetables; (h) Harvest insurance;	
Environmental actions	(a) Investments in physical assets (b) Other forms of acquisition of fixed assets, including renting, hiring and leasing (c) Organic production (d) Integrated production (e) Improved use or management of water, including water saving and draining (f) Actions to conserve soil (e.g. labour techniques to prevent or reduce soil erosion, green cover, conservation agriculture, mulching) (g) Actions to create or maintain habitats favourable for biodiversity (e.g. wetlands) or to maintain the landscape, including the conservation of historical features (e.g. stonewalls, terraces, small wood) (h) Actions favouring energy saving or improving efficiency in energy use; shift to energy from renewable sources (i) Actions related to reduction of waste production and to improvement of waste management (j) Other actions	Expenditure (Euro)
Other actions	(a) Investments in physical assets (b) Other forms of acquisition of fixed assets, including renting, hiring and leasing (c) Other actions	Expenditure (Euro)

## 2. COMMON OUTPUT INDICATORS (LAST TWO YEARS OF THE OPERATIONAL PROGRAMME)

Measure	Type of action	Output indicators (annual)
Actions aimed at planning of production	(a) Investments in physical assets	Number of holdings participating in the actions Total value of investments (Euro)
	(b) Other forms of acquisition of fixed assets, including renting, hiring and leasing	Number of holdings participating in the actions
	(c) Other actions	Number of holdings participating in the actions

Measure	Type of action	Output indicators (annual)
Actions aimed at improving or maintaining product quality	(a) Investments in physical assets	Number of holdings participating in the actions. Total value of investments (Euro)
	(b) Other forms of acquisition of fixed assets, including renting, hiring and leasing	Number of holdings participating in the actions
	(c) Other actions	Number of holdings participating in the actions
Actions aimed at improving marketing	(a) Investments in physical assets	Number of holdings participating in the actions. Total value of investments (Euro)
	(b) Other forms of acquisition of fixed assets, including renting, hiring and leasing	Number of holdings participating in the actions
	(c) Promotion and communication activities (other than in relation to crisis prevention and management)	Number of actions undertaken <sup>(1)</sup>
	(d) Other actions	Number of holdings participating in the actions
Research and experimental production		Number of holdings participating in the actions. Number of projects
Training actions and actions for the exchange of information on best practices (other than in relation to crisis prevention and management) and actions aimed at promoting access to advisory services and technical assistance	Based on the main issue covered: (a) Organic production (b) Integrated production or integrated pest management (c) Other environmental issues (d) Traceability (e) Product quality, including pesticide residues (f) Other issues	Number of days of training received by participants
Crisis prevention and management measures	(a) Investments making the management of the volumes placed on the market more efficient;	Total value of investments (Euro)
	(b) Training measures and exchange of best practices;	Number of actions undertaken
	(c) Promotion and communication, whether for prevention or during a crisis period;	Number of actions undertaken <sup>(1)</sup>
	(d) Support for the administrative costs of setting up mutual funds;	Number of actions undertaken <sup>(4)</sup>

Measure	Type of action	Output indicators (annual)
	(e) Replanting of orchards where that is necessary following mandatory grubbing up for health or phytosanitary reasons on the instruction of Member State competent authority;	Number of holdings participating in the actions
	(f) Market withdrawals	Number of actions undertaken <sup>(2)</sup>
	(g) Green harvesting and non-harvesting;	Number of actions undertaken <sup>(3)</sup>
	(h) Harvest insurance	Number of holdings participating in the actions
Environmental actions	(a) Investments in physical assets <sup>(5)</sup>	Number of holdings participating in the actions Total value of investments (Euro)
	(b) Other forms of acquisition of fixed assets, including renting, hiring and leasing <sup>(6)</sup>	Number of holdings participating in the actions
	(c) Organic production (d) Integrated production (e) Improved use and/or management of water, including water saving and draining (f) Actions to conserve soil (e.g. labour techniques to prevent/reduce soil erosion, green cover, conservation agriculture, mulching) (g) Actions to create or maintain habitats favourable for biodiversity (e.g. wetlands) or to maintain the landscape, including the conservation of historical features (e.g. stone walls, terraces, small wood) (h) Actions favouring energy saving and/or improving efficiency in energy use; shift to energy from renewable sources (i) Actions related to reduction of waste production and to improvement of waste management (j) Other actions	Number of holdings participating in the actions Number of hectares concerned
	(a) Investments in physical assets	Number of holdings participating in the actions Total value of investments (Euro)
Other actions	(b) Other forms of acquisition of fixed assets, including renting, hiring and leasing	Number of holdings participating in the actions
	(c) Other actions	Number of holdings participating in the actions

<sup>(1)</sup> Each day of a promotion campaign counts as one action.

<sup>(2)</sup> Market withdrawal of the same product in different periods of the year and market withdrawals of different products count as different actions. Each market withdrawal operation for a given product counts as one action.

<sup>(3)</sup> Green-harvesting and non-harvesting of different products count as different actions. Green harvesting and non-harvesting of the same product count as one action, regardless of the number of days they take, the number of holdings participating and the number of plots or hectares concerned.

<sup>(4)</sup> Actions relating to the setting up of different mutual funds count as different actions.

<sup>(5)</sup> Including non-productive investments linked to the achievement of commitments undertaken under other environmental actions.

<sup>(6)</sup> Including other forms of acquisitions of fixed assets linked to the achievement of commitments undertaken under other environmental actions.

## 3. COMMON RESULT INDICATORS (LAST TWO YEARS OF THE OPERATIONAL PROGRAMME)

Measure	Result indicators (Measurement)
Actions aimed at planning of production	Change in total volume of marketed production (tons) Change in unit value of marketed production (EUR/kg)
Actions aimed at improving or maintaining product quality	Change in volume of marketed production that meets the requirements of a specific 'quality scheme' (tons) (1) Change in unit value of marketed production (EUR/kg)
Actions aimed at improving marketing	Change in total volume of marketed production (tons) Change in unit value of marketed production (EUR/kg)
Training actions and exchange of best practices (other than in relation to crisis prevention and management) and actions aimed at promoting access to advisory services and technical assistance	Number of people who completed the full training activity/programme Number of holdings that use advisory services
Crisis prevention and management measures	
(a) Investments making the management of the volumes placed on the market more efficient	Total volume of production subject to management of the volumes (tons)
(b) Training actions	Number of people who completed the full training activity/programme
(c) Promotion and communication	Estimated change in volume of marketed production for products subject to the promotion/communication activities (tons)
(d) Support for the administrative costs of setting up mutual funds	Total value of the mutual fund set up (Euro)
(e) Replanting of orchards where that is necessary following mandatory grubbing up for health or phytosanitary reasons on the instruction of the Member State competent authority	Total area concerned by replanting of orchards (ha)
(f) Market withdrawals	Total volume of production subject to withdrawal (tons)
(g) Green harvesting or non-harvesting	Total area concerned by green harvesting or non-harvesting (ha)
(h) Harvest insurance	Total value of the insured risk (Euro)
Environmental actions	Estimated change in annual mineral fertiliser consumption/hectare, by type of fertiliser (N and P <sub>2</sub> O <sub>3</sub> ) (tons/ha) Estimated change in annual water use/hectare (m <sup>3</sup> /ha) Estimated change in annual use of energy by type of energy source or type of fuel (Litres/m <sup>3</sup> /Kwh per ton of marketed production) Estimated change in annual volume of waste generated (tons)

Measure	Result indicators (Measurement)
Other actions	Change in total volume of marketed production (tons) Change in unit value of marketed production (EUR/kg)

Notes: the reference for changes is the situation existing at the start of the programme.

(<sup>1</sup>) 'Quality' requirements are intended here to consist of a set of detailed obligations concerning the production methods (a) the respect of which is subject to independent inspection, and (b) that result in a final product the quality of which (i) goes significantly beyond the normal commercial standards as regards public health, plant health or environmental standards and (ii) responds to current and foreseeable market opportunities. It is proposed that the main types of 'quality schemes' cover the following: (a) certified organic production; (b) protected geographical indications and protected designations of origin, (c) certified integrated production, (d) private certified product quality schemes.

#### 4. COMMON IMPACT INDICATORS (LAST TWO YEARS OF THE OPERATIONAL PROGRAMME)

Measure	Overall objectives	Impact indicators (Measurement)
Actions aimed at planning of production	Improving competitiveness Improving attractiveness of producer organisation membership	Estimated change in total value of marketed production (Euro) Change in the total number of fruit and vegetable producers who are active members ( <sup>1</sup> ) of the producer organisation (PO)/ association of producer organisation (APO) concerned (number) Change in the total area under fruit and vegetable production cropped by members of the PO/APO concerned (ha)
Actions aimed at improving or maintaining product quality		
Actions aimed at improving marketing		
Research and experimental production		
Training actions and exchange of best practices (other than in relation to crisis prevention and management) and/or actions aimed at promoting access to advisory services and technical assistance		
Crisis prevention and management measures		
Environmental actions	Maintaining and protecting the environment: (a) Water quality (b) Sustainable use of water resources (c) Climate change mitigation	Estimated change in total mineral fertiliser consumption, by type of fertiliser (N and P <sub>2</sub> O <sub>3</sub> ) (tons) Estimated change in total water use (m <sup>3</sup> ) Estimated change in total use of energy, by type of energy source or type of fuel (Litres/m <sup>3</sup> / Kwh)
Other actions	Improving competitiveness Improving attractiveness of producer organisation membership	Estimated change in total value of marketed production (Euro) Change in the total number of fruit and vegetable producers who are active members ( <sup>1</sup> ) of the OP/APO concerned (number) Change in the total area under fruit and vegetable production cropped by members of the OP/APO concerned (ha)

Notes: the reference for changes is the situation existing at the start of the programme.

(<sup>1</sup>) Active members are members who deliver products to the PO/APO.

## 5. COMMON BASELINE INDICATORS

*Nota bene:* Baseline indicators are needed in the analysis of the situation at the start of the programming period. Certain common baseline indicators are only relevant for the individual operational programmes at the level of producer organisation (e.g. volume of the production marketed at less than 80 % of the average price received by the PO/APO). Other common baseline indicators are also relevant for the national strategies at the level of the Member States (e.g. total value of marketed production).

As a general rule, baseline indicators are to be calculated as three-year averages. If data are not available, they should be calculated at least with data related to one year.

Objectives	Baseline indicators related to objectives	
Overall objectives	Indicator	Definition (and measurement)
Improving competitiveness	Total value of marketed production	Total value of marketed production of the PO/APO (Euro)
Improving the attractiveness of the producer organisation membership	Number of fruit and vegetable producers who are active members of the PO/APO concerned	Number of fruit and vegetable producers who are active member <sup>(1)</sup> of the PO/APO
	Total area under fruits and vegetable production cropped by members of the PO/APO concerned	Total area under fruit and vegetable production cropped by members of the PO/APO (ha)
Specific objectives		
Promoting concentration of supply	Total volume of marketed production	Total volume of marketed production of the PO/APO (tons)
Promoting the placing on the market of products produced by the members		
Ensuring that production is adjusted to demand in terms of quality and quantity		
Boosting products' commercial value	Average unit value of marketed production	Total value of marketed production/Total volume of marketed production (EUR/kg)
Promoting knowledge and improving human potential	Number of people having participated in training activities	Number of people who completed a training activity/programme during the last three years (number)
	Number of holdings using advisory services	Number of holdings, members of the PO/APO, using advisory services (number)

Objectives	Baseline indicators related to objectives	
	Indicator	Definition (and measurement)
Specific objectives in the environmental area		
Contributing to soil protection	Area at risk of soil erosion with anti-erosion measure	Area under fruit and vegetable production at risk of soil erosion <sup>(3)</sup> where anti-erosion measures are implemented (ha)
Contributing to maintaining and improving water quality	Area with reduction in use/better management of fertilisers	Area under fruit and vegetable production subject to reduction in use or better management of fertilisers (ha)
Contributing to sustainable use of water resources	Area with water-saving measures	Area under fruit and vegetable production with water-saving measures (ha)
Contributing to habitat and biodiversity protection and landscape conservation	Organic production	Area under organic production of fruit and/or vegetables (ha)
	Integrated production	Area under integrated production of fruit and/or vegetables (ha)
	Other actions contributing to habitat and biodiversity protection and landscape conservation	Area concerned by other actions contributing to habitat and biodiversity and landscape protection (ha)
Contributing to climate change mitigation	Greenhouse heating — energy efficiency	Estimated annual consumption of energy for greenhouse heating purposes by type of energy source (Tons/Litres/m <sup>3</sup> /Kwh per ton of marketed production)
Reducing the volume of waste generated	Quantity or volume of waste	Tons/Litres/m <sup>3</sup>

<sup>(1)</sup> Active members are members who deliver products to the PO/APO.

<sup>(2)</sup> 'Quality' requirements are intended here to consist of a set of detailed obligations concerning the production methods (a) the respect of which is subject to independent inspection, and (b) that result in a final product the quality of which (i) goes significantly beyond the normal commercial standards as regards public health, plant health or environmental standards and (ii) responds to current and foreseeable market opportunities. The main types of 'quality schemes' shall cover the following: (a) certified organic production; (b) protected geographical indications and protected designations of origin, (c) certified integrated production, (d) private certified product quality schemes.

<sup>(3)</sup> 'At risk of soil erosion' shall mean any sloping plot with an inclination higher than 10 %, whether or not anti-erosion measures (e.g. soil cover, crop rotation, etc.) have been taken. Where the relevant information is available, a Member State may instead use the following definition: 'At risk of soil erosion' shall mean any plot with a predicted loss of soil exceeding the rate of natural soil formation, whether or not anti-erosion measures (e.g. soil cover or crop rotation) have been taken.

## ANNEX III

**Minimum requirements for withdrawal of products as referred to in Article 15(2)**

1. The products shall be:
    - whole,
    - sound; products affected by rotting or deterioration such as to make them unfit for consumption shall be excluded,
    - clean, practically free from any visible foreign matter,
    - practically free from pests and damage caused by pests,
    - free of abnormal external moisture,
    - free of any foreign taste or smell.
  2. Products must be sufficiently developed and ripe, taking account of their type.
  3. Products must be characteristic of the variety and commercial type.
-

## ANNEX IV

**Transport costs under free distribution as referred to in Article 16(1)**

Distance between the place of withdrawal and the place of delivery	Transport costs (EUR/t) <sup>(1)</sup>
Less than or equal to 25 km	18,20
More than 25 km but less than or equal to 200 km	41,40
More than 200 km but less than or equal to 350 km	54,30
More than 350 km but less than or equal to 500 km	72,60
More than 500 km but less than or equal to 750 km	95,30
More than 750 km	108,30

<sup>(1)</sup> Supplement for refrigerated transport: EUR 8,50/t.

## ANNEX V

**Sorting and packing costs as referred to in Article 17(1)**

Product	Sorting and packing costs (EUR/t)
Apples	187,70
Pears	159,60
Oranges	240,80
Clementines	296,60
Peaches	175,10
Nectarines	205,80
Watermelons	167,00
Cauliflowers	169,10
Other products	201,10

## ANNEX VI

**Statement for packaging of products as referred to in Article 17(2)**

- Продукт, предназначен за бесплатна дистрибуция (Регламент за изпълнение (ЕС) 2017/...)
  - Producto destinado a su distribución gratuita [Reglamento de ejecución (UE) 2017/...]
  - Produkt určený k bezplatné distribuci [prováděcí nařízení (EU) 2017/...]
  - Produkt til gratis uddeling (gennemførelsesforordning (EU) 2017/...)
  - Zur kostenlosen Verteilung bestimmtes Erzeugnis (Durchführungsverordnung (EU) 2017/...)
  - Tasuta jagamiseks mõeldud tooted [rakendusmäärus (EL) 2017/...]
  - Προϊόν προοριζόμενο για δωρεάν διανομή [εκτελεστικός κανονισμός (ΕΕ) 2017/...]
  - Product for free distribution (Implementing Regulation (EU) 2017/...)
  - Produit destiné à la distribution gratuite [règlement d'exécution (UE) 2017/...]
  - Proizvod za slobodnu distribuciju (Provedbena uredba (EU) 2017/...)
  - Prodotto destinato alla distribuzione gratuita [regolamento di esecuzione (UE) 2017/...]
  - Produkts paredzēts bezmaksas izplatīšanai [Īstenošanas regula (ES) 2017/...]
  - Nemokamai platinamas produktas [Įgyvendinimo reglamentas (ES) 2017/...]
  - Ingyenes szétosztásra szánt termék ((EU) 2017/... végrehajtási rendelet)
  - Prodott destinat għad-distribuzzjoni bla ħlas [Regolament ta' implimentazzjoni (UE) 2017/...]
  - Voor gratis uitreiking bestemd product (Uitvoeringsverordening (EU) 2017/...)
  - Produkt przeznaczony do bezpłatnej dystrybucji [Rozporządzenie wykonawcze (UE) 2017/...]
  - Produto destinado a distribuição gratuita [Regulamento de execução (UE) 2017/...]
  - Produs destinat distribuirii gratuite [Regulamentul de punere în aplicare (UE) 2017/...]
  - Výrobok určený na bezplatnú distribúciu [vykonávacie nariadenie (EÚ) 2017/...]
  - Proizvod, namenjen za prosto razdelitev [Izvedbena uredba (EU) 2017/...]
  - Ilmajakeluun tarkoitettu tuote (täytäntöönpanoasetus (EU) 2017/...)
  - Produkt för gratisutdelning (genomförandeförordning (EU) 2017/...)
-

## ANNEX VII

**Products and periods for the application of additional import duties as referred to in Article 39**

Without prejudice to the rules on the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. For the purposes of this Annex, the scope of the additional duties is determined by the scope of the CN codes as they stand at the time of adoption of this Regulation.

Order number	CN code	Description of products	Period of application
78.0015	0702 00 00	Tomatoes	From 1 October to 31 May
78.0020			From 1 June to 30 September
78.0065	0707 00 05	Cucumbers	From 1 May to 31 October
78.0075			From 1 November to 30 April
78.0085	0709 91 00	Artichokes	From 1 November to 30 June
78.0100	0709 93 10	Courgettes	From 1 January to 31 December
78.0110	0805 10 20	Oranges	From 1 December to 31 May
78.0120	0805 20 10	Clementines	From 1 November to end of February
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	From 1 November to end of February
78.0155	0805 50 10	Lemons	From 1 June to 31 December
78.0160			From 1 January to 31 May
78.0170	0806 10 10	Table grapes	From 16 July to 16 November
78.0175	0808 10 80	Apples	From 1 January to 31 August
78.0180			From 1 September to 31 December
78.0220	0808 30 90	Pears	From 1 January to 30 April
78.0235			From 1 July to 31 December
78.0250	0809 10 00	Apricots	From 1 June to 31 July
78.0265	0809 29 00	Cherries, other than sour	From 16 May to 15 August
78.0270	0809 30	Peaches, including nectarines	From 16 June to 30 September
78.0280	0809 40 05	Plums	From 16 June to 30 September

**COMMISSION REGULATION (EU) 2017/893****of 24 May 2017****amending Annexes I and IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council and Annexes X, XIV and XV to Commission Regulation (EU) No 142/2011 as regards the provisions on processed animal protein****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, and in particular the first paragraph of Article 23 thereof,

Having regard to Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) <sup>(2)</sup>, and in particular the second subparagraph of Article 31(2), the third subparagraph of Article 41(3) and the second subparagraph of Article 42(2) thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.
- (2) Article 7(1) of Regulation (EC) No 999/2001 prohibits the feeding to ruminants of protein derived from animals. Article 7(2) of that Regulation extends that prohibition to animals other than ruminants and restricts that prohibition, as regards the feeding of those animals with products of animal origin, in accordance with Annex IV to that Regulation.
- (3) Annex IV to Regulation (EC) No 999/2001 extends the prohibition provided for in Article 7(1) to the feeding to non-ruminant farmed animals, with the exception of the feeding to carnivorous fur producing animals, of, inter alia, processed animal protein. However, by way of derogation and under specific conditions, point (c) of Chapter II of Annex IV authorises the feeding of non-ruminant processed animal protein to aquaculture animals only, provided that the processed animal protein and compound feed containing such protein have been produced in compliance with Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001. This Section currently requires that the animal by-products used for the production of such processed animal protein be derived from slaughterhouses or cutting plants. Given the production process of processed animal protein derived from insects, this requirement cannot be met in the case of insects. As a result, the use of processed animal protein derived from insects in feed for aquaculture animals is currently not allowed.
- (4) In several Member States, the rearing of insects for the production of processed animal protein derived from them and other insect derivatives destined for petfood has started. This production is carried out under the national control schemes of the competent authorities of the Member States. Studies have shown that farmed insects could represent an alternative and sustainable solution to conventional sources of animal proteins destined for feed for non-ruminant farmed animals.
- (5) On 8 October 2015, the EFSA (European Food Safety Authority) published a scientific opinion on a risk profile related to the production and consumption of insects as food and feed <sup>(3)</sup>. As regards the risks related to the presence of prions, EFSA concludes that, compared to the occurrence of hazards in currently authorised protein

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1.

<sup>(2)</sup> OJ L 300, 14.11.2009, p. 1.

<sup>(3)</sup> Scientific Opinion on a Risk profile related to production and consumption of insects as food and feed, *The EFSA Journal* (2015);13 (10):4257.

sources of animal origin, the occurrence of hazards in non-processed insects is expected to be equal or lower, as long as the insects are fed on substrates that do not harbour material of ruminant or human (manure) origin. As the processing of insects may further reduce the occurrence of biological hazards, that statement is also valid when it comes to processed animal proteins derived from insects.

- (6) As per the definition of 'farmed animals' laid down in Article 3(6) of Regulation (EC) No 1069/2009, insects bred for the production of processed animal protein derived from insects are to be considered as farmed animals, and are therefore subject to the feed ban rules laid down in Article 7 and Annex IV to Regulation (EC) No 999/2001 as well as to the rules of animal feeding laid down in Regulation (EC) No 1069/2009. Thus, the use of ruminant proteins, catering waste, meat-and-bone meal and manure as a feed for insects is prohibited. Furthermore, in accordance with Annex III to Regulation (EC) No 767/2009 of the European Parliament and of the Council <sup>(1)</sup>, the use of faeces for animal nutritional purposes is prohibited.
- (7) Processed animal protein derived from insects and compound feed containing such processed animal protein should therefore be authorised for feeding aquaculture animals. Point (c) of Chapter II of Annex IV to Regulation (EC) No 999/2001 should therefore be modified accordingly and a Section laying down TSE related conditions for the production of processed animal protein derived from farmed insects and compound feed containing such protein should be added in Chapter IV of Annex IV to that Regulation.
- (8) By analogy with what is already applicable for processed animal protein derived from non-ruminant animals and compound feed containing such protein destined for feeding aquaculture animals, specific conditions for the production and use of processed animal protein derived from insects should be laid down in order to avoid any risk of cross-contamination with other proteins which could pose a TSE risk to ruminant animals. In particular, by analogy with the conditions laid down in Section A of Chapter IV of Annex IV to Regulation (EC) No 999/2001, processed animal protein derived from insects should be produced in plants dedicated exclusively to the production of products derived from farmed insects.
- (9) In addition, in the interest of legal certainty, it is appropriate to insert a definition of farmed insects in Annex I to Regulation (EC) No 999/2001.
- (10) Annexes I and IV to Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (11) Annex X to Commission Regulation (EU) No 142/2011 <sup>(2)</sup> lays down rules for implementing Regulation (EC) No 1069/2009, including parameters for the production of safe feed of animal origin intended for feeding farmed animals. Only animal by-products and derived products complying with the requirements of Annex X to Regulation (EU) No 142/2011 may be fed to farmed animals, other than fur animals. While the provisions set out in Annex X to that Regulation do not cover live insects and dried insects in feed for farmed animals, the use of dried insects in or as pet food is subject to the provisions set out in Annex XIII to the aforementioned Regulation.
- (12) The amendment to Regulation (EC) No 999/2001 with a view to authorise processed animal protein derived from insects for feeding aquaculture animals is likely to open the opportunity for bigger production of processed animal protein derived from insects in the Union. Whereas the current small scale rearing of insects for petfood can adequately be addressed by existing national control schemes, Union provisions addressing animal health, public health, plant health or environmental risks are appropriate to ensure that insect rearing within the Union on a larger scale is safe. With respect to the insect species reared in the Union, these should not be pathogenic or have other adverse effects on plant, animal or human health; they should not be recognised as vectors of human, animal or plant pathogens and they should not be protected or defined as invasive alien species. Taking into account these national risk assessments, as well as the EFSA opinion of 8 October 2015, the following insect species can be identified as those insect species currently reared in the Union which fulfil the abovementioned safety conditions for insect production for feed use: Black Soldier Fly (*Hermetia illucens*), Common Housefly (*Musca domestica*), Yellow Mealworm (*Tenebrio molitor*), Lesser Mealworm (*Alphitobius diaperinus*), House cricket (*Acheta domestica*), Banded cricket (*Gryllobates sigillatus*) and Field Cricket (*Gryllus assimilis*).

<sup>(1)</sup> Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229, 1.9.2009, p. 1).

<sup>(2)</sup> Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

- (13) Annex X to Regulation (EU) No 142/2011 should therefore be amended to add, in Section 1 of its Chapter II, a list of insect species which may be used for the production of processed animal protein obtained from farmed insects. This list should include the abovementioned insect species and may be amended in the future based on an assessment of the risks posed by the insect species concerned to animal health, public health, plant health or the environment.
- (14) Annex XIV to Regulation (EU) No 142/2011 sets out requirements for the import of animal by-products and derived products from third countries. Safety requirements applicable for growing insects intended to be used in feed for aquaculture animals and for the placing on the market of processed animal proteins derived from those insects, in particular as regards the insect species which may be used and the feed which may be given to the insects, should apply also in the case of imports from third countries. Sections 1 and 2 of Chapter I of Annex XIV to Regulation (EU) No 142/2011 should therefore be amended to lay down those requirements for imports into the Union.
- (15) Annex XV to Regulation (EU) No 142/2011 lays down model health certificates for the import into the Union of animal by-products. The model health certificate set out in Chapter 1 of Annex XV to that Regulation applies to imports into the Union of processed animal protein. For the purpose of imports of processed animal protein derived from farmed insects, a new model health certificate should be laid down and should include the specific requirements for breeding of farmed insects for the production of processed animal protein mentioned in Annex XIV to Regulation (EU) No 142/2011, as well as the other relevant requirements for imports of processed animal protein. Therefore new model of health certificate for the import of processed animal protein derived from farmed insects should be inserted into Chapter 1 of Annex XV.
- (16) Furthermore, the new model health certificate inserted in Chapter 1 of Annex XV to Regulation (EU) No 142/2011 should also take into account the amendment by Commission Regulation (EU) 2016/1396 <sup>(1)</sup> of the requirements related to TSE applicable to imports of animal by-products and derived products of bovine, ovine or caprine origin, as set out in Chapter D of Annex IX to Regulation (EC) No 999/2001.
- (17) Annexes X, XIV and XV to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (18) Section A of Chapter III of Annex IV to Regulation (EC) No 999/2001 lays down requirements to prevent cross-contamination during transport in bulk between, on the one hand, fishmeal, dicalcium and tricalcium phosphate of animal origin, blood products derived from non-ruminants as well as compound feed containing these products, which are intended for feeding non-ruminant farmed animals, and, on the other hand, feed intended for ruminants. Considering that a similar risk of cross-contamination exists when those materials are stored in bulk, the requirements of Section A of Chapter III of Annex IV to Regulation (EC) No 999/2001 should be extended to cover the storage in bulk of fishmeal, dicalcium and tricalcium phosphate of animal origin, blood products derived from non-ruminants and compound feed containing these materials.
- (19) Section B of Chapter V of Annex IV to Regulation (EC) No 999/2001 lays down requirements to prevent cross-contamination during transport between, on the one hand, bulk feed materials and bulk compound feed containing products derived from ruminants other than milk and milk based products, dicalcium and tricalcium phosphate of animal origin and hydrolysed proteins derived from ruminant hides and skins, and, on the other hand, feed intended for farmed animals other than fur animals. Considering that a similar risk of cross-contamination exists when those materials are stored in bulk, the requirements of Section B of Chapter V of Annex IV to Regulation (EC) No 999/2001, should be extended to cover the storage in bulk of feed materials and compound feed containing products derived from ruminants other than milk and milk based products, dicalcium and tricalcium phosphate of animal origin and hydrolysed proteins derived from ruminant hides and skins.
- (20) Point (a) of Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 requires that animal by-products used for the production of processed animal protein, other than fishmeal, derived from non-ruminants and intended to be used in feed for aquaculture animals, are sourced in slaughterhouses which do not slaughter ruminants and cutting plants which do not bone or cut up ruminant meat. Point (a) provides for a derogation from that requirement for slaughterhouses which carry out effective measures in order to prevent cross-contamination between ruminant and non-ruminants by-products and which are inspected and authorised on that basis by the competent authority.

<sup>(1)</sup> Commission Regulation (EU) 2016/1396 of 18 August 2016 amending certain Annexes to Regulation (No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 225, 19.8.2016, p. 76).

- (21) In order to allow for more possibilities in the types of raw materials used for the production of non-ruminant processed animal protein destined for use in feed for aquaculture animals or destined for export, it is appropriate to amend point (a) of Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 in order to allow the use of animal by-products originating from establishments other than slaughterhouses or cutting plants, provided that those other establishments are dedicated exclusively to the handling of non-ruminant materials, or are authorised by the competent authority, following an on-site inspection, based on the same channelling requirements as those provided for in the existing derogation for slaughterhouses, given that those channelling requirements provide the necessary guarantees that cross-contamination is prevented and controlled. It is also appropriate to extend to cutting plants the derogation existing for slaughterhouses, provided that the same channelling requirements are applied. Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (22) Point (b) of section A of Chapter IV of Annex IV to Regulation (EC) No 999/2001 requires that the accompanying commercial document or health certificate and any packaging of fishmeal and of compound feed containing fishmeal be marked with the words 'contains fishmeal — shall not be fed to ruminants'. However, the commercial document or health certificate referred to in Article 21(2) of Regulation (EC) No 1069/2009 is not required for compound feed. It is therefore appropriate to amend point (b) of Section A of Chapter IV of Annex IV to Regulation (EC) No 999/2001 to clarify that, for compound feed containing fishmeal, the words 'contains fishmeal — shall not be fed to ruminants' should only be added on the label of the compound feed. Section B, point (d) of Section C and point (e) of Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 should also be amended in this respect.
- (23) Section C of Chapter V of Annex IV to Regulation (EC) No 999/2001 prohibits the production of feed for farmed animals other than fur animals in establishments producing petfood or feed for fur animals containing ruminant products which are prohibited for use in feed for farmed animals, other than fur animals. A similar prohibition should be laid down for establishments producing petfood or feed for fur animals containing non-ruminant processed animal protein, other than fishmeal, in order to ensure the absence of cross-contamination of feed for farmed animals other than fur animals or aquaculture animals with products prohibited in such feed. Section C of Chapter V of Annex IV to Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (24) Point 1 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 prohibits the export of processed animal protein derived from ruminants. That requirement was originally intended to control the spread of Bovine Spongiform Encephalopathy (BSE) at a time when BSE was epidemic in the Union and when the Europe was the main part of the world affected by the epidemic. However, the BSE situation in the Union has improved significantly. In 2015, five cases of BSE were reported in the Union compared to 2 166 reported cases in 2001. This improvement of the BSE situation in the Union is reflected in the fact that 23 Member States are now recognised as having a negligible BSE risk status in accordance with Commission Decision 2007/453/EC <sup>(1)</sup>, based on the BSE risk status recognised at international level by the World Animal Health Organisation (OIE).
- (25) The prohibition on the export of processed animal protein derived from ruminants should therefore be abolished and replaced by specific conditions to be complied with, in order to reduce the burden for trade and bring more proportionality compared to the current BSE epidemiological situation. Those conditions should notably be aimed at ensuring that the exported products do not contain meat-and-bone meal, the export of which is not authorised by Article 43(3) of Regulation (EC) No 1069/2009. As meat-and-bone meal may contain specified risk materials or may be derived from animals which have died or have been killed for reasons other than slaughter for human consumption, meat-and-bone meal represents a higher BSE risk and should therefore not be exported.
- (26) In order to ensure that the exported processed animal protein of ruminant origin do not contain meat-and-bone meal and are not used for other purposes than those authorised by Union legislation, the processed animal protein derived from ruminants should be transported in sealed containers directly from the processing plant to the point of exit from the Union, which should be a border inspection post listed in Annex I to Commission Decision 2009/821/EC <sup>(2)</sup>, in order to permit official controls. Such official controls should be carried out using the existing official control procedures, in particular the commercial document in accordance with the model established in point 6 of Chapter III of Annex VIII to Regulation (EU) No 142/2011 and the communication

<sup>(1)</sup> Commission Decision 2007/453/EC of 29 June 2007 establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk (OJ L 172, 30.6.2007, p. 84).

<sup>(2)</sup> Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by the Commission veterinary experts and laying down the veterinary units in Traces (OJ L 296, 12.11.2009, p. 1).

between competent authorities via the integrated computerised veterinary system (TRACES) introduced by Commission Decision 2004/292/EC <sup>(1)</sup>.

- (27) In accordance with Article 24 of Regulation (EC) No 1069/2009, the processing plant must be approved for the processing of Category 3 material and in accordance with Article 45 of that Regulation, it must be subject to regular official controls, including, where the processing plant is also approved for the processing of Category 1 and/or 2 material, as regards the permanent marking of Category 1 and 2 material required by that Regulation.
- (28) Point 2 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 requires that compound feed containing processed animal proteins derived from non-ruminants and intended for export are produced in accordance with certain requirements, referring notably to point (e) of Section A of Chapter V of Annex IV to that Regulation, which, in turn, refers to Section D of Chapter IV of that Annex. As those cross-references have led to diverging interpretations, it is appropriate to reformulate point 2 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 in order to clarify the requirements applicable for the production of processed animal proteins derived from non-ruminants, or compound feed containing such proteins, intended for export from the Union.
- (29) In particular, the reference, in point 2(b) of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001, which concerns exports of compound feed containing processed animal protein derived from non-ruminants, to point (d) of Section D of Chapter IV of that Annex, which concerns the production of compound feed containing processed animal protein derived from non-ruminants for feeding aquaculture animals, is not adapted to all cases. While point (d) of Section D of Chapter IV of Annex IV to Regulation (EC) No 999/2001 requires that the compound feed establishment be dedicated exclusively to the production of feed for aquaculture animals or be authorised based on measures taken to avoid cross-contamination between feed intended for aquaculture animals and feed intended for other farmed animals, in the case of exports, Annex IV to Regulation (EC) No 999/2001 does not limit the species to which the exported compound feed may be fed to in the third country. The cross-contamination to be targeted in this case is therefore between the exported compound feed containing non-ruminant processed animal protein and feed destined for other farmed animals than aquaculture animals to be placed on the Union market. Point 2 of Section E of Chapter V of Annex IV to Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (30) The amendments described in previous recitals concerning (1) the storage of certain feed materials and compound feed; (2) the production of processed animal protein derived from farmed insects and of compound feed containing such protein; (3) the export of compound feed containing processed animal protein derived from non-ruminants; and (4) the use of raw materials from other establishments than slaughterhouses and cutting plants for the manufacturing of non-ruminant processed animal protein, include requirements for Member States competent authority to register or authorise certain establishments based on the fulfilment of those requirements. Section A of Chapter V of Annex IV to Regulation (EC) No 999/2001 should therefore be amended in order to include the obligation for Member States to keep up-to-date and make publicly available lists of those establishments.
- (31) To limit the burden for competent authorities, the publication of lists of operators should be limited only to those cases where such publication is necessary in order for operators to identify which potential suppliers comply with the requirements of Annex IV to Regulation (EC) No 999/2001, and for competent authorities to control the respect of those requirements along the production chain. Section A of Chapter V of Annex IV should therefore be amended to exclude lists of home compounders from the obligation to be made publicly available.
- (32) As Member States and operators need sufficient time to adapt to the amendments made by this Regulation in Section A of Chapter III, as regards the storage of certain bulk feed materials and compound feed, and in Sections A, B and C of Chapter V of Annex IV to Regulation (EC) No 999/2001, as regards the lists of establishments producing in accordance with certain requirements of Annex IV to Regulation (EC) No 999/2001, as regards the storage of feed containing products derived from ruminants, and as regards the production of petfood containing processed animal protein derived from non-ruminants, those changes should apply from 1 January 2018.
- (33) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

<sup>(1)</sup> Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC (OJ L 94, 31.3.2004, p. 63).

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and IV to Regulation (EC) No 999/2001 are amended in accordance with Annex I to this Regulation.

*Article 2*

Annexes X, XIV and XV to Regulation (EU) No 142/2011 are amended in accordance with Annex II to this Regulation.

*Article 3*

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

It shall apply from 1 July 2017.

However, the following amendments made to Annex IV to Regulation (EC) No 999/2001 by this Regulation shall apply from 1 January 2018:

- (a) the amendments made to Section A of Chapter III of Annex IV to Regulation (EC) No 999/2001 by point 2(b)(i) of Annex I to this Regulation; and
- (b) the amendments made to Sections A, B and C of Chapter V of Annex IV to Regulation (EC) No 999/2001 by point 2(d)(i) of Annex I to this Regulation.

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

Done at Brussels, 24 May 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX I

Annexes I and IV to Regulation (EC) No 999/2001 are amended as follows:

(1) Annex I is amended as follows:

(a) in point 1(d), the following point (iv) is added:

‘(iv) “label” in Article 3(2)(t);’;

(b) the following points are added to point 2:

‘(m) “farmed insects” means farmed animals, as defined in Article 3(6)(a) of Regulation (EC) No 1069/2009, of those insect species which are authorised for the production of processed animal protein in accordance with point 2 of Part A of Section 1 of Chapter II of Annex X to Regulation (EU) No 142/2011;

(n) “home compounders” means livestock farmers who mix compound feed for the exclusive use on their own holding.’;

(2) Annex IV is amended as follows:

(a) in Chapter II, point (c) is replaced by the following:

‘(c) aquaculture animals of the following feed materials and compound feed:

(i) processed animal protein derived from non-ruminants, other than fishmeal and other than processed animal protein derived from farmed insects, and compound feed containing such processed animal protein, which are produced, placed on the market and used in accordance with the general conditions laid down in Chapter III and the specific conditions laid down in Section D of Chapter IV;

(ii) processed animal protein derived from farmed insects, and compound feed containing such processed animal protein, which are produced, placed on the market and used in accordance with the general conditions laid down in Chapter III and the specific conditions laid down in Section F of Chapter IV;’;

(b) Chapter III is amended as follows:

(i) Section A is replaced by the following:

‘SECTION A

***Transport and storage of feed materials and compound feed intended to be used for feeding non-ruminant farmed animals***

1. The following products intended to be used for feeding non-ruminant farmed animals shall be transported in vehicles and containers and stored in storage facilities which are not used, respectively, for the transport or storage of feed intended for ruminants:

(a) bulk processed animal protein derived from non-ruminants, including fishmeal and processed animal protein derived from farmed insects;

(b) bulk dicalcium and tricalcium phosphate of animal origin;

(c) bulk blood products derived from non-ruminants;

(d) bulk compound feed containing the feed materials listed in (a), (b) and (c).

Records detailing the type of products that were transported or stored in a storage plant shall be kept available to the competent authority for a period of at least two years.

2. By way of derogation from point 1, vehicles, containers and storage facilities which have been previously used for the transport or storage of the products listed in that point, may be subsequently used for the transport or storage of feed intended for ruminants provided that they are cleaned beforehand in order to avoid cross-contamination, in accordance with a documented procedure which has been given prior authorisation by the competent authority.

Whenever such a procedure is used, a documented record of such use shall be kept available to the competent authority for a period of at least two years.

3. Storage plants storing in accordance with point 2 feed materials and compound feed listed in point 1 shall be authorised by the competent authority based on verification of their compliance with the requirements listed in point 2.
4. Bulk processed animal protein derived from non-ruminants, including processed animal protein derived from farmed insects but excluding fishmeal, and bulk compound feed containing such processed animal protein, shall be transported in vehicles and containers and stored in storage facilities which are not used, respectively, for the transport or storage of feed intended for non-ruminant farmed animals other than aquaculture animals.
5. By way of derogation from point 4, vehicles, containers and storage facilities which have been previously used for the transport or storage of the products referred to in that point may be subsequently used for the transport or storage of feed intended for non-ruminant farmed animals other than aquaculture animals provided that they are cleaned beforehand in order to avoid cross-contamination, in accordance with a documented procedure which has been given prior authorisation by the competent authority.

Whenever such a procedure is used, a documented record of such use shall be kept available to the competent authority for a period of at least two years.;

(ii) in Section B, point 3 is replaced by the following:

- '3. By way of derogation from point 1, a specific authorisation for the production of complete feed from compound feed containing the products listed in that point, shall not be required for home compounders subject to their compliance with the following conditions:
  - (a) they must be registered by the competent authority as producing complete feed from compound feed containing the products listed in point 1;
  - (b) they must keep only non-ruminant animals;
  - (c) any compound feed containing fishmeal used in the production of the complete feed must contain less than 50 % crude protein;
  - (d) any compound feed containing dicalcium and tricalcium phosphate of animal origin used in the production of the complete feed must contain less than 10 % total phosphorus;
  - (e) any compound feed containing blood products derived from non-ruminants used in the production of the complete feed must contain less than 50 % crude protein.;

(iii) in Section C, point (a) is replaced by the following:

- '(a) processed animal protein derived from non-ruminants, including fishmeal and processed animal protein derived from farmed insects;'

(iv) in Section D, in point 1, (a) is replaced by the following:

- '(a) processed animal protein derived from non-ruminants, including fishmeal and processed animal protein derived from farmed insects;'

(c) Chapter IV is amended as follows:

(i) in Section A, point (b) is replaced by the following:

- '(b) The words "fishmeal — shall not be used in feed for ruminants except unweaned ruminants" shall be clearly indicated on the accompanying commercial document or health certificate referred to in Article 21(2) of Regulation (EC) No 1069/2009, as appropriate, as well as on the label of fishmeal;

The words "contains fishmeal — shall not be fed to ruminants" shall be clearly indicated on the label of compound feed containing fishmeal intended for non-ruminant farmed animals other than fur animals.;

- (ii) Section B is replaced by the following:

‘SECTION B

***Specific conditions applicable to the use of dicalcium phosphate and tricalcium phosphate of animal origin and compound feed containing such phosphates intended to be used for feeding non-ruminant farmed animals other than fur animals***

- (a) The words “di-/tricalcium phosphate of animal origin — shall not be used in feed for ruminants” shall be clearly indicated on the accompanying commercial document or health certificate referred to in Article 21(2) of Regulation (EC) No 1069/2009, as appropriate, as well as on the label of dicalcium/tricalcium phosphate of animal origin;
- (b) The words “contains dicalcium/tricalcium phosphate of animal origin — shall not be fed to ruminants” shall be clearly indicated on the label of compound feed containing dicalcium/tricalcium phosphate of animal origin.’
- (iii) in Section C, the first paragraph of point (c) is replaced by the following:
- ‘(c) The blood products shall be produced in processing plants exclusively processing non-ruminant blood, and registered by the competent authority as processing exclusively non-ruminant blood.’
- (iv) in Section C, point (d) is replaced by the following:

- ‘(d) The words “non-ruminant blood products — shall not be used in feed for ruminants” shall be clearly indicated on the accompanying commercial document or health certificate referred to in Article 21(2) of Regulation (EC) No 1069/2009, as appropriate, as well as on the label of blood products derived from non-ruminants.

The words “contains non-ruminant blood products — shall not be fed to ruminants” shall be clearly indicated on the label of compound feed containing blood products derived from non-ruminants.’;

- (v) in Section D, the title of that Section, the introductory phrase of the first paragraph and point (a) are replaced by the following:

‘SECTION D

***Specific conditions applicable to the production and use of processed animal protein derived from non-ruminants, other than fishmeal and other than processed animal protein derived from farmed insects, and compound feed containing such protein, intended to be used for feeding aquaculture animals***

The following specific conditions shall apply to the production and use of processed animal protein derived from non-ruminants, other than fishmeal and other than processed animal protein derived from farmed insects, and compound feed containing such protein, intended to be used for feeding aquaculture animals:

- (a) The animal by-products intended to be used for the production of processed animal protein referred to in this Section shall come from:
- (i) slaughterhouses which do not slaughter ruminants and which are registered by the competent authority as not slaughtering ruminants; or
- (ii) cutting plants which do not bone or cut up ruminant meat and which are registered by the competent authority as not boning or cutting up ruminant meat; or
- (iii) other establishments than those referred to in (i) or (ii) which do not handle ruminant products and which are registered by the competent authority as not handling ruminant products.

By way of derogation from that specific condition, the competent authority may authorise the slaughter of ruminants in a slaughterhouse producing non-ruminant animal by-products intended for the production of processed animal protein referred to in this Section, and the handling of ruminant products in a cutting plant or another establishment producing non-ruminant animal by-products intended for the production of processed animal protein referred to in this Section.

That authorisation may be granted only where the competent authority is satisfied, following an on-site inspection, of the effectiveness of measures aimed to prevent cross-contamination between ruminant and non-ruminant by-products.

Those measures shall include the following minimum requirements:

- (i) the slaughtering of non-ruminants must be carried out in lines that are physically separate from those used for the slaughtering of ruminants;
  - (ii) non-ruminant products must be handled on production lines that are physically separate from those used for the handling of ruminant products;
  - (iii) the collection, storage, transport and packaging facilities for animal by-products of non-ruminant origin must be kept separate from those for animal by-products of ruminant origin;
  - (iv) a regular sampling and analysis of animal by-products of non-ruminant origin must be carried out to detect the presence of ruminant proteins. The method of analysis used must be scientifically validated for that purpose. The frequency of sampling and analysis shall be determined on the basis of a risk assessment carried out by the operator as part of its procedures based on the HACCP principles.;
- (vi) in Section D, the first paragraph of point (c) is replaced by the following:
- ‘(c) The processed animal protein referred to in this Section shall be produced in processing plants that are dedicated exclusively to processing non-ruminant animal by-products sourced from slaughterhouses, cutting plants or other establishments referred to in point (a). Those processing plants shall be registered by the competent authority as processing exclusively non-ruminant animal by-products.’;
- (vii) in Section D, in the second paragraph of point (d), the introductory phrase of (i) is replaced by the following:
- ‘(i) the production of compound feed, containing processed animal protein referred to in this Section, for aquaculture animals in establishments which also produce compound feed intended for other farmed animals, other than fur animals, may be authorised by the competent authority, following an on-site inspection, subject to compliance with the following conditions:’;
- (viii) in Section D, point d(ii) and point (e) are replaced by the following:
- ‘(ii) a specific authorisation for the production of complete feed from compound feed containing processed animal protein referred to in this Section shall not be required for home compounders that comply with the following conditions:
- they are registered by the competent authority as producing complete feed from compound feed containing processed animal protein derived from non-ruminants, other than fishmeal and other than processed animal protein derived from farmed insects,
  - they keep only aquaculture animals, and
  - the compound feed containing processed animal protein referred to in this Section used in their production contains less than 50 % crude protein.
- (e) The accompanying commercial document or health certificate referred to in Article 21(2) of Regulation (EC) No 1069/2009, as appropriate, of processed animal protein referred to in this Section and the label thereof shall be clearly marked with the following words: “non-ruminant processed animal protein — shall not be used in feed for farmed animals except aquaculture and fur animals”.

The following words shall be clearly indicated on the label of compound feed containing processed animal protein referred to in this Section:

“contains non-ruminant processed animal protein — shall not be fed to farmed animals except aquaculture and fur animals”.

(ix) in Section E, points (b) to (g) are replaced by the following:

- (b) the words “fishmeal — shall not be used in feed for ruminants except unweaned ruminants” shall be clearly indicated on the accompanying commercial document or health certificate referred to in Article 21(2) of Regulation (EC) No 1069/2009, as appropriate, as well as the label of fishmeal intended to be used in milk replacers;
- (c) the use of fishmeal for unweaned farmed animals of the ruminant species shall only be authorised for the production of milk replacers, distributed in dry form and administered after dilution in a given quantity of liquid, intended for the feeding of unweaned ruminants as a supplement to, or substitute for, post-colostral milk before weaning is complete;
- (d) milk replacers containing fishmeal intended for unweaned farmed animals of the ruminant species shall be produced in establishments which do not produce other compound feed for ruminants and which are authorised for this purpose by the competent authority.

By way of derogation from that special condition, the production of other compound feed for ruminants in establishments which also produce milk replacers containing fishmeal intended for unweaned farmed animals of the ruminant species may be authorised by the competent authority, following an on-site inspection, subject to compliance with the following conditions:

- (i) other compound feed destined for ruminants must be kept in facilities that are physically separate from those used for bulk fishmeal and bulk milk replacers containing fishmeal during storage, transport and packaging;
  - (ii) other compound feed destined for ruminants must be manufactured in facilities that are physically separate from facilities where milk replacers containing fishmeal are manufactured;
  - (iii) records detailing the purchases and uses of fishmeal and the sales of milk replacers containing fishmeal must be kept available to the competent authority for a period of at least five years;
  - (iv) regular sampling and analysis of the other compound feed destined for ruminants must be carried out in order to verify the absence of unauthorised constituents of animal origin using the methods of analysis for the determination of constituents of animal origin for the control of feed set out in Annex VI to Regulation (EC) No 152/2009; the frequency of such sampling and analysis shall be determined on the basis of a risk assessment carried out by the operator as part of its procedures based on the HACCP principles; the results must be kept available to the competent authority for a period of at least five years;
- (e) before release for free circulation in the Union, importers shall ensure that each consignment of imported milk replacers containing fishmeal is analysed in accordance with methods of analysis for the determination of constituents of animal origin for the control of feed set out in Annex VI to Regulation (EC) No 152/2009 in order to verify the absence of unauthorised constituents of animal origin;
  - (f) The label of milk replacers containing fishmeal, intended for unweaned farmed animals of the ruminant species, must be clearly marked with the words “contains fishmeal — shall not be fed to ruminants except unweaned ruminants”;
  - (g) bulk milk replacers containing fishmeal intended for unweaned farmed animals of the ruminant species shall be transported in vehicles and containers and stored in storage facilities which are not used, respectively for the transport or storage of other feed intended for ruminants.

By way of derogation from that special condition, vehicles, containers and storage facilities which will be subsequently used for the transport or storage of other bulk feed intended for ruminants may be used for the transport or storage of bulk milk replacers containing fishmeal intended for unweaned farmed animals of the ruminant species provided that they have been cleaned beforehand in order to avoid cross-contamination in accordance with a documented procedure which has been given prior authorisation by the competent authority. Whenever such a procedure is used, a documented record of such use shall be kept available to the competent authority for a period of at least two years;

- (h) on farms where ruminants are kept, on-farm measures shall be in place to prevent milk replacers containing fishmeal being fed to other ruminants than unweaned ruminants. The competent authority shall establish a list of farms where milk replacers containing fishmeal are used through a system of prior notification by the farm or another system thereby ensuring compliance with this specific condition.;
- (x) the following Section F is added:

SECTION F

***Specific conditions applicable to the production and use of processed animal protein derived from farmed insects and compound feed containing such protein intended to be used for feeding aquaculture animals***

The following specific conditions shall apply to the production and use of processed animal protein derived from farmed insects and compound feed containing such processed animal protein intended to be used for feeding aquaculture animals:

- (a) Processed animal protein derived from farmed insects must:
- (i) be produced in processing plants approved in accordance with Article 24(1)(a) of Regulation (EC) No 1069/2009 and dedicated exclusively to the production of products derived from farmed insects; and
  - (ii) be produced in accordance with the requirements laid down in Section 1 of Chapter II of Annex X to Regulation (EU) No 142/2011.
- (b) Compound feed containing processed animal protein derived from farmed insects must be produced in establishments authorised for that purpose by the competent authority and which are dedicated exclusively to the production of feed for aquaculture animals.

By way of derogation from that specific condition:

- (i) the production of compound feed, containing processed animal protein derived from farmed insects, for aquaculture animals in establishments which also produce compound feed intended for other farmed animals, except fur animals, may be authorised by the competent authority, following an on-site inspection, subject to compliance with the following conditions:
  - compound feed destined for ruminants must be manufactured and kept, during storage, transport and packaging, in facilities that are physically separate from those facilities where compound feed for non-ruminant animals are manufactured and kept,
  - compound feed destined for aquaculture animals must be manufactured and kept, during storage, transport and packaging, in facilities that are physically separate from those facilities where compound feed for other non-ruminant animals are manufactured and kept,
  - records detailing the purchases and uses of processed animal protein derived from farmed insects and the sales of compound feed containing such protein must be kept available to the competent authority for a period of at least five years,
  - regular sampling and analysis of the compound feed destined for farmed animals other than aquaculture animals in order to verify the absence of unauthorised constituents of animal origin using the methods of analysis for the determination of constituents of animal origin for the control of feed set out in Annex VI to Regulation (EC) No 152/2009; the frequency of such sampling and analysis shall be determined on the basis of a risk assessment carried out by the operator as part of its procedures based on the HACCP principles; the results must be kept available to the competent authority for a period of at least five years;

- (ii) a specific authorisation for the production of complete feed from compound feed containing processed animal protein derived from farmed insects shall not be required for home compounders that comply with the following conditions:
  - they are registered by the competent authority as producing complete feed from compound feed containing processed animal protein derived from farmed insects,
  - they keep only aquaculture animals, and
  - the compound feed containing processed animal protein derived from farmed insects used in their production contains less than 50 % crude protein.
- (c) The accompanying commercial document or health certificate referred to in Article 21(2) of Regulation (EC) No 1069/2009, as appropriate, of processed animal protein derived from farmed insects and the label thereof shall be clearly marked with the following words: “processed insect protein — shall not be used in feed for farmed animals except aquaculture and fur animals”.

The following words shall be clearly indicated on the label of compound feed containing processed animal protein derived from insects:

“contains non-ruminant processed animal protein — shall not be fed to farmed animals except aquaculture and fur animals”;

(d) Chapter V is amended as follows:

- (i) Section A, B and C are replaced by the following:

‘SECTION A

**Listing**

1. Member States shall keep up-to-date and make publicly available lists of:
  - (a) slaughterhouses registered as not slaughtering ruminants in accordance with the first paragraph of point (a) of Section C of Chapter IV, as well as authorised slaughterhouses from which blood produced in accordance with the second, third and fourth paragraphs of point (a) of Section C of Chapter IV can be sourced;
  - (b) processing plants registered as processing exclusively non-ruminant blood in accordance with the first paragraph of point (c) of Section C of Chapter IV, as well as authorised processing plants producing blood products in accordance with the second, third and fourth paragraphs of point (c) of Section C of Chapter IV;
  - (c) slaughterhouses, cutting plants and other establishments registered as, respectively, not slaughtering ruminants, boning or cutting up ruminant meat, and not handling ruminant products, from which animal by-products intended to be used for the production of processed animal protein derived from non-ruminants in accordance with the first paragraph of point (a) of Section D of Chapter IV can be sourced, as well as authorised slaughterhouses, cutting plants and other establishments, from which animal by-products intended to be used for the production of processed animal protein derived from non-ruminants in accordance with the second, third and fourth paragraphs of point (a) of Section D of Chapter IV can be sourced;
  - (d) processing plants registered as not processing ruminant animal by-products in accordance with the first paragraph of point (c) of Section D of Chapter IV, as well as authorised processing plants producing processed animal protein derived from non-ruminants which operate in accordance with the second, third and fourth paragraphs of point (c) of Section D of Chapter IV;
  - (e) authorised compound feed establishments producing, in accordance with Section B of Chapter III, compound feed containing fishmeal, dicalcium and tricalcium phosphate of animal origin, or blood products derived from non-ruminants;

- (f) authorised compound feed establishments producing, in accordance with point (d) of Section D of Chapter IV, compound feed containing processed animal protein derived from non-ruminants; as well as authorised compound feed establishments producing, in accordance with point 3(b)(ii) of Section E of Chapter V, exclusively compound feed for export from the Union or compound feed for export from the Union and compound feed for aquaculture animals to be placed on the market;
  - (g) authorised compound feed establishments producing, in accordance with point (d) of Section E of Chapter IV, milk replacers containing fishmeal intended for unweaned farmed animals of the ruminant species;
  - (h) authorised compound feed establishments producing, in accordance with point (b) of Section F of Chapter IV, compound feed containing processed animal protein derived from farmed insects;
  - (i) storage plants authorised in accordance with point 3 of Section A of Chapter III or in accordance with the third paragraph of point 3(d) of Section E of Chapter V.
2. Member States shall keep up-to-date lists of home compounders registered in accordance with point 3 of Section B of Chapter III, point (d)(ii) of Section D of Chapter IV, and point (b)(ii) of Section F of Chapter IV.

#### SECTION B

##### ***Transport and storage of feed materials and compound feed containing products derived from ruminants***

1. Bulk feed materials and bulk compound feed containing products derived from ruminants other than those listed in the following points (a) to (d) shall be transported in vehicles and containers and stored in storage facilities which are not used, respectively, for the transport or storage of feed intended for farmed animals other than fur animals:
- (a) milk, milk-based products, milk-derived products, colostrum and colostrum products;
  - (b) dicalcium and tricalcium phosphate of animal origin;
  - (c) hydrolysed proteins derived from ruminant hides and skins;
  - (d) rendered fat from ruminants with a maximum level of insoluble impurities of 0,15 % in weight and derivatives made from such fat.
2. By way of derogation from point 1, vehicles, containers and storage facilities which have been previously used for the transport or storage of bulk feed materials and bulk compound feed listed in that point, may be used for the transport or storage of feedingstuffs intended for farmed animals other than fur animals provided that they have been cleaned beforehand in order to avoid cross-contamination in accordance with a documented procedure which has been given prior authorisation by the competent authority.

Whenever such a procedure is used, a documented record of this use shall be kept available to the competent authority for a period of at least two years.

#### SECTION C

##### ***Production of compound feed intended for fur animals or for pet animals containing products derived from ruminants or from non-ruminants***

1. Compound feed intended for fur animals or for pet animals which contains products derived from ruminants other than those listed in the following points (a) to (d) shall not be produced in establishments which produce feed for farmed animals other than fur animals:
- (a) milk, milk-based products, milk-derived products, colostrum and colostrum products;
  - (b) dicalcium and tricalcium phosphate of animal origin;
  - (c) hydrolysed proteins derived from ruminant hides and skins;
  - (d) rendered fat from ruminants with a maximum level of insoluble impurities of 0,15 % in weight and derivatives made from such fat.

2. Compound feed intended for fur animals or for pet animals, which contains processed animal protein derived from non-ruminants, other than fishmeal, shall not be produced in establishments which produce feed for farmed animals other than fur animals or aquaculture animals.;

- (ii) Section D is replaced by the following:

‘SECTION D

***Use and storage on farms of feed materials and compound feed for farmed animals containing products derived from ruminants***

The use and storage of feed materials and compound feed for farmed animals containing products derived from ruminants other than those listed in points (a) to (d) shall be prohibited in farms keeping farmed animals other than fur animals:

- (a) milk, milk-based products, milk-derived products, colostrum and colostrum products;
- (b) dicalcium and tricalcium phosphate of animal origin;
- (c) hydrolysed proteins derived from ruminant hides and skins;
- (d) rendered fat from ruminants with a maximum level of insoluble impurities of 0,15 % in weight and derivatives made from such fat.;

- (iii) Section E is replaced by the following:

‘SECTION E

***Export of processed animal protein and products containing such protein***

1. The export of processed animal protein derived from ruminants, or of processed animal protein derived from both ruminants and non-ruminants, shall be subject to compliance with the following conditions:

- (a) The processed animal protein shall be transported in sealed containers, directly from the processing plant of production to the point of exit from the Union territory, which shall be a border inspection post listed in Annex I to Commission Decision 2009/821/EC (\*). Before leaving the Union territory, the operator responsible for arranging the transport of the processed animal protein shall inform the competent authority at that border inspection post of the arrival of the consignment at the point of exit.
- (b) The consignment shall be accompanied by a duly completed commercial document produced according to the model set out in point 6 of Chapter III of Annex VIII to Regulation (EU) No 142/2011 and issued from the integrated computerised veterinary system (TRACES) introduced by Commission Decision 2004/292/EC (\*\*). On that commercial document, the border inspection post of exit must be indicated as exit point in box I.28.
- (c) When the consignment arrives at the point of exit, the competent authority at the border inspection post shall verify the seal of each of the containers presented at the border inspection post.

By way of derogation, based on an analysis of the risk, the competent authority at the border inspection post may decide to verify the seal of the container on a random basis.

If the seal verification is not satisfactory, the consignment must either be destroyed or must be re-dispatched to the establishment of origin.

The competent authority at the border inspection post shall inform, via TRACES, the competent authority responsible for the establishment of origin of the arrival of the consignment at the point of exit and, where applicable, of the outcome of the verification of the seal and of any corrective action taken.

- (d) The competent authority responsible for the establishment of origin shall carry out regular official controls to verify the correct implementation of points (a) and (b) and to verify that, for each consignment of processed animal protein of ruminant origin intended for export, the confirmation of the control carried out at the exit point was received from the competent authority of the border inspection post, through TRACES.

2. Without prejudice to point 1, the export of products containing processed animal protein derived from ruminants shall be prohibited.

By way of derogation, that prohibition shall not apply to processed petfood containing processed animal protein derived from ruminants which:

- (a) has been processed in approved petfood establishments in accordance with Article 24 of Regulation (EC) No 1069/2009; and
  - (b) is packaged and labelled in accordance with Union legislation.
3. The export of processed animal protein derived from non-ruminants, or compound feed containing such protein, shall be subject to compliance with the following conditions:
    - (a) The processed animal protein derived from non-ruminants shall be produced in processing plants which fulfil the requirements of point (c) of Section D of Chapter IV.
    - (b) The compound feed containing processed animal protein derived from non-ruminants shall be produced in compound feed establishments which:
      - (i) produce in accordance with point (d) of Section D of Chapter IV; or
      - (ii) source the processed animal protein used in compound feed destined for export in processing plants that comply with point (a) and, either:
        - are dedicated exclusively to the production of compound feed for export from the Union and are authorised for that purpose by the competent authority, or
        - are dedicated exclusively to the production of compound feed for export from the Union and to the production of compound feed for aquaculture animals to be placed on the market in the Union, and authorised for that purpose by the competent authority.
    - (c) The compound feed containing processed animal protein derived from non-ruminants shall be packaged and labelled in accordance with Union legislation or with the legal requirements of the importing country. Where the compound feed containing processed animal protein derived from non-ruminants is not labelled in accordance with Union legislation, the following words shall be indicated on the labelling: 'contains non-ruminant processed animal protein'.
    - (d) Bulk processed animal protein derived from non-ruminants and bulk compound feed containing such protein, and intended for export from the Union, shall be transported in vehicles and containers and stored in storage facilities which are not used, respectively, for the transport or storage of feed for placing on market and intended for feeding to ruminants or non-ruminant farmed animals other than aquaculture animals. Records detailing the type of products that were transported or stored shall be kept available to the competent authority for a period of at least two years.

By way of derogation from the first paragraph, vehicles, containers and storage facilities which have been previously used for the transport or storage of bulk processed animal protein derived from non-ruminants and bulk compound feed containing such protein, and intended for export from the Union, may be subsequently used for the transport or storage of feed for placing on the market and intended for feeding to ruminants or non-ruminant farmed animals other than aquaculture animals, provided that they are cleaned beforehand in order to avoid cross-contamination, in accordance with a documented procedure which has been given prior authorisation by the competent authority. Whenever such a procedure is used, a documented record of such use shall be kept available to the competent authority for a period of at least two years.

Storage plants storing bulk processed animal protein derived from non-ruminants and bulk compound feed containing such protein under the conditions set out in the second paragraph of point (d) shall be authorised by the competent authority based on verification of their compliance with the requirements listed in that paragraph.

4. By way of derogation from point 3, the conditions laid down in that point shall not apply to:
  - (a) petfood which contains processed animal protein derived from non-ruminants and which has been processed in petfood establishments approved in accordance with Article 24 of Regulation (EC) No 1069/2009 and which is packaged and labelled in accordance with Union legislation;

- (b) fishmeal, provided that it is produced in accordance with this Annex;
  - (c) processed animal protein derived from farmed insects, provided that it is produced in accordance with this Annex;
  - (d) compound feed containing no other processed animal protein than fishmeal and processed animal protein derived from farmed insects, provided that it is produced in accordance with this Annex;
  - (e) processed animal protein derived from non-ruminants destined for the manufacturing of petfood or of organic fertilisers and soil improvers in the third country of destination, provided that, before export, the exporter ensures that each consignment of processed animal protein is analysed in accordance with the method of analysis set out in point 2.2 of Annex VI to Regulation (EC) No 152/2009 in order to verify the absence of constituents of ruminant origin.
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- (\*) Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by the Commission veterinary experts and laying down the veterinary units in Traces (OJ L 296, 12.11.2009, p. 1).
- (\*\*) Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC (OJ L 94, 31.3.2004, p. 63).'
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Annexes X, XIV and XV of Regulation (EU) No 142/2011 are amended as follows:

(1) in Annex X, Chapter II, Section 1, Part A is replaced by the following:

A. Raw materials

1. Only animal by-products which are Category 3 material or products which are derived from such animal by-products, other than the Category 3 materials referred to in Article 10(n), (o) and (p) of Regulation (EC) No 1069/2009, may be used for the production of processed animal protein.
2. Processed animal protein derived from farmed insects, intended for the production of feed for farmed animals other than fur animals, may only be obtained from the following insect species:
  - (i) Black Soldier Fly (*Hermetia illucens*) and Common Housefly (*Musca domestica*);
  - (ii) Yellow Mealworm (*Tenebrio molitor*) and Lesser Mealworm (*Alphitobius diaperinus*);
  - (iii) House cricket (*Acheta domesticus*), Banded cricket (*Grylodes sigillatus*) and Field Cricket (*Gryllus assimilis*);

(2) in Annex XIV, Chapter I is amended as follows:

(a) in Section 1, Table 1, the first row is replaced by the following:

1	Processed animal protein, including mixtures and products other than petfood containing such protein, and compound feeds containing such proteins as defined in Article 3(2)(h) of Regulation (EC) No 767/2009	Category 3 materials referred to in Article 10(a), (b), (d), (e), (f), (h), (i), (j), (k), (l) and (m).	<p>(a) The processed animal protein must have been produced in accordance with Section 1 of Chapter II of Annex X; and</p> <p>(b) the processed animal protein shall comply with the additional requirements set out in Section 2 of this Chapter.</p>	<p>(a) In the case of processed animal proteins excluding fishmeal: Third countries listed in Part 1 of Annex II to Regulation (EU) No 206/2010.</p> <p>(b) In the case of fishmeal: Third countries listed in Annex II to Decision 2006/766/EC.</p>	<p>(a) In the case of processed animal protein other than those derived from farmed insects: Annex XV, Chapter 1.</p> <p>(b) In the case of processed animal protein derived from farmed insects: Annex XV, Chapter 1a.'</p>
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(b) in Section 2, the following point 5 is added:

5. Processed animal protein obtained from farmed insects may be imported into the Union provided that it has been produced in compliance with the following conditions:

(a) the insects belong to one of the following species:

— Black Soldier Fly (*Hermetia illucens*) and Common Housefly (*Musca domestica*),

- Yellow Mealworm (*Tenebrio molitor*) and Lesser Mealworm (*Alphitobius diaperinus*),
- House cricket (*Acheta domestica*), Banded cricket (*Grylodes sigillatus*) and Field Cricket (*Gryllus assimilis*);

(b) the substrate for the feeding of insects may only contain products of non-animal origin or the following products of animal origin of Category 3 material:

- fishmeal,
- blood products from non-ruminants,
- di and tricalcium phosphate of animal origin,
- hydrolysed proteins from non-ruminants,
- hydrolysed proteins from hides and skins of ruminants,
- gelatine and collagen from non-ruminants,
- eggs and egg products,
- milk, milk based-products, milk-derived products and colostrum,
- honey,
- rendered fats;

(c) the substrate for the feeding of insects and the insects or their larvae have not been in contact with any other materials of animal origin than those mentioned in point (b) and the substrate did not contain manure, catering waste or other waste.;

(3) Annex XV is amended as follows:

(a) in Chapter 1, the title of the model Health Certificate is replaced by the following:

**‘Health certificate**

*For processed animal protein, other than those derived from farmed insects, not intended for human consumption, including mixtures and products other than petfood containing such protein, for dispatch to or for transit through <sup>(2)</sup> the European Union’;*

(b) the following Chapter 1a is added:

‘CHAPTER 1a

**Health certificate**

*For processed animal protein derived from farmed insects not intended for human consumption, including mixtures and products other than petfood containing such protein, for dispatch to or for transit through <sup>(2)</sup> the European Union*

COUNTRY:

**Veterinary certificate to EU**

<b>Part I: Details of dispatched consignment</b>	I.1. Consignor Name Address  Tel.		I.2. Certificate reference No		I.2. a.			
			I.3. Central competent authority					
			I.4. Local competent authority					
	I.5. Consignee Name Address  Postcode Tel.		I.6. Person responsible for the load in EU Name Address  Postcode Tel.					
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code
	I.11. Place of origin  Name Address Name Address Name Address		Approval number  Approval number  Approval number		I.12. Place of destination  Name Address  Postcode			Custom warehouse <input type="checkbox"/>
	I.13. Place of loading		I.14. Date of departure					
I.15. Means of transport  <input type="checkbox"/> Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon  <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification Documentation references		I.16. Entry BIP in EU				I.17.		

I.18. Description of commodity		I.19. Commodity code (HS code)	
		I.20. Quantity	
I.21. Temperature of product Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>		I.22. Number of packages	
I.23. Seal/Container No		I.24. Type of packaging	
I.25. Commodities certified for:  Animal feedingstuff <input type="checkbox"/> Technical use <input type="checkbox"/> Production of petfood <input type="checkbox"/>			
I.26. For transit through EU to third country <input type="checkbox"/>  Third country                      ISO code		I.27. For import or admission into EU <input type="checkbox"/>	
I.28. Identification of the commodities  Approval number of establishments			
Species (Scientific name)	Nature of commodity	Manufacturing plant	Net weight                      Batch number

## COUNTRY

**Processed animal protein derived from farmed insects not intended for human consumption including mixtures and products other than petfood containing such protein****II. Health information**

II.a. Certificate reference No

II.b.

I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1069/2009 of the European Parliament and of the Council <sup>(1a)</sup> and in particular Article 10 thereof, and Commission Regulation (EU) No 142/2011 <sup>(1b)</sup>, and in particular Section 1 of Chapter II of Annex X, and Chapter I of Annex XIV thereto and certify that:

II.1. the processed animal protein derived from farmed insects or product described above contains exclusively processed animal protein not intended for human consumption that:

(a) has been prepared and stored in an establishment or plant approved, validated and supervised by the competent authority in accordance with Article 24 of Regulation (EC) No 1069/2009, and

(b) has been prepared exclusively from farmed insects of the following species:

<sup>(2)</sup> either [— Black Soldier Fly (*Hermetia illucens*);]

<sup>(2)</sup> and/or [— Common Housefly (*Musca domestica*);]

<sup>(2)</sup> and/or [— Yellow Mealworm (*Tenebrio molitor*);]

<sup>(2)</sup> and/or [— Lesser Mealworm (*Alphitobius diaperinus*);]

<sup>(2)</sup> and/or [— House cricket (*Acheta domesticus*);]

<sup>(2)</sup> and/or [— Banded cricket (*Gryllodes sigillatus*);]

<sup>(2)</sup> and/or [— Field Cricket (*Gryllus assimilis*).]

and

(c) has been processed by method [1]-[2]-[3]-[4]-[5]-[7] <sup>(2)</sup> as set out in Chapter III of Annex IV to Regulation (EU) No 142/2011;

and

(d) the substrate for the feeding of farmed insects may only contain products of non-animal origin or the following products of animal origin of Category 3 material:

— fishmeal;

— blood products from non-ruminants;

— di and tricalcium phosphate of animal origin;

— hydrolysed proteins from non-ruminants;

— hydrolysed proteins from hides and skins of ruminants;

— gelatine and collagen from non-ruminants;

— eggs and egg products;

— milk, milk based-products, milk-derived products, and colostrum;

— honey;

— rendered fats;

and

(e) the substrate for the feeding of insects and the insects or their larvae have not been in contact with any other materials of animal origin than those mentioned in point (d) and the substrate did not contain manure, catering waste or other waste.

## COUNTRY

**Processed animal protein derived from farmed insects not intended for human consumption including mixtures and products other than petfood containing such protein**

II. Health information	II.a. Certificate reference No	II.b.
<p>II.2. the competent authority examined a random sample immediately prior to dispatch and found it to comply with the following standards <sup>(3)</sup>:</p> <p style="padding-left: 40px;">Salmonella: Absence in 25 g: n = 5, c = 0, m = 0, M = 0</p> <p style="padding-left: 40px;">Enterobacteriaceae: n = 5, c = 2, m = 10, M = 300 in 1 g;</p> <p>II.3. the product has undergone all precautions to avoid recontamination with pathogenic agents after treatment;</p> <p>II.4. the end product:</p> <p style="padding-left: 20px;"><sup>(2)</sup> <i>either</i> [was packed in new or sterilised bags,]</p> <p style="padding-left: 20px;"><sup>(2)</sup> <i>or</i> [was transported in bulk in containers or other means of transport that were thoroughly cleaned and disinfected before use,]</p> <p style="padding-left: 40px;">which bear labels indicating 'NOT FOR HUMAN CONSUMPTION/PROCESSED INSECT PROTEIN — SHALL NOT BE USED IN FEED FOR FARMED ANIMALS EXCEPT AQUACULTURE AND FUR ANIMALS';</p> <p>II.5. the end product was stored in enclosed storage;</p> <p>II.6. the processed animal protein derived from farmed insects, or product described above, does not contain and is not derived from</p> <p style="padding-left: 20px;"><sup>(2)</sup> <i>either</i> [(a) specified risk material as defined in point 1 of Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council <sup>(4)</sup>;</p> <p style="padding-left: 40px;">(b) mechanically separated meat obtained from bones of bovine, ovine or caprine animals except if the animals from which the animal-by products or derived product have been obtained, were born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk in accordance with Commission Decision 2007/453/EC <sup>(5)</sup>, in which there has been no BSE indigenous cases,</p> <p style="padding-left: 40px;">(c) animal by-product or derived product obtained from animals which have been killed, after stunning, by laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity, or by means of gas injected into the cranial cavity, except for animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk in accordance with Decision 2007/453/EC.]</p> <p style="padding-left: 20px;"><sup>(2)</sup> <i>or</i> [bovine, ovine and caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk in accordance with Decision 2007/453/EC.]</p> <p>II.7. the processed animal protein or product described above:</p> <p style="padding-left: 20px;"><sup>(2)</sup> <i>either</i> [does not contain milk or milk products of ovine or caprine animal origin.]</p> <p style="padding-left: 20px;"><sup>(2)</sup> <i>or</i> [contains milk or milk products of ovine or caprine animal origin which:</p> <p style="padding-left: 40px;">(a) derive from ovine and caprine animals which have been kept continuously since birth in a country where the following conditions are fulfilled:</p> <p style="padding-left: 60px;">(i) classical scrapie is compulsorily notifiable;</p> <p style="padding-left: 60px;">(ii) an awareness, surveillance and monitoring system is in place;</p> <p style="padding-left: 60px;">(iii) official restrictions apply to holdings of ovine or caprine animals in the case of a suspicion of TSE or a confirmation of classical scrapie;</p> <p style="padding-left: 60px;">(iv) ovine and caprine animals affected with classical scrapie are killed and completely destroyed;</p> <p style="padding-left: 60px;">(v) the feeding to ovine and caprine animals of meat-and-bone meal or greaves of ruminant origin, as defined in the World Organisation for Animal Health (OIE) Terrestrial Animal Health Code, has been banned and effectively enforced in the whole country for a period of at least the preceding seven years;</p>		

## COUNTRY

**Processed animal protein derived from farmed insects not intended for human consumption including mixtures and products other than petfood containing such protein**

II. Health information	II.a. Certificate reference No	II.b.
<p>(b) originate from holdings where no official restriction is imposed due to a suspicion of TSE;</p> <p>(c) originate from holdings where no case of classical scrapie has been diagnosed during the preceding seven years or, following the confirmation of a case of classical scrapie:</p> <p>(<sup>2</sup>) <i>either</i> [all ovine and caprine animals on the holding have been killed and destroyed or slaughtered, except for breeding rams of the ARR/ARR genotype, breeding ewes carrying at least one ARR allele and no VRQ allele and other ovine animals carrying at least one ARR allele;]</p> <p>(<sup>2</sup>) <i>or</i> [all animals in which classical scrapie was confirmed have been killed and destroyed, and the holding has been subjected for two years at least since the confirmation of the last classical scrapie case to intensified TSE monitoring, including testing with negative results for the presence of TSE in accordance with the laboratory methods set out in point 3.2 of Chapter C of Annex X to Regulation (EC) No 999/2001, of all of the following animals which are over the age of 18 months, except ovine animals of the ARR/ARR genotype:</p> <ul style="list-style-type: none"> <li>— animals which have been slaughtered for human consumption; and</li> <li>— animals which have died or been killed on the holding but which were not killed in the framework of a disease eradication campaign.]] </li></ul>		
<i>Notes</i>		
<b>Part I:</b>		
— Box reference I.6: Person responsible for the consignment in the European Union: this box is to be filled in only if it is a certificate for a transit commodity; it may be filled in if the certificate is for an import commodity.		
— Box reference I.12: Place of destination: this box is to be filled in only if it is a certificate for a transit commodity. The products in transit can only be stored in free zones, free warehouses and custom warehouses.		
— Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship); information is to be provided in the event of unloading and reloading.		
— Box reference I.19: use the appropriate HS code: 05.05; 05.06; 05.07; 05.11 or 23.01.		
— Box reference I.25: technical use: any use other than for animal consumption.		
— Box reference I.26 and I.27: fill in according to whether it is a transit or an import certificate.		
— Box reference I.28: Species: insects, specify its scientific name.		
<b>Part II:</b>		
(1 <sup>a</sup> ) OJ L 300, 14.11.2009, p. 1.		
(1 <sup>b</sup> ) OJ L 54, 26.2.2011, p. 1.		
(2) Delete as appropriate.		
(3) Where:		
n = number of samples to be tested;		
m = threshold value for the number of bacteria; the result is considered satisfactory if the number of bacteria in all samples does not exceed m;		

COUNTRY

**Processed animal protein derived from farmed insects not intended for human consumption including mixtures and products other than petfood containing such protein**

II. Health information	II.a. Certificate reference No	II.b.
<p>M = maximum value for the number of bacteria; the result is considered unsatisfactory if the number of bacteria in one or more samples is M or more; and</p> <p>c = number of samples the bacterial count of which may be between m and M, the sample still being considered acceptable if the bacterial count of the other samples is m or less.</p> <p>(<sup>4</sup>) OJ L 147, 31.5.2001, p. 1.</p> <p>(<sup>5</sup>) Commission Decision 2007/453/EC of 29 June 2007 establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk (OJ L 172, 30.6.2007, p. 84).</p> <p>— The signature and the stamp must be in a different colour to that of the printing.</p> <p>— Note for the person responsible for the consignment in the European Union: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.</p>		
<p>Official veterinarian/Official inspector</p> <p>Name (in capital letters):</p> <p>Date:</p> <p>Stamp:'</p> <p>Qualification and title:</p> <p>Signature:</p>		

**COMMISSION REGULATION (EU) 2017/894****of 24 May 2017****amending Annexes III and VII to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the genotyping of ovine animals****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.
- (2) Regulation (EC) No 999/2001 provides that each Member State is to carry out an annual monitoring programme for TSEs in accordance with Annex III thereto, which lays down rules for a monitoring system. Part II of Chapter A of that Annex lays down rules for monitoring in ovine and caprine animals and point 8.2 of Part II of that Chapter provides that all Member States are to determine the prion protein genotype for the codons 136, 141, 154 and 171 of a minimum sample of ovine animals, representative of the entire ovine population of the Member State, of at least 600 animals for Member States with an adult sheep population of more than 750 000 animals and of at least 100 animals for other Member States.
- (3) Since the introduction of the random genotyping requirement set out point 8.2 of Part II of Chapter A of Annex III to Regulation (EC) No 999/2001, the original objectives of mapping scrapie susceptible sheep genotypes and identifying resistant sheep genotypes per country have been achieved. However, random genotyping of sheep remains useful in Member States which, in accordance with Article 6a of Regulation (EC) No 999/2001 and Chapter C of Annex VII thereto, carry out a breeding programme to select for resistance to TSEs in their ovine populations, and whose breeding programme aims at having an impact on the genetic profile of their overall ovine population. For those Member States, genotyping randomly a fraction of their entire ovine population allows them to assess whether the breeding programme in place has the desired impact, which is to increase the frequency of the ARR allele while reducing the prevalence of those alleles which have been shown to contribute to susceptibility to TSEs.
- (4) Chapter C of Annex VII to Regulation (EC) No 999/2001 sets out the minimum requirements for breeding programmes for resistance to TSEs in ovine animals in the Member States, and point 1 of Part 1 of that Chapter provides that the breeding programme is to concentrate on flocks of high genetic merit. The second paragraph of point 1 permits those Member States where a breeding programme is in place to decide to allow sampling and genotyping of breeding rams only, in flocks not participating in the breeding programme. That provision is used where the breeding programme of a Member State aims at having an impact on the genetic profile of the overall ovine population. Therefore, the random genotyping requirement set out in point 8.2 of Part II of Chapter A of Annex III to Regulation (EC) No 999/2001 should be limited to those Member States carrying out a breeding programme and which allow the sampling and genotyping of breeding rams in flocks not participating in the breeding programme.
- (5) The Opinion of the Scientific Panel on Biological Hazards (BIOHAZ) on the Breeding programme for TSE resistance in sheep of 13 July 2006 <sup>(2)</sup>, of the European Food Safety Authority ('the EFSA Opinion'), considered that the current requirement laid down in point 8.2 of Part II of Chapter A of Annex III to Regulation (EC) No 999/2001 to randomly genotype 100 or 600 ovine animals per year, depending on the sheep population size

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1.

<sup>(2)</sup> EFSA Journal (2006) 382, 1-46.

of the Member State, seems inadequate to monitor the impact of a breeding programme on the overall ovine population of a Member State given the small sample size required. The EFSA Opinion recommended increasing the sampling size and noted that, assuming that the prevalence of the genotype targeted by the monitoring is 50 %, 1 560 animals would need to be tested each year to detect a change of 5 % in the genotype prevalence with a level of confidence of 95 %. Since a change of 5 % in the genotype prevalence at the level of the entire ovine population is unlikely to occur within a year, it is appropriate to carry out such random genotyping once every 3 years.

- (6) The EFSA Opinion also recommended collecting epidemiological relevant data, such as the region, flock type and sex of the animal, for *a posteriori* adjustment and the monitoring of a proper sampling design. It is therefore appropriate to give Member States the possibility to determine the exact sampling size and frequency of their representative sampling and genotyping of their national sheep population, taking into account epidemiological data collected during previous sampling campaigns, provided that the sampling design allows at a minimum to detect a change of 5 % in genotype prevalence over a 3-year period, with a level of confidence of 95 %.
- (7) The random genotyping requirement set out in point 8.2 of Part II of Chapter A of Annex III to Regulation (EC) No 999/2001 should therefore be deleted and replaced by a requirement set out in Part 1 of Chapter C of Annex VII to that Regulation laying down that Member States carrying out a breeding programme for ovine animals, and allowing the sampling and genotyping of breeding rams in flocks not participating in the breeding programme, should genotype a random sample of ovine animals, representative of the ovine population of the Member State, either of at least 1 560 animals once every 3 years, or of a sample size and at a frequency determined by the Member State based on criteria defined in the previous recital.
- (8) Annexes III and VII to Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (9) Since the random genotyping is organised per calendar year, this amendment should become applicable on 1 January 2018.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Annexes III and VII to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

#### *Article 2*

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

It shall apply from 1 January 2018.

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

Done at Brussels, 24 May 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

## ANNEX

Annexes III and VII to Regulation (EC) No 999/2001 are amended as follows:

(1) Annex III is amended as follows:

(a) in Chapter A, in Part II, point 8 is replaced by the following:

**‘8. Genotyping**

The prion protein genotype for the codons 136, 154 and 171 shall be determined for each positive TSE case in sheep. TSE cases found in sheep of genotypes which encode alanine on both alleles at codon 136, arginine on both alleles at codon 154 and arginine on both alleles at codon 171 shall immediately be reported to the Commission. Where the positive TSE case is an atypical scrapie case the prion protein genotype for the codon 141 shall also be determined.’;

(b) in Chapter B, in Part I(A), point 8 is replaced by the following:

‘8. The genotype, and, where possible, the breed, of each ovine animal found positive to TSE and sampled in accordance with Chapter A, Part II, point 8.’;

(2) in Annex VII, in Chapter C, in Part 1, the following point 8 is added:

‘8. Where the Member State allows, in accordance with the second paragraph of point 1, the sampling and genotyping of breeding rams in flocks not participating in the breeding programme, the prion protein genotype for the codons 136, 141, 154 and 171 shall be determined for a minimum sample representative of the entire ovine population of the Member State, either:

(a) once every 3 years with a minimum sample of at least 1 560 ovine animals; or

(b) at a frequency and with a sample size determined by the Member State based on compliance with the following criteria:

(i) the sampling design takes into account relevant epidemiological data collected during previous surveys, including data concerning the prion protein genotype of sheep for the codons 136, 141, 154 and 171 by breed, region, age, sex and flock type;

(ii) the sampling design allows at a minimum to detect a change of 5 % in genotype prevalence over a 3-year period, with a 80 % power and 95 % confidence level.’

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**COMMISSION IMPLEMENTING REGULATION (EU) 2017/895****of 24 May 2017****concerning the authorisation of a preparation of 3-phytase produced by *Komagataella pastoris* (CECT 13094) as a feed additive for chickens for fattening and laying hens (holder of authorisation Fertinagro Nutrientes S.L.)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition <sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of a preparation of 3-phytase produced by *Komagataella pastoris* (CECT 13094). That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of a preparation of 3-phytase produced by *Komagataella pastoris* (CECT 13094) as a feed additive for chickens for fattening and laying hens to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 19 October 2016 <sup>(2)</sup> that, under the proposed conditions of use, 3-phytase produced by *Komagataella pastoris* (CECT 13094) does not have an adverse effect on animal health, human health or the environment. The Authority has also concluded that the additive has a potential to be efficacious in improving the availability of phytate phosphorus of the diets for the target species. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the 3-phytase shows that the conditions for authorisation of 3-phytase produced by *Komagataella pastoris* (CECT 13094), as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> EFSA Journal 2016;14(11):4622.

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*Article 2*

This Regulation shall enter into force on the twentieth 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, 24 May 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			

**Category of zootechnical additives. Functional group: digestibility enhancers**

4a25	Fertinagro Nutrientes S.L.	3-phytase EC 3.1.3.8	<p><i>Additive composition</i></p> <p>Preparation of 3-phytase produced by <i>Komagataella pastoris</i> (CECT 13094) having a minimum activity of: 1 000 FTU <sup>(1)</sup>/ml</p> <p>Liquid form</p> <p><i>Characterisation of the active substance</i></p> <p>3-phytase (EC 3.1.3.8) produced by <i>Komagataella pastoris</i> (CECT 13094)</p> <p><i>Analytical method</i> <sup>(2)</sup></p> <p>For the quantification of 3-phytase activity in the feed additive:</p> <p>— colorimetric method based on the enzymatic reaction of phytase on the phytate</p> <p>For the quantification of 3-phytase activity in feedingstuffs:</p> <p>— colorimetric method based on the enzymatic reaction of phytase on the phytate — EN ISO 30024</p>	Chickens for fattening Laying hens	—	500 FTU 1 000 FTU	—	<ol style="list-style-type: none"> <li>1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated.</li> <li>2. Recommended maximum dose for chickens for fattening and laying hens: 1 000 FTU/kg complete feed.</li> <li>3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.</li> </ol>	14 June 2027
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<sup>(1)</sup> 1 FTU is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from a sodium phytate substrate at pH 5,5 and 37 °C.

<sup>(2)</sup> Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/896****of 24 May 2017****concerning the authorisation of a preparation of 6-phytase, produced by *Trichoderma reesei* (ATCC SD-6528) as a feed additive in solid form for all poultry species and all porcine species (other than suckling piglets) (holder of the authorisation Danisco (UK) Ltd)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition <sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) The use of preparation of 6-phytase, produced by *Trichoderma reesei* (ATCC SD-6528) in liquid form, was authorised for 10 years for all poultry and all porcine species (other than suckling piglets) by Commission Implementing Regulation (EU) 2016/899 <sup>(2)</sup>.
- (3) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of a preparation of 6-phytase, produced by *Trichoderma reesei* (ATCC SD-6528) in solid form. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (4) That application concerns the authorisation of the preparation of 6-phytase produced by *Trichoderma reesei* (ATCC SD-6528) in solid form as a feed additive for poultry and porcine species to be classified in the additive category 'zootechnical additives'.
- (5) The European Food Safety Authority ('the Authority') concluded in its opinion of 20 October 2016 <sup>(3)</sup> that, under the proposed conditions of use, the preparation of 6-phytase produced by *Trichoderma reesei* (ATCC SD-6528) in solid form does not have an adverse effect on animal health, human health or the environment, and that it improves the availability of phytate phosphorus in the target species. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (6) The assessment of the preparation of 6-phytase produced by *Trichoderma reesei* (ATCC SD-6528) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2016/899 of 8 June 2016 concerning the authorisation of a 6-phytase produced by *Trichoderma reesei* (ATCC SD-6528) as a feed additive for all poultry species and all porcine species (other than suckling piglets) (holder of authorisation Danisco (UK) Ltd) (OJ L 152, 9.6.2016, p. 15).

<sup>(3)</sup> EFSA Journal 2016; 14(11):4625.

*Article 2*

This Regulation shall enter into force on the twentieth 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, 24 May 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedstuff with a moisture content of 12 %			

**Category of zootechnical additives. Functional group: digestibility enhancers**

4a24	Danisco (UK) Ltd	6-phytase EC 3.1.3.26	<p><i>Additive composition</i></p> <p>Preparation of 6-phytase, produced by <i>Trichoderma reesei</i> (ATCC SD-6528), having a minimum activity of 20 000 FTU <sup>(1)</sup>/g.</p> <p>Solid form</p> <p><i>Characterisation of the active substance:</i></p> <p>6-phytase (EC 3.1.3.26), produced by <i>Trichoderma reesei</i> (ATCC SD-6528)</p> <p><i>Analytical method</i> <sup>(2)</sup></p> <p>For the quantification of 6-phytase activity in the feed additive and premixtures:</p> <p>— colorimetric method based on the enzymatic reaction of phytase on the phytate.</p> <p>For the quantification of 6-phytase activity in feedingstuffs:</p> <p>— colorimetric method based on the enzymatic reaction of phytase on the phytate EN ISO 30024.</p>	All poultry species All porcine species (other than suckling piglets)	—	250 FTU	—	<ol style="list-style-type: none"> <li>1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated.</li> <li>2. Maximum recommended dose: 2 000 FTU/kg complete feed.</li> <li>3. For users of the additive and premixtures in a feed business, operational procedures and appropriate organisational measures shall be established to address hazards by inhalation, dermal contact or eyes contact. Where the dermal, inhalator or eyes exposure cannot be reduced to an acceptable level by these procedures and measures, the additive and premixtures shall be used with appropriate personal protective equipment.</li> </ol>	14 June 2027
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<sup>(1)</sup> 1 FTU is the amount of enzyme which liberates 1 micromole of inorganic phosphate per minute from a sodium phytate substrate at pH 5,5 and 37 °C.

<sup>(2)</sup> Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/897****of 24 May 2017****establishing the standard import values for determining the entry price of certain fruit and vegetables**

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 <sup>(1)</sup>,Having regard to 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 <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day 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, 24 May 2017.

*For the Commission,  
On behalf of the President,*

Jerzy PLEWA

*Director-General**Directorate-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

## ANNEX

## Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	99,7
	TR	67,0
	ZZ	83,4
0707 00 05	TR	84,9
	ZZ	84,9
0709 93 10	TR	130,3
	ZZ	130,3
0805 10 22, 0805 10 24, 0805 10 28	EG	53,1
	MA	54,5
	TR	48,9
	ZA	91,0
	ZZ	61,9
0805 50 10	AR	116,2
	TR	153,8
	ZA	150,8
	ZZ	140,3
0808 10 80	AR	158,4
	BR	117,1
	CL	132,2
	CN	145,5
	NZ	153,3
	ZA	107,8
	ZZ	135,7
	ZZ	135,7
0809 29 00	TR	367,5
	ZZ	367,5

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

# DIRECTIVES

## COMMISSION DIRECTIVE (EU) 2017/898

of 24 May 2017

**amending, for the purpose of adopting specific limit values for chemicals used in toys, Appendix C to Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards bisphenol A**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys <sup>(1)</sup>, and in particular Article 46(2) thereof,

Whereas:

- (1) Directive 2009/48/EC establishes certain requirements for chemical substances which are classified as carcinogenic, mutagenic or toxic for reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council <sup>(2)</sup>. Appendix C to Annex II to Directive 2009/48/EC lays down specific limit values for chemicals used in toys intended for use by children under 36 months or in other toys intended to be placed in the mouth.
- (2) The specific limit value for bisphenol A (CAS number 80-05-7) is 0,1 mg/l (migration limit). European standards EN 71-10:2005 (sample preparation) and EN 71-11:2005 (measurement) provide the relevant test methods.
- (3) EN 71-10:2005 requires that 10 cm<sup>2</sup> of a toy material be extracted with 100 ml of water during one hour. Compliance with the specific limit value of 0,1 mg/l thus means that during this extraction a maximum of 0,01 mg bisphenol A may migrate out of the toy material.
- (4) In order to provide it with advice in the preparation of legislative proposals and policy initiatives in the area of toy safety, the Commission established the Expert Group on Toys Safety. The mission of its subgroup 'Chemicals' is to provide such advice with regard to chemical substances which may be used in toys. The subgroup 'Chemicals' of the Expert Group on Toys Safety considered at its meeting on 1 October 2015 that applying the specific limit value and the test methods set out above leads to an exposure of 3 microgram per kilogram body weight per day in a child of 10 kg body weight mouthing a toy during 3 hours daily.
- (5) New data on bisphenol A and refined methodologies led the Panel on Food Contact Materials, Enzymes, Flavourings and Processing Aids (CEF Panel) of the European Food Safety Authority (EFSA) to set a 'temporary' tolerable daily intake (TDI) for bisphenol A at 4 microgram per kilogram body weight per day <sup>(3)</sup>. The CEF Panel designated the TDI as temporary, pending the outcome of the long-term study in rats involving prenatal as well as postnatal exposure to bisphenol A, currently being undertaken by National Toxicology Programme of the United States Food and Drug Administration.

<sup>(1)</sup> OJ L 170, 30.6.2009, p. 1.

<sup>(2)</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

<sup>(3)</sup> EFSA Panel on Food Contact Materials, Enzymes, Flavourings and Processing Aids (CEF) (2015) Scientific Opinion on the risks to public health related to the presence of bisphenol A (BPA) in foodstuffs: PART II — Toxicological assessment and risk characterisation. *EFSA Journal* 2015;13(1):3978, p. 196.

[http://www.efsa.europa.eu/sites/default/files/scientific\\_output/files/main\\_documents/3978part2.pdf](http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/3978part2.pdf)

- (6) In the light of the above, the subgroup 'Chemicals' of the Expert Group on Toys Safety recommended at its meeting of 1 October 2015 that bisphenol A be limited in toys to 0,04 mg/l (migration limit) when tested in accordance with EN 71-10:2005 and EN 71-11:2005, assuming a child's body weight of 10 kg, a daily mouthing time of three hours, a mouthed toy surface of 10 cm<sup>2</sup> and an allocation of 10 % of the temporary TDI to the exposure of a child to bisphenol A from toys. The Expert Group on Toys Safety supported this recommendation at its meeting of 14 January 2016.
- (7) While Commission Regulation (EU) No 10/2011<sup>(1)</sup> sets down a specific migration limit for bisphenol A as a monomer for use in certain food contact materials, as well as a prohibition to use bisphenol A for the manufacture of polycarbonate infant feeding bottles, the basic assumptions for deriving that migration limit and laying down the prohibition are different from those for the migration limit for bisphenol A in toys.
- (8) In the light of available scientific evidence and considering the differences between toys and materials which come into contact with food, the currently applicable specific limit value for bisphenol A in toys is too high and should be revised.
- (9) The effects of bisphenol A are under review in scientific fora. While it may be necessary to review the migration limit if relevant new scientific information becomes available in the future, the limit reflecting current scientific knowledge should be laid down in order to ensure adequate protection of children.
- (10) Appendix C to Annex II to Directive 2009/48/EC should therefore be amended accordingly.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Toy Safety Committee established under Article 47 of Directive 2009/48/EC,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

In Appendix C to Annex II to Directive 2009/48/EC, in the table, the entry for bisphenol A is replaced by the following:

Bisphenol A	80-05-7	0,04 mg/l (migration limit) in accordance with the methods laid down in EN 71-10:2005 and EN 71-11:2005.'
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#### Article 2

1. Member States shall adopt and publish, by 25 November 2018 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 26 November 2018.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### Article 3

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

<sup>(1)</sup> Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food (OJ L 12, 15.1.2011, p. 1).

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 24 May 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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# DECISIONS

## DECISION (EU) 2017/899 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 17 May 2017

### on the use of the 470-790 MHz frequency band in the Union

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) In the multiannual radio spectrum policy programme ('RSPP'), established by Decision No 243/2012/EU <sup>(3)</sup>, the European Parliament and the Council set the objectives of identifying at least 1 200 MHz of spectrum suitable for wireless broadband electronic communications services in the Union by 2015, of supporting the further development of innovative broadcasting services by ensuring sufficient spectrum for the satellite and terrestrial provision of such services if the need is clearly substantiated, and of ensuring sufficient spectrum for programme-making and special events ('PMSE').
- (2) In its Communication of 6 May 2015 entitled 'A Digital Single Market Strategy for Europe', the Commission highlighted the importance of the 694-790 MHz ('700 MHz') frequency band for ensuring the provision of broadband services in rural areas in order to ensure access and connectivity, and stressed the need for a coordinated release of that frequency band while accommodating the specific needs of broadcasting services distribution. Reducing the digital divide, in coverage as well as in knowledge, is an important aspect that has to be a priority, without creating new divides when users take up new technologies.
- (3) Effective management of spectrum is a condition for the industrial shift to 5G, which would put the Union at the centre of innovation and create a favourable environment for electronic communications networks and services to develop, thus maximising the growth potential of the digital economy. The Union economy will increasingly have digital society at its core, which requires ubiquitous network coverage to develop services relating to the Internet of Things, e-commerce and European cloud services, and to reap the full benefits of Industry 4.0 across the Union.
- (4) The 700 MHz frequency band represents an opportunity for globally harmonised and coordinated spectrum for wireless broadband that offers economies of scale. It should allow new innovative digital services to be developed in urban and in rural or remote areas, such as eHealth and mHealth, supported by mobile phones, patient-monitoring devices and other wireless devices, as well as smart energy grids.

<sup>(1)</sup> OJ C 303, 19.8.2016, p. 127.

<sup>(2)</sup> Position of the European Parliament of 15 March 2017 (not yet published in the Official Journal) and decision of the Council of 25 April 2017.

<sup>(3)</sup> Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

- (5) In its resolution of 19 January 2016 entitled 'Towards a Digital Single Market Act', the European Parliament reminded the Member States of their commitment to reach full deployment of at least minimum target speeds of 30 Mbps by 2020, highlighted that radio spectrum is a critical resource for the internal market for wireless broadband communications, as well as broadcasting, and is essential for the future competitiveness of the Union and called as a priority for a harmonised and pro-competitive framework for spectrum allocation and for effective spectrum management.
- (6) Spectrum is a public good. It is, in the 470-790 MHz frequency band, a valuable asset for the cost-efficient deployment of wireless networks with universal indoor and outdoor coverage. That spectrum is currently used across the Union for digital terrestrial television (DTT) and wireless audio PMSE. It is thus a prerequisite for access to and dissemination of cultural content and of information and ideas. It supports, in parallel to new forms of distribution, the development of the media, and of the creative, cultural and research sectors, which rely extensively on it for the wireless provision of content to end users.
- (7) The assignment of the 700 MHz frequency band should be structured in a way that facilitates competition and should be carried out in a manner that does not undermine existing competition.
- (8) For Region 1, which includes the Union, the International Telecommunication Union's Radio Regulations, adopted by the World Radiocommunication Conference in 2015, provide for the allocation of the 700 MHz frequency band to the broadcasting and mobile (except aeronautical mobile) services on a co-primary basis. The 470-694 MHz ('sub-700 MHz') frequency band remains exclusively allocated to the broadcasting services on a primary basis and to wireless audio PMSE use on a secondary basis.
- (9) Rapidly growing wireless broadband traffic and the increasing economic, industrial and social importance of the digital economy make enhanced wireless network capacity a necessity. Spectrum in the 700 MHz frequency band provides both additional capacity and universal coverage, in particular for the economically challenging rural, mountainous and insular areas as well as other remote areas, predetermined in accordance with areas that are a national priority, including along major terrestrial transport paths, and for indoor use and for wide-range machine-type communications. In that context, coherent and coordinated measures for high-quality terrestrial wireless coverage across the Union, building on best national practices for operators' licence obligations, should aim to meet the RSP objective that all citizens throughout the Union should have access both indoors and outdoors, to the fastest broadband speeds of not less than 30 Mbps by 2020, and should aim to achieve an ambitious vision for a gigabit society in the Union. Such measures will promote innovative digital services and ensure long-term socioeconomic benefits.
- (10) 5G will have a major impact not only on the digital sector, but on economies as a whole. Especially against the backdrop of the slow deployment of 4G and corresponding services, the successful launch of 5G in the Union will be crucial for economic development and for the competitiveness and productivity of the Union's economy. The Union therefore needs to take the lead by securing enough spectrum for the successful launch and development of 5G. In addition, when authorising the use of the 700 MHz frequency band, Member States should take account of the opportunity to ensure that mobile virtual network operators are able to increase their geographical coverage. Where a Member State so requests, the Commission should, where feasible, facilitate the option of jointly organised auctions, thus contributing to pan-European structures.
- (11) Spectrum-sharing within a common frequency band between bidirectional wireless broadband use for wide-area use (uplink and downlink), on the one hand, and unidirectional television broadcasting or wireless audio PMSE use, on the other, is technically problematic where their coverage areas overlap or are close. This means that repurposing the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services would deprive DTT and wireless audio PMSE users of part of their spectrum resources. The DTT and PMSE sectors therefore need long-term regulatory predictability with regard to the availability of sufficient spectrum, so that they can safeguard the sustainable provision and development of their services, in particular free-to-view television, while ensuring an appropriate environment for investments, so that Union and national audiovisual policy objectives such as social cohesion, media pluralism and cultural diversity are met. It is possible that measures will be needed at Union and national level to ensure additional spectrum resource for wireless audio PMSE use outside the 470-790 MHz frequency band.

- (12) In his report to the Commission, Pascal Lamy, the Chairman of the high-level group on the future use of the UHF band (470-790 MHz), recommended that the 700 MHz frequency band be made available for wireless broadband by 2020 (+/- two years). Such a release would help achieve the goal of long-term regulatory predictability for DTT by making the sub-700 MHz frequency band available until 2030, although this would have to be reviewed by 2025.
- (13) The Radio Spectrum Policy Group recommended in its opinion on a long-term strategy on the future use of the UHF band (470-790 MHz) in the European Union of 19 February 2015 that a coordinated approach be adopted across the Union to make the 700 MHz frequency band available for effective use for wireless broadband electronic communications services by the end of 2020, noting that Member States are able to decide on the basis of duly justified reasons to delay the availability of the band for up to two years. In addition, the availability of the sub-700 MHz frequency band for the provision of broadcasting services should be ensured until 2030.
- (14) Some Member States have already launched or completed a national process to authorise the use of the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services. A coordinated approach is needed with regard to the future use of the 700 MHz frequency band, which should also provide regulatory predictability, balance Member State diversity with digital single market objectives and promote European leadership with regard to international technology developments. In that context, Member States should be required to repurpose the 700 MHz frequency band in a timely manner in accordance with Union and national law.
- (15) Member States should be able to delay, on the basis of duly justified reasons, allowing the use of the 700 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services beyond a common Union deadline of 2020 for up to two years. The reasons for such a delay should be limited to unresolved cross-border coordination issues resulting in harmful interferences, the need to ensure, and the complexity of ensuring, the technical migration of a large amount of the population to advanced broadcasting standards, the financial costs of transition exceeding the expected revenue generated by award procedures and *force majeure*. Member States should take all necessary steps to minimise resulting harmful interference in the affected Member States. In the event that Member States delay allowing the use of the 700 MHz frequency band, they should inform the other Member States and the Commission accordingly and include the duly justified reasons therefor in their national roadmaps. Such Member States and any Member States affected by the delay should cooperate with a view to coordinating the process of releasing the 700 MHz frequency band and should include information on such coordination in their national roadmaps.
- (16) The use of the 700 MHz frequency band by other applications in third countries, as allowed by international agreements or in parts of national territory outside the effective control of the Member State authorities, could limit the use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services in some Member States. This would prevent those Member States from complying with the common schedule set at Union level. The Member States concerned should take all necessary steps to minimise the duration and geographical extent of those limitations and seek the assistance of the Union, where necessary, under Article 10(2) of Decision No 243/2012/EU. They should also notify the Commission of such limitations pursuant to Article 6(2) and Article 7 of Decision No 676/2002/EC of the European Parliament and of the Council <sup>(1)</sup>, and the information should be published in accordance with Article 5 of Decision No 676/2002/EC.
- (17) This Decision should be without prejudice to measures taken at national level, in accordance with Union law, that pursue general-interest objectives relating to the right of Member States to organise and use their spectrum for the purposes of public order, public security and defence.
- (18) The use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services should be subject to a flexible authorisation regime as soon as possible. This should include the possibility for holders of rights of use of spectrum to transfer and lease their existing rights in the context of the application of Articles 9, 9a and 9b of Directive 2002/21/EC of the European Parliament and of the Council <sup>(2)</sup>, taking into account the obligation to promote effective competition without distortions of competition in the internal

<sup>(1)</sup> Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

<sup>(2)</sup> Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).

market for electronic communications services under Article 5 of Decision No 243/2012/EU. During their respective assessments when licensing spectrum, the Member States should take into consideration the duration of licences, the business plan of the operators and its contribution to meeting the Digital Agenda objectives, and the promotion of innovative digital services and long-term socioeconomic benefits.

- (19) It is important to achieve long-term regulatory predictability for DTT with regard to access to the sub-700 MHz frequency band, taking into account the outcome of the World Radiocommunication Conference in 2015. In line with Articles 9 and 9a of Directive 2002/21/EC, Member States should apply a flexible approach where possible and should be able to allow the introduction of alternative uses such as terrestrial wireless broadband electronic communications services in the sub-700 MHz frequency band according to national needs for distribution of broadcasting services, including for innovative user-driven initiatives. Such alternative uses should guarantee continued access to spectrum for broadcasting as the primary user, subject to national demand. To that end, Member States should promote cooperation between broadcasters, broadcasting operators and mobile operators in order to facilitate the convergence of audiovisual and internet platforms and shared spectrum use. When allowing use within the sub-700 MHz frequency band for terrestrial wireless broadband electronic communications services, Member States should ensure that such use does not cause harmful interference to digital terrestrial broadcasting in neighbouring Member States, as provided for in the agreement reached at the Regional Radiocommunication Conference of 2006.
- (20) Member States should adopt coherent national roadmaps to facilitate the use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services while ensuring continuity for the television broadcasting services that vacate the band. Once such national roadmaps have been adopted, Member States should make them available in a transparent manner within the Union. The national roadmaps should cover activities and timescales for frequency replanning, technical developments for network and end-user equipment, coexistence between radio and non-radio equipment, existing and new authorisation regimes, mechanisms to avoid harmful interference with spectrum users in adjacent bands and information on the possibility of compensation for migration costs, where such costs would arise, in order to avoid, inter alia, costs for end users or broadcasters. Where Member States intend to maintain DTT, the national roadmaps should consider the option of facilitating upgrades of broadcasting equipment to more spectrum-efficient technologies, such as advanced video formats (e.g. HEVC) or signal transmission technologies (e.g. DVB-T2).
- (21) The scope of and mechanism for possible compensation for completing the transition in spectrum use, in particular for end users, should be analysed in accordance with the relevant national provisions, as provided for by Article 14 of Directive 2002/20/EC of the European Parliament and of the Council<sup>(1)</sup>, and should be consistent with Articles 107 and 108 of the Treaty on the Functioning of the European Union in order, for example, to facilitate the transition to more spectrum-efficient technologies. The Commission should be able to provide guidance to a Member State, on its request, to facilitate the transition in spectrum use.
- (22) The Commission should, in cooperation with the Member States, report to the European Parliament and to the Council on developments in the use of the sub-700 MHz frequency band, with a view to ensuring efficient use of spectrum, pursuant to the applicable Union law. The Commission should take into account the social, economic, cultural and international aspects affecting the use of the sub-700 MHz frequency band, further technological developments, changes in consumer behaviour and the requirements in connectivity to foster growth and innovation in the Union.
- (23) Since the objective of this Decision, namely to ensure a coordinated approach to the use of the 470-790 MHz frequency band in the Union in accordance with common objectives, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DECISION:

#### *Article 1*

1. By 30 June 2020, Member States shall allow the use of the 694-790 MHz ('700 MHz') frequency band for terrestrial systems capable of providing wireless broadband electronic communications services only under harmonised technical conditions established by the Commission pursuant to Article 4 of Decision No 676/2002/EC.

<sup>(1)</sup> Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ L 108, 24.4.2002, p. 21).

Member States may, however, delay allowing the use of the 700 MHz frequency band for up to two years on the basis of one or more of the duly justified reasons set out in the Annex to this Decision. In the case of such a delay, the Member State concerned shall inform the other Member States and the Commission accordingly and shall include those duly justified reasons in the national roadmap adopted pursuant to Article 5 of this Decision. Where necessary, Member States shall carry out the authorisation process or amend relevant existing rights to use the spectrum in accordance with Directive 2002/20/EC, in order to allow such use.

A Member State that delays allowing the use of the 700 MHz frequency band under the second subparagraph and the Member States affected by that delay shall cooperate with each other with a view to coordinating the process of releasing the 700 MHz frequency band for wireless broadband electronic communications services and shall include information on such coordination in the national roadmaps adopted pursuant to Article 5.

2. In order to allow the use of the 700 MHz frequency band in accordance with paragraph 1, Member States shall, by 31 December 2017, conclude all the necessary cross-border frequency-coordination agreements within the Union.

3. Member States shall not be bound by the obligations laid down in paragraphs 1 and 2 in geographical areas where frequency coordination with third countries remains unresolved, provided that Member States make all practicable efforts to minimise the duration and geographical scope of such unresolved coordination and report the results to the Commission, on an annual basis, until the outstanding coordination issues have been resolved.

The first subparagraph shall apply to the spectrum coordination problems in the Republic of Cyprus arising from the fact that the Government of Cyprus is prevented from exercising effective control in part of its territory.

4. This Decision is without prejudice to the right of Member States to organise and use their spectrum for the purposes of public order, public security and defence.

#### *Article 2*

Upon the granting of the rights of use in the 700 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services, Member States shall allow the transfer or leasing of such rights in accordance with open and transparent procedures pursuant to the applicable Union law.

#### *Article 3*

1. When Member States authorise the use of or amend existing rights to use the 700 MHz frequency band, they shall take due account of the need to achieve the target speed and quality objectives set out in Article 6(1) of Decision No 243/2012/EU, including coverage in predetermined national priority areas where necessary, such as along major terrestrial transport paths, for the purpose of allowing wireless applications and European leadership in new digital services to contribute effectively to Union economic growth. Such measures may include conditions to facilitate or encourage the sharing of network infrastructure or spectrum in accordance with Union law.

2. In applying paragraph 1, Member States shall assess the need to attach conditions to the rights of use for frequencies within the 700 MHz frequency band and, where appropriate, shall consult relevant stakeholders in that regard.

#### *Article 4*

Member States shall ensure availability at least until 2030 of the 470-694 MHz ('sub-700 MHz') frequency band for the terrestrial provision of broadcasting services, including free television, and for use by wireless audio PMSE on the basis of national needs, while taking into account the principle of technological neutrality. Member States shall ensure that any other use of the sub-700 MHz frequency band on their territory is compatible with the national broadcasting needs in the relevant Member State and does not cause harmful interference to, or claim protection from, the terrestrial provision of broadcasting services in a neighbouring Member State. Such use shall be without prejudice to obligations resulting from international agreements, such as cross-border frequency-coordination agreements.

#### *Article 5*

1. As soon as possible and no later than 30 June 2018, Member States shall adopt and make public their national plan and schedule ('national roadmap'), including detailed steps for fulfilling their obligations under Articles 1 and 4. Member States shall draw up their national roadmaps after consulting all relevant stakeholders.

2. In order to ensure that the use of the 700 MHz frequency band is in accordance with Article 1(1), Member States shall include in their national roadmaps, where appropriate, information on measures, including any support measures, to limit the impact of the forthcoming transition process on the public and on wireless audio PMSE use and to facilitate the timely availability of interoperable television broadcasting network equipment and receivers in the internal market.

#### *Article 6*

Member States may, where appropriate and in accordance with Union law, ensure that adequate compensation for the direct cost, in particular for end users, of the migration or reallocation of spectrum use is provided promptly and in a transparent manner in order to, inter alia, facilitate transition to more spectrum-efficient technologies.

At the request of the Member State concerned, the Commission may provide guidance on such compensation in order to facilitate the transition in spectrum use.

#### *Article 7*

The Commission shall, in cooperation with the Member States, report to the European Parliament and to the Council on developments in the use of the sub-700 MHz frequency band, with a view to ensuring efficient use of spectrum, pursuant to the applicable Union law. The Commission shall take into account the social, economic, cultural and international aspects affecting the use of the sub-700 MHz frequency band pursuant to Articles 1 and 4, further technological developments, changes in consumer behaviour and the requirements in connectivity to foster growth and innovation in the Union.

#### *Article 8*

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

#### *Article 9*

This Decision is addressed to the Member States.

Done at Strasbourg, 17 May 2017.

*For the European Parliament*  
*The President*  
A. TAJANI

*For the Council*  
*The President*  
C. ABELA

## ANNEX

Justified reasons for a delay in allowing the use of 700 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services later than 30 June 2020 (Article 1(1)):

- (1) unresolved cross-border coordination issues resulting in harmful interferences;
  - (2) the need to ensure, and the complexity of ensuring, the technical migration of a large amount of the population to advanced broadcasting standards;
  - (3) the financial costs of transition exceeding the expected revenue generated by award procedures;
  - (4) *force majeure*.
-

**COUNCIL DECISION (EU) 2017/900****of 22 May 2017****concerning the establishment of the ad hoc Working Party on Article 50 TEU chaired by the General Secretariat of the Council**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(3) thereof,

Having regard to European Council Decision 2009/881/EU of 1 December 2009 on the exercise of the Presidency of the Council <sup>(1)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) On 29 March 2017, the European Council received a notification from the United Kingdom of its intention to withdraw from the European Union, thereby launching the process under Article 50 of the Treaty on European Union (TEU).
- (2) On 29 April 2017, the European Council adopted guidelines as provided for in Article 50(2) TEU. In particular, it endorsed the procedural arrangements set out in the Annex to the Statement of the 27 Heads of State or Government as well as the Presidents of the European Council and the European Commission of 15 December 2016. In accordance with point 4 of that Annex, between the meetings of the European Council, the Council and the Committee of Permanent Representatives of the Governments of the Member States (Coreper), assisted by a dedicated Working Party with a permanent chair, will ensure that the negotiations are conducted in line with the European Council guidelines and the Council negotiating directives, and provide guidance to the Union negotiator.
- (3) An ad hoc Working Party on Article 50 TEU ('ad hoc Working Party') with a permanent chair should therefore be established.
- (4) The ad hoc Working Party should assist Coreper and the Council in all matters pertaining to the withdrawal of the United Kingdom from the Union. In particular, the ad hoc Working Party should assist Coreper and the Council in the course of the negotiations under Article 50 TEU, in line with the European Council guidelines and the Council negotiating directives. In addition, the ad hoc Working Party could provide assistance on matters related to the process under Article 50 TEU that are not for negotiation with the United Kingdom.
- (5) Given that the process under Article 50 TEU is temporary, the ad hoc Working Party should cease to exist when its mandate has been fulfilled.
- (6) Following the notification under Article 50 TEU, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in decisions concerning it,

HAS ADOPTED THIS DECISION:

*Article 1*

The ad hoc Working Party on Article 50 TEU is hereby established.

It shall be chaired by the General Secretariat of the Council.

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<sup>(1)</sup> OJ L 315, 2.12.2009, p. 50.

*Article 2*

The ad hoc Working Party on Article 50 TEU shall assist Coreper and the Council in all matters pertaining to the withdrawal of the United Kingdom from the Union.

It shall cease to exist when its mandate has been fulfilled.

*Article 3*

This Decision shall enter into force on the date of its adoption.

It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 22 May 2017.

*For the Council*  
*The President*  
L. GRECH

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**COUNCIL IMPLEMENTING DECISION (CFSP) 2017/901**  
**of 24 May 2017**  
**implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic <sup>(1)</sup>, and in particular Article 2c thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 23 December 2013, the Council adopted Decision 2013/798/CFSP.
- (2) On 17 May 2017, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 2127 (2013) added one person to the list of persons and entities subject to restrictive measures.
- (3) The Annex to Decision 2013/798/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2013/798/CFSP is amended as set out in the Annex to this Decision.

*Article 2*

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

Done at Brussels, 24 May 2017.

*For the Council*  
*The President*  
L. GRECH

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<sup>(1)</sup> OJ L 352, 24.12.2013, p. 51.

## ANNEX

The person listed in the Annex to this Decision shall be added to the list set out in the Annex to Decision 2013/798/CFSP.

**A. Persons**

12. Abdoulaye HISSÈNE (*alias*: a) Abdoulaye Issène; b) Abdoulaye Hissein; c) Hissene Abdoulaye; d) Abdoulaye Issène Ramadan; e) Abdoulaye Issene Ramadan; f) Issene Abdoulaye

**Date of birth:** 1967

**Place of birth:** Ndele, Bamingui-Bangoran, Central African Republic

**Nationality:** Central African Republic

**Passport no.:** CAR diplomatic passport no. D00000897, issued on 5 April 2013 (valid until 4 April 2018)

**Address:** a) KM5, Bangui, Central African Republic b) Nana-Grebizi, Central African Republic

**Date of UN designation:** 17 May 2017

**Other Information:** Hissène was formerly the Minister of Youth and Sports as part of the Cabinet for the Central African Republic's former President Michel Djotodia. Prior to that, he was the head of the Convention of Patriots for Justice and Peace, a political party. He also established himself as a leader of armed militias in Bangui, in particular in the 'PK5' (3rd district) neighbourhood.

**Information from the narrative summary of reasons for listing provided by the Sanctions Committee:***Additional information:*

Abdoulaye Hissène and other members of the ex-Séléka collaborated with anti-balaka spoilers allied with former Central African Republic (CAR) President François Bozizé, including Maxime Mokom, to encourage violent protests and clashes in September 2015 as part of a failed coup attempt to bring down the Government while then-Transitional President Catherine Samba-Panza was attending the 2015 UN General Assembly. Mokom, Hissène, and others were indicted by the CAR government for various criminal offenses, including murder, arson, torture, and looting, stemming from the failed coup.

Since 2015, Hissène had become one of the main leaders of armed militias located in the 'PK5' neighborhood of Bangui which comprised more than 100 men. As such, he prevented the freedom of movement and the return of state authority in the area, including through illegal taxation of transportation and commercial activities. In the second half of 2015, Hissène acted as the representative of the ex-Séléka 'Nairobists' in Bangui operating in a rapprochement with anti-balaka fighters under Mokom. Armed men under the control of Haroun Gaye and Hissène participated in the violent events which took place in Bangui between 26 September and 3 October 2015.

Members of Hissène's group are suspected of having been involved in an attack on the 13 December 2015 –the day of the constitutional referendum –on the vehicle of Mohamed Moussa Dhaffane, a leader of the ex-Séléka. Hissène is accused of orchestrating violence in Bangui's KM5 district that killed five, wounded twenty, and prevented residents from voting in the constitutional referendum. Hissène put the elections at risk by creating a cycle of retaliatory attacks between different groups.

On 15 March 2016, Hissène was apprehended by the police at Bangui M'poko airport and transferred to the research and investigation section of the national gendarmerie. His militia subsequently released him, using force, and stole one weapon previously handed over by MINUSCA as part of an exemption request approved by the Committee.

On 19 June 2016, following the arrest of Muslim traders by internal security forces at 'PK 12', militias of Gaye and Hissène kidnapped five national policemen in Bangui. On 20 June, MINUSCA attempted to release the policemen. Armed men under the control of Hissène and Gaye exchanged fire with the peacekeepers attempting to release the hostages. As a result, at least six individuals were killed and one peacekeeper was injured.

On 12 August 2016, Hissène took the lead of a 6-vehicles convoy with heavily armed individuals. The convoy, which was fleeing Bangui, was intercepted by MINUSCA south of Sibut. En route to the North, the convoy exchanged fire with internal security forces at several checkpoints. The convoy was eventually stopped by MINUSCA 40 km south of Sibut. After multiple gunfights, MINUSCA captured 11 of the men, but Hissène and several others escaped. Individuals arrested indicated to MINUSCA that Hissène was the leader of the convoy whose objective was to reach Bria and participate in the Assembly of ex-Séléka groups organized by Nourredine Adam.

In August and September 2016, the Panel of Experts traveled twice to Sibut in order to inspect the belongings of the convoy of Hissène, Gaye and Hamit Tidjani, seized by MINUSCA on 13 August. The Panel also inspected the ammunition seized in the house of Hissène on 16 August. Lethal and non-lethal military equipment was recovered in the six vehicles and from the apprehended individuals. On 16 August 2016, the Central Gendarmerie raided the home of Hissène in Bangui. More than 700 weapons were found.

On 4 September 2016, a group of ex-Séléka elements coming from Kaga-Bandoro on six motor-bikes to pick up Hissène and his affiliates opened fire against MINUSCA next to Dékoa. During this incident, one ex-Séléka fighter was killed, and two peacekeepers and one civilian were wounded.'

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**COMMISSION IMPLEMENTING DECISION (EU) 2017/902****of 23 May 2017****establishing the list of Union inspectors who may carry out inspections pursuant to Council Regulation (EC) No 1224/2009***(notified under document C(2017) 3252)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 <sup>(1)</sup>, and in particular Article 79(1) thereof,

Whereas:

- (1) Regulation (EC) No 1224/2009 establishes a system for control, inspection and enforcement to ensure compliance with the rules of the common fisheries policy in the Union. That Regulation provides that, without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with its provisions in Union waters and on Union fishing vessels outside Union waters.
- (2) Commission Implementing Regulation (EU) No 404/2011 <sup>(2)</sup> lays down detailed rules for the application of the Union control system as established by Regulation (EC) No 1224/2009.
- (3) Implementing Regulation (EU) No 404/2011 provides that the list of Union inspectors is to be adopted by the Commission on the basis of the notifications of Member States and of the European Fisheries Control Agency ('the Agency').
- (4) A first list of Union inspectors was established by Commission Implementing Decision 2011/883/EU <sup>(3)</sup>. That list was replaced four times by new lists of Union inspectors established first by Commission Implementing Decision 2013/174/EU <sup>(4)</sup>, then by Commission Implementing Decision 2014/120/EU <sup>(5)</sup>, Commission Implementing Decision (EU) 2015/645 <sup>(6)</sup> and later by Commission Implementing Decision (EU) 2016/706 <sup>(7)</sup>. In accordance with Implementing Regulation (EU) No 404/2011, after the establishment of the initial list, Member States and the Agency are to notify to the Commission by October each year any amendment to the list they wish to introduce for the following calendar year, and the Commission is to amend the list accordingly by 31 December.
- (5) Some Member States and the Agency have notified amendments to the current list of inspectors. The list established by Implementing Decision (EU) 2016/706 should therefore be replaced by a new list of Union inspectors on the basis of those notifications.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

<sup>(3)</sup> Commission Implementing Decision 2011/883/EU of 21 December 2011 establishing the list of Union inspectors pursuant to Article 79(1) of Council Regulation (EC) No 1224/2009 (OJ L 343, 23.12.2011, p. 123).

<sup>(4)</sup> Commission Implementing Decision 2013/174/EU of 8 April 2013 establishing the list of Union inspectors pursuant to Article 79(1) of Council Regulation (EC) No 1224/2009 (OJ L 101, 10.4.2013, p. 31).

<sup>(5)</sup> Commission Implementing Decision 2014/120/EU of 4 March 2014 establishing the list of Union inspectors pursuant to Article 79(1) of Council Regulation (EC) No 1224/2009 (OJ L 66, 6.3.2014, p. 31).

<sup>(6)</sup> Commission Implementing Decision (EU) 2015/645 of 20 April 2015 establishing the list of Union inspectors who may carry out inspections pursuant to Council Regulation (EC) No 1224/2009 (OJ L 106, 24.4.2015, p. 31).

<sup>(7)</sup> Commission Implementing Decision (EU) 2016/706 of 3 May 2016 establishing the list of Union inspectors who may carry out inspections pursuant to Council Regulation (EC) No 1224/2009 (OJ L 122, 12.5.2016, p. 26).

HAS ADOPTED THIS DECISION:

*Article 1*

The list of Union inspectors is set out in the Annex to this Decision.

*Article 2*

Implementing Decision (EU) 2016/706 is repealed.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 23 May 2017.

*For the Commission*  
Karmenu VELLA  
*Member of the Commission*

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## ANNEX

## LIST OF UNION INSPECTORS REFERRED TO IN ARTICLE 79(1) OF REGULATION (EC) No 1224/2009

Country	Inspectors
Belgium	Coens, Philippe De Vleeschouwer, Guy Devogel, Geert Huygh, Gerd Lieben, Richard Monteyne, Ian Noet, Werner Steenssens, Kurt Timmerman, Thierry Vandenbrouck, Frank Van Rompaey, Tim Van Torre, Mike Verhaeghe, Dirk
Bulgaria	Angelov, Todor Bakardzhiev, Stefan Cholakov, Atanas Damyanov, Konstantin Encheva, Kremena Hristov, Martin Ivanov, Ivan Ivanov, Todor Kerekov, Nikolay Kostadinov, Ivan Kyumyurdzhiev, Kiril Nikolov, Galin Petkov, Dimitar Petrova, Miroslava Raev, Yordan Valkov, Dimitar
Czech Republic	n/a
Denmark	Akselsen, Ole Andersen, Dan Søgård Andersen, Hanne Skjæmt Andersen, Lars Ole Andersen, Martin Burgwaldt Andersen, Mogens Godsk Andersen, Niels Jørgen Anton Andersen, Peter Bunk Anderson, Jacob Edward Astrup, Iben

Country	Inspectors
	Bache, René
	Bang, Mai
	Beck, Bjarne Baagø
	Bendtsen, Lars Kjærsgaard
	Bernholm, Kristian
	Bjerre, Casper
	Carl, Morten Grand Wiglaur
	Christensen, Jesper Just
	Christensen, Peter Grim
	Christensen, Thomas
	Christiansen, Michael Koustrup
	Damsgaard, Kresten
	Degn, Jesper Leon
	Due-Boje, Thomas Zinck
	Dølling, Robert
	Ebert, Thomas Axel Regaard
	Eiersted, Jesper Bech
	Elnef, Frank Godt
	Fick, Carsten
	Frandsen, René Brian
	Frederiksen, Torben Broe
	Gotved, Jesper Hovby
	Groth, Niels
	Grupe, Poul
	Gaarde, Børge
	Handrup, Jacob
	Hansen, Gunnar Beck
	Hansen, Ina Kjærsgaard
	Hansen, Jan Duval
	Hansen, John Daugaard
	Hansen, Martin
	Hansen, Martin Baldur
	Hansen, Ole
	Hansen, Thomas
	Harrison, Dorthe Kronborg
	Hartmann, Christian
	Hestbek, Flemming
	Høgild, Lars
	Højrup, Torben
	Jaeger, Michael Wassermann
	Jensen, Anker Mark
	Jensen, Flemming Bergtorp
	Jensen, Hanne Juul
	Jensen, Jimmy Langelund
	Jensen, Jonas Krøyer
	Jensen, Lars Henrik

Country	Inspectors
	Jensen, Lone Agathon
	Jensen, René Sandholt
	Jensen, Søren Palle
	Jespersen, René
	Johansen, Allan
	Juul, Simon
	Juul, Torben
	Jørgensen, Lasse Elmgren
	Jørgensen, Ole Holmberg
	Karlsen, Jesper Herning
	Knudsen, Malene
	Knudsen, Ole Hvid
	Kofoed, Kim Windahl
	Kokholm, Peder
	Kristensen, Henrik
	Kristensen, Peter Holmgaard
	Kristiansen, Jeanne Marie
	Larsen, Michael Søeballe
	Larsen, Peter Hjort
	Larsen, Tim Bonde
	Lundbæk, Tommy Oldenborg
	Madsen, Arne
	Madsen, Jens-Erik
	Madsen, Johnny Gravesen
	Melgaard, Bo Kornum
	Mortensen, Erik
	Mortensen, Jan Lindholdt
	Møller, Gert
	Nielsen, Christian
	Nielsen, Dan Randum
	Nielsen, Hans Henrik
	Nielsen, Henrik
	Nielsen, Henrik Frühstück
	Nielsen, Henrik Kruse
	Nielsen, Jeppe
	Nielsen, Mads Grundvad
	Nielsen, Niels Kristian
	Nielsen, Steen
	Nielsen, Steven Bo
	Nielsen, Søren
	Nielsen, Søren Egelund
	Nielsen, Tage Kim
	Nielsen, Trine Fris
	Nørgaard, Max Reno Bang
	Paulsen, Kim Thor
	Pedersen, Claus

Country	Inspectors
	Pedersen, Knud Jan Pedersen, Morten Berg Petersen, Christina Holmer Petersen, Henning Juul Petersen, Jimmy Torben Porsmose, Tommy Poulsen, Bue Poulsen, John Ramm, Heine Rømer, Jan Schjoldager, Tim Rasmussen Schmidt, Stefan Götsche Schou, Kasper Siegumfeldt, Jeanette Simonsen, Kjeld Simonsen, Morten Skrivergaard, Lennart Sørensen, Allan Lindgaard Thomsen, Bjarne Kondrup Thomsen, Klaus Ringive Solgaard Thorsen, Michael Trab, Jens Ole Vind, Finn Vistrup, Annette Klarlund Wallenstrøm, Silas Lindgreen Wille, Claus Wind, Bernt Paul Østergård, Lars Aasted, Lars Jerne
Germany	Abs, Volker Ahlmeyer, Jens Angermann, Henry Baumann, Jörg Bembenek, Jörg Bergmann, Udo Bernhagen, Sven Bieder, Mathias Bloch, Ralf Borchart, Erwin Bordolo, Jan-Hendrik Borowy, Matthias Bösherz, Andreas Brunnlieb, Jürgen Buchholz, Matthias Büttner, Harald

Country	Inspectors
	Cassens, Enno
	Christiansen, Dirk
	Cramer, Arne
	Döhnert, Tilman
	Drenkhahn, Michael
	Ehlers, Klaus
	Fiedler, Sebastian
	Fink, Jens
	Franke, Hermann
	Franz, Martin
	Frenz, Sandro
	Garbe, Robert
	Gätjen, Sebastian
	Golz, Ulrich
	Gräfe, Roland
	Grawe, André
	Griemberg, Lars
	Haase, Christian
	Hannes, Christoph
	Hänse, Dirk
	Hansen, Hagen
	Heidkamp, Max
	Heisler, Lars
	Herda, Heinrich
	Hickmann, Michael
	Homeister, Alfred
	Hoyer, Oliver
	Jansen- Raabe, Karsten
	Käding, Christian
	Keidel, Quirin
	Kinast, Daniel
	Köhn, Thorsten
	Kollath, Mark
	Kopec, Reinhard
	Kraack, Sönke
	Krüger, Torsten
	Kupfer, Christian
	Kutschke, Holger
	Lange, Michael
	Lehmann, Jan
	Lorenzen, Alexander
	Lübke, Torsten
	Lühns, Carsten
	Möhring, Torsten
	Mücher, Martin
	Mundt, Mario

Country	Inspectors
	Nickel, Jörg Nitze, Andreas Nöckel, Steffen Pauls, Werner Perkuhn, Martin Pöttsch, Frank Radzanowski, Sven Ramm, Jörg Reimers, Andre Richter, Thomas Rutz, Dietmar Sauerwein, Dirk Schmiedeberg, Christian Schröter, Robert Schuchardt, Karsten Schuler, Claas Schulze, Roberto Sehne, Dirk Siebrecht, Hannes Skrey, Erich Springer, Gunnar Stüber, Jan Sween, Gorm Tetzmann, Julian Thieme, Stefan Thomas, Raik Vetterick, Arno Wagner, Ralf Welz, Henning Welz, Oliver Wessels, Heinrich Wichert, Peter
Estonia	Grossmann, Meit Kutsar, Andres Lasn, Margus Nigu, Silver Niinemaa, Endel Pai, Aare Parts, Erik Soll, Simon Torn, Kerdo Ulla, Indrek Varblane, Viljar Hiioväin, Heikki Aid, Ott

Country	Inspectors
	Grigorjev, Mait Lillema, Tarvo Melk, Kristi
Ireland	Ahern, Christy Allan, Damien Amrien, Rudi Ankers, Brian Ansbro, Mark Armstrong, Stuart Barber, Kevin Barcoe, Michael Barr, William Barret, Brendan Barrett, Elizabeth Barrett, Jamie Beale, Derek Bones, Anthony Brannigan, Steve Breen, Kieran Brennan, Colm Brett, Martin Brophy, James Brophy, Paul Browne, Brendan Brunicardi, Michael Bryant, William Buckley, Anthony Buckley, David Buckley, John Bugler, Andrew Butler, David Butler, John Byrne, Kenneth Byrne, Paul Cagney, Daniel Cahalane, Donnchadh Campbell, Aoife Campbell, Stephen Carr, Kieran Casey, Anthony Chandler, Frank Chute, Killian Chute, Richard Claffey, Seamus Clarke, Tadhg

Country	Inspectors
	Cleary, James
	Clinton, Andrew
	Clinton, Finbar
	Cloake, Niall
	Cogan, Jerry
	Collins, Damien
	Connaghan, Fintan
	Connery, Paul
	Connolly, Stephen
	Cooper, Thomas
	Corish, Cormac
	Corrigan, Kieran
	Cosgrave, Karl
	Cosgrove, Thomas
	Cotter, Colm
	Cotter, James
	Cotter, Jamie
	Coughlan, Neville
	Craven, Cormac
	Croke, Jason
	Cronin, Martin
	Cronin, Philip
	Crowley, Brian
	Cummins, Alan
	Cummins, Paul
	Cummins, William
	Cunningham, Diarmiad
	Curran, Donal
	Curran, Siubhan
	Curtin, Brendan
	Daly, Brendan
	Daly, Joe
	Daly, John
	Daly, Mick
	Darcy, Enna
	De Barra, Ruairi
	Dempsey, Brian
	Devaney, Michael
	Dicker, Philip
	Doherty, Brian
	Doherty, Patrick
	Donaldson, Stuart
	Donnachie, Martin
	Donnchadh, Cahalane
	Donovan, Tom
	Downes, Eamon

Country	Inspectors
	Downing, Erica Downing, John Doyle, Billy Doyle, Cronan Duane, Paul Ducker, Nigel Duggan, Cian Duignam, Ray Fanning, Grace Farrell, Brian Farrelly, Emmett Faulkner, Damien Fealy, Gerard Fennel, Siobhan Fenton, Garry Ferguson, Kevin Finegan, Ultan Finnegan, David Fitzgerald, Brian Fitzpatrick, Gerry Fleming, David Flynn, Alan Foley, Brendan Foley, Connor Foley, Kevin Fowler, Patrick Fox, Colm Fox, Dennis Freeman, Harry Friel, Aidan Gallagher, Damien Gallagher, Danny Gallagher, Neil Gallagher, Orlaith Gallagher, Patrick Galvin, Rory Gannon, James Geraghty, Tony Gernon, Ross Gleeson, Marie Goulding, Donal Grogan, Susanne Hamilton, Alan Hamilton, Gillian Hamilton, Greg Hamilton, Martin

Country	Inspectors
	Hannon, Gary
	Hanrahan, Michael
	Harding, James
	Harkin, Patrick
	Harrington, Michael
	Harty, Paddy
	Hastings, Brian
	Healy, Conor
	Healy, Jef
	Heffernan, Bernard
	Hegarty, Mark
	Hegarty, Paul
	Hickey, Adrian
	Hickey, Andrew
	Hickey, Declan
	Hickey, Michael
	Hobbins, Tom
	Holland, Ken
	Hollingsworth, Edward
	Humphries, Daniel
	Irwin, Richard
	Ivory, Sean
	Kavanagh, Ian
	Kavanagh, Paul
	Kearney, Brendan
	Keating, Debbie
	Keeley, David
	Keirse, Gavin
	Kenneally, Jonathan
	Kennedy, Liam
	Kennedy, Tom
	Keogh, Mark
	Kerr, Charlie
	Kickham, Jon-Lawrence
	Kinsella, Gordan
	Kirwan, Conor
	Kirwan, Darragh
	Lacey-Byrne, Dillon
	Laide, Cathal
	Landy, Glen
	Lane, Brian
	Lane, Mary
	Lawlor, Collie
	Leahy, Brian
	Lenihen, Marc
	Linehan, Sean

Country	Inspectors
	Long Emmett
	Lynch, Darren
	Lynch, Mark
	Lynch, Paul
	Mackey, Eoin
	Mackey, John
	Madden, Brendan
	Madine, Stephen
	Maguire, Paul
	Mallon, Keith
	Maloney, Nessa
	Manning, Neil
	Martin, Jamie
	Matthews, Brian
	McCarthy, Gavin
	McCarthy, Michael
	McCarthy, Niall
	McCarthy, Paul
	McCarthy, Robert
	McCoy, Sean
	McDermot, Paul
	McGarry, John
	McGee, Noel
	McGee, Paul
	McGrath, Owen
	McGroarty, John
	McGroarty, Mark
	McGroarty, Peter
	McHale, Laura
	McKenna, David
	McLoughlin, John
	McLoughlin, Ronan
	McMahon, Dean
	McNamara, Ken
	McNamara, Paul
	McPhilbin, Dwain
	McUmfraidh, Caoimhin
	Meehan, Robert
	Melvin, David
	Meredith, Helen
	Minehane, John
	Molloy, Darragh
	Molloy, John Paul
	Moloney, Kara
	Mooney, Gerry
	Mooney, Keith

Country	Inspectors
	Moore, Conor Morrissey, Stephen Mulcahy, John Mulcahy, Liam Mulcahy, Shane Mullan, Patrick Mullane, Paul Mundy, Brendan Murphy, Adam Murphy, Aidan Murphy, Barry Murphy, Caroline Murphy, Chris Murphy, Claire Murphy, Daniel Murphy, Enda Murphy, Honour Murphy, John Murrán, Sean Murray, Paul Newstead, Sean Nic Dhonnchadha, Stephanie Ni Cionnach Pic, Dubheasa Nolan, Brian Nolan, James Northover, James O'Beirnes, Derek O'Brien, Jason O'Brien, Ken O'Brien, Paul O'Brien, Roberta O'Callaghan, Maria O'Connell, Paul O'Connor, Dermot O'Connor, Frank O'Donovan, Diarmuid O'Donovan, Michael O'Driscoll, Olan O'Flynn, Aisling O'Grady, Vivienne O'Leary, David O'Mahoney, Kevin O'Mahony, David O'Mahony, Denis O'Mahony, Karl O'Meara, Pat

Country	Inspectors
	O'Neill, Donal
	O'Regan, Alan
	O'Regan, Cliona
	O'Regan, Tony
	O'Reilly, Brendan
	O'Seaghdha, Ciaran
	O'Sullivan, Cormac
	O'Sullivan, Patricia
	Ó Neachtain, Aonghus
	Parke, Declan
	Patterson, Adrienne
	Patterson, John
	Pender, Darragh
	Pentony, Declan
	Pierce, Paul
	Piper, David
	Plante, Thomas
	Plunkett, Thomas
	Power, Cathal
	Power, Gillian
	Prendergast, Kevin
	Pyke, Gavin
	Quigg, James
	Quinn, Mikey
	Raferty, Damien
	Reddin, Tony
	Reidy, Patrick
	Ridge, Patrick
	Robinson, Niall
	Russell, Mark
	Ryan, Fergal
	Ryan, Marcus
	Scalici, Fabio
	Scanlon, Gordon
	Shaloo, Jim
	Sheridan, Glenn
	Sills, Barry
	Sinnott, Lee
	Smith, Brian
	Smith, Dean
	Smith, Gareth
	Smyth, Eoin
	Snowdon, Edward
	Stack, Stephen
	Stapleton, Alan
	Sweeney, Brian

Country	Inspectors
	Sweetnam, Vincent Swords, Graham Tarrant, Martin Tigh, Declan Timon, Eric Tobin, John Troy, Ivan Tubridy, Fergal Turley, Mark Turnbull, Michael Twomey, Tom Valls Senties, Virginia Verling, Ronan Von Raesfeldt, Mark Wall, Danny Wallace, Robert Walsh, Conleth Walsh, Dave Walsh, Karen Walsh, Richard Weldon, James Whelan, Mark White, John Whoriskey, David Wickham, Larry Wilson, Tony Wise, James Woodward, Ciaran
Greece	ΑΒΡΑΜΙΔΗΣ, ΠΑΝΑΓΙΩΤΗΣ ΑΓΑΠΗΤΟΣ, ΕΥΘΥΜΙΟΣ ΑΔΑΜΙΔΗΣ, ΘΕΜΙΣΤΟΚΛΗΣ ΑΘΑΝΑΣΙΟΥ, ΑΡΓΥΡΩ ΑΙΒΑΛΙΩΤΟΥ, ΕΙΡΗΝΗ ΑΚΡΙΒΟΣ, ΔΗΜΗΤΡΙΟΣ ΑΛΕΞΙΟΥ, ΝΙΚΟΛΑΟΣ ΑΛΥΤΙΖΑΚΗΣ, ΝΕΚΤΑΡΙΟΣ ΑΛΥΦΑΝΤΑΚΗΣ, ΕΜΜΑΝΟΥΗΛ ΑΜΒΡΟΣΙΑΤΟΥ, ΑΙΚΑΤΕΡΙΝΗ ΑΝΑΓΝΩΣΤΟΥ, ΓΕΩΡΓΙΟΣ ΑΝΑΣΤΑΣΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ ΑΝΔΡΙΚΟΠΟΥΛΟΣ, ΣΠΥΡΙΔΩΝ ΑΝΕΜΟΠΙΑΝΝΗΣ, ΓΕΩΡΓΙΟΣ ΑΝΤΩΝΑΚΟΣ, ΒΑΣΙΛΕΙΟΣ ΑΝΩΜΕΡΙΑΝΑΚΗΣ, ΕΠΑΜΕΙΝΩΝΔΑΣ ΑΡΑΜΠΑΤΖΗΣ, ΝΙΚΟΛΑΟΣ

Country	Inspectors
	ΑΡΑΧΩΒΙΤΗΣ, ΑΝΔΡΕΑΣ
	ΑΡΓΥΡΟΥ, ΠΑΝΑΓΙΩΤΗΣ
	ΑΣΠΡΟΠΟΥΛΟΣ, ΝΙΚΟΛΑΟΣ
	ΑΣΠΡΟΥΛΗΣ, ΙΩΑΝΝΗΣ
	ΑΥΓΕΡΙΝΟΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΒΑΙΣ, ΠΑΥΛΟΣ
	ΒΑΙΤΣΗΣ, ΓΕΩΡΓΙΟΣ
	ΒΑΙΤΣΗΣ, ΔΗΜΟΣ
	ΒΑΚΑΤΑΣΗΣ, ΒΑΣΙΛΕΙΟΣ
	ΒΑΡΔΙΔΑΚΗ, ΕΥΡΥΚΛΕΙΑ
	ΒΑΡΕΛΟΠΟΥΛΟΣ, ΕΥΑΓΓΕΛΟΣ-ΧΡΗΣΤΟΣ
	ΒΑΡΛΑΣ, ΧΡΗΣΤΟΣ
	ΒΑΣΙΛΕΙΟΥ, ΒΑΣΩ
	ΒΑΣΙΛΟΠΟΥΛΟΣ, ΣΩΤΗΡΙΟΣ
	ΒΑΣΙΛΟΠΟΥΛΟΥ, ΚΛΕΑΝΘΗ
	ΒΕΛΙΣΣΑΡΟΠΟΥΛΟΣ, ΑΛΕΞΑΝΔΡΟΣ
	ΒΕΝΕΤΗΣ, ΔΗΜΟΣΘΕΝΗΣ
	ΒΕΡΓΑΚΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΒΕΤΤΑΣ, ΑΘΑΝΑΣΙΟΣ
	ΒΛΙΩΡΑΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΒΟΓΙΑΤΖΑΚΗΣ, ΕΜΜΑΝΟΥΗΛ
	ΒΟΡΤΕΛΙΝΑΣ, ΓΕΩΡΓΙΟΣ
	ΒΟΤΣΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΒΟΥΡΛΕΤΣΗΣ, ΣΩΤΗΡΙΟΣ
	ΓΑΒΑΛΑΣ, ΑΝΤΩΝΙΟΣ
	ΓΑΚΗΣ, ΑΛΕΞΙΟΣ
	ΓΑΛΑΝΑΚΗΣ, ΑΝΔΡΕΑΣ
	ΓΑΛΑΤΟΥΛΑ, ANNA
	ΓΑΛΗΝΟΣ, ΓΕΩΡΓΙΟΣ
	ΓΑΛΟΥΖΗΣ, ΓΕΩΡΓΙΟΣ
	ΓΑΡΕΦΑΛΟΣ, ΑΝΤΩΝΙΟΣ
	ΓΕΡΙΚΗ, ΑΙΚΑΤΕΡΙΝΗ
	ΓΕΩΡΓΑΝΤΑΣ, ΜΙΧΑΗΛ
	ΓΕΩΡΓΙΑΔΗ, ΜΑΡΙΑ
	ΓΙΑΝΝΟΥΛΗΣ, ΑΝΑΣΤΑΣΙΟΣ
	ΓΙΑΝΝΟΥΣΑΣ, ΠΑΝΑΓΙΩΤΗΣ
	ΓΙΑΝΝΟΥΣΗΣ, ΒΑΣΙΛΕΙΟΣ
	ΓΚΑΖΑΣ, ΓΕΩΡΓΙΟΣ
	ΓΚΙΝΗΣ, ΠΑΝΑΓΙΩΤΗΣ
	ΓΚΟΥΣΗΣ, ΦΙΛΙΠΠΟΣ
	ΓΟΛΕΓΟΣ, ΔΗΜΗΤΡΙΟΣ
	ΓΡΗΓΟΡΑΣ, ΑΘΑΝΑΣΙΟΣ
	ΓΥΠΑΡΑΚΗΣ, ΝΙΚΟΛΑΟΣ
	ΔΑΡΔΩΝΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΔΕΛΗΜΗΤΗΣ, ΒΑΣΙΛΕΙΟΣ
	ΔΕΛΙΕΖΑ, ΑΝΤΩΝΙΑ

Country	Inspectors
	ΔΕΛΧΑΣ, ΙΩΑΝΝΗΣ
	ΔΕΣΠΟΥΛΗΣ, ΝΙΚΟΛΑΟΣ
	ΔΗΜΑΚΗ, ΑΙΚΑΤΕΡΙΝΗ
	ΔΗΜΟΠΟΥΛΟΣ, ΑΠΟΣΤΟΛΟΣ
	ΔΙΑΜΑΝΤΑΚΗΣ, ΑΘΑΝΑΣΙΟΣ
	ΔΙΑΜΑΝΤΟΠΟΥΛΟΣ, ΜΙΧΑΗΛ
	ΔΟΚΙΑΝΑΚΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΔΟΥΝΑΣ, ΠΡΟΚΟΠΙΟΣ
	ΔΡΟΛΑΓΙΑ, ΕΥΘΥΜΙΑ
	ΔΡΟΣΑΚΗΣ, ΣΠΥΡΙΔΩΝ
	ΔΡΟΣΟΥΝΗΣ, ΣΤΕΦΑΝΟΣ
	ΕΚΤΑΡΙΔΗΣ, ΔΗΜΗΤΡΙΟΣ
	ΕΜΜΑΝΟΥΗΛ, ΣΠΥΡΙΔΩΝ
	ΕΞΗΝΤΑΒΕΛΩΝΗΣ, ΓΕΩΡΓΙΟΣ
	ΕΡΓΟΛΑΒΟΥ, ΑΝΝΑ
	ΕΥΑΓΓΕΛΑΤΟΣ, ΝΙΚΟΛΑΟΣ
	ΕΥΜΟΡΦΟΠΟΥΛΟΣ, ΧΑΡΙΛΑΟΣ
	ΖΑΒΙΤΣΑΝΟΣ, ΒΑΣΙΛΕΙΟΣ
	ΖΑΚΥΝΘΙΝΟΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΖΑΜΠΕΤΑΚΗΣ, ΝΙΚΟΛΑΟΣ
	ΖΑΡΚΑΔΑ, ΑΛΕΞΙΑ
	ΖΑΧΑΡΟΠΟΥΛΟΣ, ΓΕΩΡΓΙΟΣ
	ΖΙΑΝΑΣ, ΓΕΩΡΓΙΟΣ
	ΖΟΥΡΙΑΔΑΚΗΣ, ΜΙΛΤΙΑΔΗΣ
	ΖΩΓΑΛΗΣ, ΠΑΝΑΓΙΩΤΗΣ
	ΖΩΓΑΛΗΣ, ΣΤΑΥΡΟΣ
	ΖΩΗΣ, ΠΑΝΤΕΛΗΣ
	ΗΛΙΟΥ, ΣΠΥΡΙΔΩΝΑΣ
	ΘΕΟΔΩΡΟΥΔΗ, ΑΙΜΙΛΙΑ
	ΘΕΟΛΟΓΟΥ, ΑΙΚΑΤΕΡΙΝΗ
	ΘΕΟΧΑΡΟΥΛΗΣ, ΑΘΑΝΑΣΙΟΣ
	ΙΚΙΟΥΖΗΣ, ΧΡΗΣΤΟΣ
	ΚΑΒΟΥΡΑΣ, ΙΩΑΝΝΗΣ
	ΚΑΓΙΑΣ, ΧΑΡΑΛΑΜΠΟΣ
	ΚΑΛΑΒΡΕΖΟΣ, ΑΝΤΩΝΙΟΣ
	ΚΑΛΛΙΝΙΚΟΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΚΑΛΟΓΡΙΑΣ, ΧΡΗΣΤΟΣ
	ΚΑΜΑΚΑΣ, ΝΙΚΟΛΑΟΣ
	ΚΑΝΕΛΛΟΠΟΥΛΟΥ, ΠΕΛΑΓΙΑ
	ΚΑΠΕΛΟΣ, ΙΩΑΝΝΗΣ
	ΚΑΠΟΓΙΑΝΝΗΣ, ΧΡΗΣΤΟΣ
	ΚΑΠΟΤΑΣ, ΜΙΛΤΙΑΔΗΣ
	ΚΑΡΑΒΟΤΑΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΚΑΡΑΚΑΤΣΑΝΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΚΑΡΑΚΟΝΤΗΣ, ΑΝΤΩΝΙΟΣ
	ΚΑΡΑΤΑΓΗΣ, ΙΩΑΝΝΗΣ

Country	Inspectors
	ΚΑΡΟΥΝΤΖΟΣ, ΙΩΑΝΝΗΣ
	ΚΑΡΥΣΤΙΑΝΟΣ, ΣΤΕΦΑΝΟΣ
	ΚΑΣΣΗ, ΒΑΣΙΛΙΚΗ
	ΚΑΣΤΑΝΗΣ, ΧΡΗΣΤΟΣ
	ΚΑΤΣΑΚΟΥΛΗΣ, ΠΑΡΑΣΧΟΣ
	ΚΑΤΣΑΜΠΙΑΣ, ΝΙΚΟΛΑΟΣ
	ΚΑΤΣΑΡΟΣ, ΛΕΩΝΙΔΑΣ
	ΚΑΤΣΗΣ, ΑΝΑΣΤΑΣΙΟΣ
	ΚΑΤΣΙΓΙΑΝΝΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΚΛΟΥΜΑΣΗΣ, ΔΗΜΗΤΡΙΟΣ
	ΚΟΚΚΟΤΟΣ, ΓΕΩΡΓΙΟΣ
	ΚΟΚΟΛΟΓΙΑΝΝΑΚΗΣ, ΕΥΑΓΓΕΛΟΣ
	ΚΟΛΛΙΑΣ, ΑΝΑΣΤΑΣΙΟΣ
	ΚΟΛΟΚΟΤΑΣ, ΠΕΤΡΟΣ
	ΚΟΛΟΚΟΤΡΩΝΗ, ΑΡΓΥΡΩ
	ΚΟΜΗΝΟΣ, ΔΗΜΗΤΡΙΟΣ
	ΚΟΝΤΗ, ΜΑΡΙΑ
	ΚΟΝΤΟΒΑΣ, ΓΡΗΓΟΡΙΟΣ
	ΚΟΝΤΟΓΙΑΝΝΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΚΟΝΤΟΣ, ΠΑΝΑΓΙΩΤΗΣ
	ΚΟΡΚΙΖΟΓΛΟΥ, ΧΡΗΣΤΟΣ
	ΚΟΡΤΕΣΗΣ, ΝΙΚΟΛΑΟΣ
	ΚΟΡΩΝΑΙΟΣ, ΓΕΩΡΓΙΟΣ
	ΚΟΡΩΝΑΙΟΣ, ΠΑΡΑΣΚΕΥΑΣ
	ΚΟΣΜΑΣ, ΣΤΥΛΙΑΝΟΣ
	ΚΟΥΖΙΛΟΥ, ΣΤΑΥΡΟΥΛΑ
	ΚΟΥΚΑΡΑΣ, ΕΥΑΓΓΕΛΟΣ
	ΚΟΥΚΔΑ, ΕΥΑΓΓΕΛΙΑ
	ΚΟΥΛΑΞΙΔΗΣ, ΔΡΑΚΟΥΛΗΣ
	ΚΟΥΝΤΟΥΡΑΔΑΚΗ, ΚΑΛΛΙΟΠΗ
	ΚΟΥΡΕΛΗ, ΙΩΑΝΝΑ
	ΚΟΥΡΕΝΤΖΗΣ, ΓΕΩΡΓΙΟΣ
	ΚΟΥΡΟΥΛΗΣ, ΣΤΥΛΙΑΝΟΣ
	ΚΟΥΤΣΗΣ, ΝΙΚΟΛΑΟΣ
	ΚΟΥΤΣΟΥΜΑΝΙΩΤΗΣ, ΑΝΑΣΤΑΣΙΟΣ
	ΚΥΡΙΑΚΟΥ, ΙΩΑΝΝΗΣ
	ΚΥΡΙΤΣΗΣ, ΙΩΑΝΝΗΣ
	ΚΩΝΣΤΑΝΤΑΚΟΣ, ΠΕΡΙΚΛΗΣ
	ΚΩΝΣΤΑΝΤΕΛΛΟΣ, ΘΕΟΔΩΡΟΣ
	ΚΩΝΣΤΑΝΤΙΝΙΔΗΣ, ΣΤΑΥΡΟΣ
	ΚΩΝΣΤΑΝΤΙΝΙΔΗ, ΜΑΡΙΑ
	ΚΩΝΣΤΑΝΤΟΣ, ΓΕΩΡΓΙΟΣ
	ΚΩΝΣΤΑΣ, ΑΝΤΩΝΙΟΣ
	ΚΩΤΤΑΣ, ΣΩΤΗΡΙΟΣ
	ΛΑΜΠΕΤΣΟΣ, ΑΛΕΞΑΝΔΡΟΣ
	ΛΑΤΤΑΣ, ΠΑΝΑΓΙΩΤΗΣ

Country	Inspectors
	ΛΕΚΑΚΟΣ, ΘΕΟΔΩΡΟΣ
	ΛΕΜΟΝΙΔΗΣ, ΧΡΗΣΤΟΣ
	ΛΕΟΝΤΑΡΑΚΗΣ, ΠΑΝΑΓΙΩΤΗΣ
	ΔΙΑΚΟΠΟΥΛΟΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΔΙΑΚΟΠΟΥΛΟΣ, ΝΙΚΟΛΑΟΣ
	ΔΙΑΛΙΟΣ, ΧΡΗΣΤΟΣ
	ΔΙΑΝΤΙΝΙΩΤΗΣ, ΠΑΥΛΟΣ
	ΔΙΟΚΑΡΗΣ, ΧΡΗΣΤΟΣ
	ΛΟΥΓΙΑΚΗ, ANNA
	ΛΟΥΚΑΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΛΥΜΠΕΡΗΣ, ΣΠΥΡΙΔΩΝ
	ΜΑΙΛΗΣ, ΣΤΕΦΑΝΟΣ
	ΜΑΚΡΗΣ, ΑΝΤΩΝΙΟΣ
	ΜΑΚΡΗΣ, ΝΙΚΟΛΑΟΣ
	ΜΑΛΛΙΟΣ, ΓΕΩΡΓΙΟΣ
	ΜΑΝΔΑΛΟΣ, ΑΝΑΣΤΑΣΙΟΣ
	ΜΑΝΙΑΤΗ, ΑΝΔΡΙΑΝΝΑ
	ΜΑΡΑΓΚΟΥ, ANNA
	ΜΑΡΑΘΑΚΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΜΑΡΓΑΡΙΤΗΣ, ΣΠΥΡΙΔΩΝ
	ΜΑΡΓΩΜΕΝΟΣ, ΕΥΣΤΑΘΙΟΣ
	ΜΑΥΡΕΛΟΣ, ΕΜΜΑΝΟΥΗΛ
	ΜΑΥΡΟΕΙΔΗ, ΝΙΚΗ-ΑΝΔΡΙΑΝΑ
	ΜΑΥΡΟΜΜΑΤΗΣ, ΓΕΩΡΓΙΟΣ
	ΜΑΥΡΟΥΤΣΟΣ, ΙΩΑΝΝΗΣ
	ΜΑΧΑΙΡΙΔΗΣ, ΝΙΚΟΛΑΟΣ
	ΜΕΡΚΟΒΙΤΗΣ, ΒΑΣΙΛΕΙΟΣ
	ΜΗΝΑΣ, ΣΩΚΡΑΤΗΣ
	ΜΗΤΣΟΥ, ΣΑΠΦΩ
	ΜΙΛΤΣΑΚΑΚΗΣ, ΙΩΑΝΝΗΣ
	ΜΙΝΑΧΕΙΛΗΣ, ΙΩΑΝΝΗΣ
	ΜΙΣΟΓΙΑΝΝΗΣ, ΠΑΝΑΓΙΩΤΗΣ
	ΜΙΧΑΗΛΙΔΗΣ, ΓΕΩΡΓΙΟΣ
	ΜΟΣΧΟΣ, ΔΗΜΗΤΡΙΟΣ
	ΜΟΥΣΤΑΚΑΣ, ΓΡΗΓΟΡΙΟΣ
	ΜΟΥΣΤΟΣ, ΜΙΧΑΗΛ
	ΜΟΥΤΣΙΑΝΑΣ, ΔΗΜΗΤΡΙΟΣ
	ΜΠΑΛΑΤΣΟΥΚΑΣ, ΘΕΟΦΑΝΗΣ
	ΜΠΑΜΠΑΝΗΣ, ΕΥΑΓΓΕΛΟΣ
	ΜΠΑΝΟΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΜΠΑΞΕΒΑΝΑΚΗΣ, ΓΡΗΓΟΡΙΟΣ
	ΜΠΑΡΛΑΣ, ΑΘΑΝΑΣΙΟΣ
	ΜΠΑΡΟΥΝΗΣ, ΔΗΜΗΤΡΙΟΣ
	ΜΠΑΤΖΟΓΙΑΝΝΗΣ, ΣΤΑΜΟΣ
	ΜΠΑΤΖΟΛΗΣ, ΣΤΥΛΙΑΝΟΣ
	ΜΠΑΧΛΙΤΖΑΝΑΚΗΣ, ΜΙΧΑΗΛΗΣ

Country	Inspectors
	ΜΠΕΖΙΡΓΙΑΝΝΗΣ, ΑΝΤΩΝΙΟΣ
	ΜΠΕΘΑΝΗΣ, ΓΕΩΡΓΙΟΣ
	ΜΠΕΘΑΝΗΣ, ΙΩΑΝΝΗΣ
	ΜΠΕΙΝΤΑΡΗΣ, ΙΩΑΝΝΗΣ
	ΜΠΙΧΑΣ, ΒΑΣΙΛΕΙΟΣ
	ΜΠΛΑΤΣΙΟΣ, ΠΕΤΡΟΣ
	ΜΠΟΤΗΣ, ΣΠΥΡΙΔΩΝ
	ΜΠΟΤΣΗΣ, ΠΑΝΑΓΙΩΤΗΣ
	ΜΠΟΥΖΟΥΝΙΕΡΑΚΗΣ, ΝΙΚΟΛΑΟΣ
	ΜΠΡΑΟΥΔΑΚΗΣ, ΓΕΩΡΓΙΟΣ
	ΜΠΡΕΖΑΤΗΣ, ΕΥΑΓΓΕΛΟΣ
	ΜΥΛΟΥΛΗΣ, ΙΩΑΝΝΗΣ
	ΜΥΤΙΑΗΝΑΙΟΣ ΣΙΔΕΡΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΝΑΣΤΟΥΛΗΣ, ΙΩΣΗΦ
	ΝΙΚΟΛΑΙΔΗΣ, ΑΛΕΞΑΝΔΡΟΣ
	ΝΙΚΟΛΑΟΥ, ΑΛΕΞΑΝΔΡΟΣ
	ΝΙΚΟΛΟΠΟΥΛΟΣ, ΑΣΗΜΑΚΗΣ
	ΝΙΚΟΛΟΠΟΥΛΟΣ, ΠΑΝΑΓΙΩΤΗΣ
	ΝΙΚΟΛΟΠΟΥΛΟΣ, ΕΛΕΥΘΕΡΙΟΣ
	ΝΤΑΛΤΑΣ, ΙΚΟΛΑΟΣ
	ΝΤΑΦΟΥΛΗΣ, ΓΕΩΡΓΙΟΣ
	ΝΤΕΚΟΥΡΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΝΤΕΛΛΑΣ, ΕΥΑΓΓΕΛΟΣ
	ΝΤΕΜΠΡΗ ΔΕΜΠΡΗ, ΝΙΚΗ
	ΝΤΕΜΟΣ, ΘΕΟΦΑΝΗΣ
	ΞΑΝΘΟΥ, ΑΙΚΑΤΕΡΙΝΗ
	ΟΙΚΟΝΟΜΑΚΟΣ, ΙΩΑΝΝΗΣ
	ΟΜΑΛΙΑΝΑΚΗΣ, ΓΕΩΡΓΙΟΣ
	ΟΥΡΓΑΝΤΖΙΔΟΥ, ΠΑΡΘΕΝΑ
	ΠΑΛΑΙΟΛΟΓΟΣ, ΦΡΑΓΚΙΣΚΟΣ
	ΠΑΝΑΓΙΩΤΙΔΗΣ, ΧΡΗΣΤΟΣ
	ΠΑΝΑΓΙΩΤΟΥ, ΣΤΥΛΙΑΝΟΣ
	ΠΑΝΤΑΖΗΣ, ΒΑΣΙΛΕΙΟΣ
	ΠΑΠΑΔΗΜΑΣ, ΧΡΗΣΤΟΣ
	ΠΑΠΑΔΟΓΙΩΡΓΑΚΗΣ, ΙΩΑΝΝΗΣ
	ΠΑΠΑΔΟΠΟΥΛΟΥ, ΘΕΩΝΗ
	ΠΑΠΑΙΩΑΝΝΟΥ, ΣΩΤΗΡΙΟΣ
	ΠΑΠΑΚΟΣΜΑΣ, ΣΤΥΛΙΑΝΟΣ
	ΠΑΠΑΚΩΝΣΤΑΝΤΙΝΟΥ, ΝΙΚΟΛΑΟΣ
	ΠΑΠΑΚΩΝΣΤΑΝΤΙΝΟΥ, ΑΡΧΟΝΤΙΑ
	ΠΑΠΑΝΩΤΑΣ, ΓΕΩΡΓΙΟΣ
	ΠΑΠΟΥΤΣΗ, ΑΝΤΩΝΙΑ
	ΠΑΡΑΔΑΛΗΣ, ΑΡΙΣΤΟΤΕΛΗΣ
	ΠΑΡΑΣΚΕΥΑ, ΑΝΘΟΥΛΑ
	ΠΑΡΑΣΚΕΥΑΣ, ΝΙΚΟΛΑΟΣ
	ΠΑΡΔΑΛΗΣ, ΓΕΩΡΓΙΟΣ

Country	Inspectors
	ΠΑΡΙΑΡΟΣ, ΜΑΤΘΑΙΟΣ
	ΠΑΡΙΣΗΣ, ΒΑΣΙΛΕΙΟΣ
	ΠΑΡΤΣΑΡΟΥΧΑ, ΑΘΑΝΑΣΙΑ
	ΠΑΣΧΑΛΑΚΗΣ, ΧΡΗΣΤΟΣ
	ΠΑΤΕΡΑΚΗΣ, ΓΕΩΡΓΙΟΣ
	ΠΑΤΙΛΑΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΠΑΤΡΙΚΗΣ, ΒΑΣΙΛΕΙΟΣ
	ΠΑΤΣΑΡΟΥΧΑ, ΑΘΑΝΑΣΙΑ
	ΠΑΥΛΑΚΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΠΕΠΙΟΣ, ΓΕΩΡΓΙΟΣ
	ΠΕΤΡΟΓΓΟΝΑΣ, ΝΙΚΟΛΑΟΣ
	ΠΕΤΤΑΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΠΟΛΙΤΙΔΗΣ, ΝΙΚΟΛΑΟΣ
	ΠΟΤΤΑΚΗ, ΠΕΛΑΓΙΑ
	ΠΡΟΒΑΤΑΣ, ΓΕΩΡΓΙΟΣ
	ΡΑΜΙΩΤΗΣ, ΕΥΑΓΓΕΛΟΣ
	ΡΟΖΟΣ, ΓΕΩΡΓΙΟΣ
	ΡΟΥΤΣΗ, ΙΩΑΝΝΑ
	ΣΑΜΑΡΑΣ, ΝΙΚΟΛΑΟΣ
	ΣΑΡΑΝΤΑΚΟΣ, ΙΩΑΝΝΗΣ
	ΣΑΡΔΕΛΗ, ΑΝΑΣΤΑΣΙΑ
	ΣΑΤΑΝΤΙΔΗΣ, ΙΩΑΝΝΗΣ
	ΣΗΦΑΚΗΣ, ΜΙΧΑΗΛ
	ΣΚΑΡΒΕΛΑΚΗ, ΑΝΝΑ
	ΣΚΟΥΡΤΑΣ, ΕΥΣΤΡΑΤΙΟΣ
	ΣΚΥΛΟΔΗΜΟΣ, ΒΑΣΙΛΕΙΟΣ
	ΣΛΑΝΚΙΔΗΣ, ΒΑΣΙΛΕΙΟΣ
	ΣΛΙΑΡΑΣ, ΑΡΓΥΡΙΟΣ
	ΣΠΑΝΟΜΗΤΣΙΟΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΣΠΗΛΙΩΤΗ, ΕΙΡΗΝΗ
	ΣΠΥΡΙΔΩΝ, ΓΕΩΡΓΙΟΣ
	ΣΠΥΡΤΟΣ, ΧΡΗΣΤΟΣ
	ΣΤΑΘΗΣ, ΙΩΑΝΝΗΣ
	ΣΤΑΥΡΙΝΟΥΔΗΣ, ΝΙΚΟΛΑΟΣ
	ΣΤΕΛΙΑΤΟΣ, ΔΗΜΗΤΡΙΟΣ
	ΣΤΕΡΓΙΟΥ, ΧΡΗΣΤΟΣ
	ΣΤΕΡΓΙΟΥ, ΚΩΝΣΤΑΝΤΙΝΟΣ
	ΣΤΟΥΠΙΑΚΗΣ, ΜΑΡΙΟΣ
	ΣΤΟΥΠΙΑΚΗΣ, ΜΙΧΑΗΛ
	ΣΤΟΥΡΝΑΣ, ΔΗΜΗΤΡΙΟΣ
	ΣΤΡΑΤΗΓΑΚΗΣ, ΔΙΟΝΥΣΙΟΣ-ΓΕΩΡΓΙΟΣ
	ΣΤΡΙΧΑΣ, ΧΡΗΣΤΟΣ
	ΣΥΒΙΤΟΥ, ΒΑΣΙΛΙΚΗ
	ΣΥΓΚΟΥΝΑΣ, ΒΑΣΙΛΕΙΟΣ
	ΣΦΑΚΙΑΝΑΚΗΣ, ΓΕΩΡΓΙΟΣ
	ΣΦΕΝΔΥΛΑΚΗ, ΜΑΡΙΑ

Country	Inspectors
	ΤΑΜΠΑΚΑΚΗ, ΕΛΕΥΘΕΡΙΑ ΤΑΡΤΑΝΗΣ, ΕΥΑΓΓΕΛΟΣ ΤΑΤΣΗ, ΙΩΑΝΝΑ ΤΕΡΖΑΚΗ-ΠΑΠΑΔΟΠΟΥΛΟΥ, ΚΩΝΣΤΑΝΤΙΝΑ ΤΖΑΝΟΣ, ΑΘΑΝΑΣΙΟΣ ΤΖΙΜΑΣ, ΕΥΑΓΓΕΛΟΣ ΤΖΙΟΛΑΣ, ΙΩΑΝΝΗΣ ΤΟΥΡΝΗΣ, ΣΤΑΜΑΤΙΟΣ ΤΡΙΧΑΣ, ΧΡΗΣΤΟΣ ΤΣΑΒΑΛΙΑΣ, ΓΕΩΡΓΙΟΣ ΤΣΑΜΑΔΙΑΣ, ΙΩΑΝΝΗΣ ΤΣΑΜΗΣ, ΧΡΗΣΤΟΣ ΤΣΑΜΟΥΡΑΣ, ΡΑΦΑΗΛ ΤΣΑΝΔΗΛΑΣ, ΠΑΝΑΓΙΩΤΗΣ ΤΣΑΠΑΤΣΑΡΗΣ, ΝΙΚΟΛΑΟΣ ΤΣΑΧΠΑΖΗΣ, ΔΗΜΗΤΡΙΟΣ ΤΣΕΛΗΣ, ΑΝΔΡΕΑΣ ΤΣΕΣΟΥΡΗΣ, ΓΕΩΡΓΙΟΣ ΤΣΙΑΤΣΟΣ, ΝΙΚΟΛΑΟΣ ΤΣΙΜΠΙΔΑΚΗ, ΖΑΦΕΙΡΙΑ ΤΣΙΤΑΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ ΤΣΟΛΑΚΟΣ, ΠΑΝΑΓΙΩΤΗΣ ΤΣΟΥΜΑΣ, ΣΠΥΡΙΔΩΝ ΤΣΟΥΦΛΙΔΗΣ, ΘΕΟΔΩΡΟΣ ΦΙΛΙΠΠΑ, ΕΥΑΓΓΕΛΙΑ ΦΛΩΡΑΚΗΣ, ΝΙΚΟΛΑΟΣ ΦΛΩΡΟΥ, ΧΡΥΣΟΥΛΑ ΦΡΑΓΚΟΥΛΗΣ, ΙΩΑΝΝΗΣ ΦΡΑΖΗΣ, ΕΜΜΑΝΟΥΗΛ ΦΡΥΣΟΥΛΗΣ, ΝΙΚΟΛΑΟΣ ΦΩΤΕΙΝΟΣ, ΣΤΑΜΑΤΙΟΣ ΦΩΤΙΑΔΗΣ, ΣΤΕΦΑΝΟΣ ΧΑΒΑΤΖΟΠΟΥΛΟΣ, ΠΑΡΑΣΚΕΥΑΣ ΜΑΡΙΟΣ ΧΑΙΔΟΓΙΑΝΝΗΣ, ΣΠΥΡΙΔΩΝ ΧΑΡΑΛΑΜΠΑΚΗΣ, ΕΥΑΓΓΕΛΟΣ ΧΑΡΑΛΑΜΠΙΔΗΣ, ΑΝΑΣΤΑΣΙΟΣ ΧΑΡΙΤΑΚΗΣ, ΙΩΑΝΝΗΣ ΧΑΤΖΗΠΑΣΧΑΛΗΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ ΧΡΙΣΤΟΔΟΥΛΟΥ, ΔΗΜΗΤΡΙΟΣ ΨΑΡΡΑΣ, ΑΓΓΕΛΟΣ ΨΗΛΟΣ, ΚΩΝΣΤΑΝΤΙΝΟΣ ΨΥΧΟΓΥΙΟΣ, ΣΤΥΛΙΑΝΟΣ
Spain	Almagro Carrobles, Jorge Alonso Sánchez, Beatriz Álvarez Gómez, Marco Antonio

Country	Inspectors
	Al-Ismaíl Calderon, Samer
	Amunárriz Emazabel, Sebastián
	Arteaga Sánchez, Ana
	Avedillo Contreras, Buenaventura
	Barandalla Hernando, Eduardo
	Boy Carmona, Esther
	Bravo Téllez, Guillermo
	Calderón Gómez, José Gabriel
	Carmona Mazaira, Manuel
	Carro Martínez, Pedro
	Ceballos Pérez-Canales, Alba
	Cervantes de la Torre, Andrés
	Chamizo Catalán, Carlos
	Cortés Fernández, Natalia
	Couce Prieto, Carlos
	Criado Bará, Bernardo
	Delgado González, Gonzalo
	De la Rosa Cano, Francisco Javier
	Del Hierro Suanzes, Javier
	Deniz Fleitas, Jose Manuel
	Elices López, Juan Manuel
	Expósito González, Jonay
	Fariña Clavero, Irene
	Fernández Costas, Antonio
	Fernandez Despiou, Estrella
	Ferreño Martínez, José Antonio
	Fontán Aldereguía, Manuel
	Fontanet Domenech, Felipe
	García Antoni, Mónica
	García Cantón, Javier
	García González, Francisco Javier
	Genovés Ferriols, José Carlos
	Gómez Cayuelas, Carmen
	González Fernández, Manuel A.
	González Fernández, Marta
	Guerrero Claros, María
	Guisado Sancho, María Jesús
	Gundín Payero, Laura
	Hernández Betzen, Roberto
	Iglesias Prada, Juan Antonio
	Jimenez Álvarez, Ignacio
	Lado Codesido, Beatriz
	Lastra Torre, Ruth
	Lestón Leal, Juan Manuel
	López González, María
	Lorenzo Sentis, José Manuel

Country	Inspectors
	Lucena Garcia, Antonio Jesús Marra-López Porta, Julio Martínez González, Jesús Martínez Velasco, Carolina Mayoral Vázquez, Fernando Mayoral Vázquez, Gonzalo Medina García, Estebán Méndez-Villamil Mata, María Miranda Almón, Fernando Núñez Casas, Julio Ochando Ramos, Ana María Oñorbe Esparraguera, Manuel Orgueira Pérez Vanessa Ossorio González, Carlos Ovejero González, David Pérez González, Virgilio Piñón Lourido, Jesús Ponte Fernández, Gerardo Ríos Cidrás, Manuel Ríos Cidrás, Xosé Rodríguez Bermejo, José Rodríguez Moreno, Alberto Rueda Aguirre, Luzdivina Ruiz Gómez, Sonia Rull Del Águila, Laura Sáenz Arteché, Idoia Sánchez Sánchez, Esmeralda Santos Barge, Verònica Sendra Gamero, M <sup>a</sup> Esther Serrano Sánchez, Daniel Sieira Rodríguez, José Tenorio Rodríguez, José Luis Torre González, Miguel A. Tubío Rodríguez, Xosé Vicente Castro, José Yeregui Velasco, Pablo Zamora de Pedro, Carlos
France	Allanic, Gilles Beyaert, Francis Beyaert, Frédéric Bigot, Jean-Paul Bistour, Stéphane Bon, Philippe Bouniol, Anthony Bourbigot, Jean-Marc

Country	Inspectors
	Cacitti, Raymond
	Caillat, Marc
	Celton Arnaud
	Ceres, Michel
	Charbonnier, Alexandre
	Cluzel, Stéphane
	Cras, Renaud
	Crochard, Thierry
	Croville, Serge
	Daden, Nicolas
	Dambron, François
	Darsu, Philippe
	Davies, Philippe
	Dechaine, Frédéric
	Delattre, Nicolas
	Desson, Patrick
	Dolou, Claude
	Donnart, Christian
	Duval, Laurent
	Fernandez, Gabriel
	Fortier, Eric
	Garbe, Steeve
	Gauvain, Benoît
	Gehanne, Laurent
	Gloaguen, Maurice
	Goron, Xavier
	Guillard, Thimothée
	Guillemette, Jean Luc
	Guittet-Dupont, Gaëtan
	Hitier, Sébastien
	Isore, Pascal
	Lacombe, Thomas
	Lalanne, Anne
	Lebosquain, Olivier
	Le Berrigaud, Thierry
	Le Corre, Joseph
	Le Cousin, Jean-Luc
	Le Dreau, Gilbert
	Le Mentec, Arnaud
	Legouedec, Loïg
	Lenormand, Daniel
	Lelandois, Cyril
	Lescroel, Yann
	Maingraud, Dominique
	Maniette, Yves
	Masseaux, Yanick

Country	Inspectors
	Menuge, Gilles Peoch, Philippe Peron, Olivier Peron, Pascal Petit, François Pochet, Ludovic Radius, Caroline Raguet, José Renault, Alan Reunavot, Matthieu Richou, Fabrice Robin, Yannick Rousselet, Pascal Sauvage, Christian Schneider, Frédéric Sottiaux, David Trividic, Bernard Urvoy, Jonathan Vesque Arnaud Vilbois, Pierre Villenave, Yorrick Virlogeux, Julian
Croatia	Aćimov, Dejan Aunedi, Jurica Barbalić, Boris Bartulović, Ivica Bašić, Vicko Bilobrk, Stipe Bratičević, Nino Brlek, Neda Brnadić, Ivica Budimir, Miroslav Dolić, Nedjeljko Dvoraček, Tomislav Ercegović, Marin Franceschi, Jenko Grljušić, Frano Hrženjak, Jurica Hrzić, Ivica Ivković, Hrvoje Jelić, Božidar Jeftimijades, Ivor Jukić, Ivica Jurčević, Marinko Kalinić, Andrej

Country	Inspectors
	Kerum, Jurica Krišto, Rino Kusanović, Gordan Lešić, Lidija Marčina, Robert Matković, Mijo Miletić, Ivana Novak, Danijel Orešković, Lovro Paparić, Neven Perković, Kristijan Perović, Andrea Petrić, Andrea Prtenjača, Silvija Pupiće-Bakrač, Marko Radovčić, Ivica Rogić, Ante Rukavina, Dubravko Rumora, Ivan Šalaj, Damir Šestan, Hrvoje Sikirica, Nenad Skelin, Stipe Škorjanec, Mario Skroza, Nikica Sobin, Mijo Strinović, Boris Verzon, Nikola Vuletić, Ivo
Italy	Abate, Massimiliano Affinita, Enrico Albani, Emidio Ambrosio, Salvatore Annicchiarico, Dario Antonioli, Giacomo Aprile, Giulio Aquilano, Donato Arena, Enrico Astelli, Gabriele Barraco, Francesco Basile, Giuseppe Basile, Marco Battaglia, Daniele Battista, Filomena Bavila, Nicola

Country	Inspectors
	Benvenuto, Salvatore Giovanni
	Biondo, Fortunato
	Bizzarro, Federico
	Boccoli, Fabrizio
	Bongermino, Onofrio
	Bonsignore, Antonino
	Borghi, Andrea
	Bottiglieri, Vincenzo
	Bove, Gian Luigi
	Buccioli, Andrea
	Caforio, Cosimo
	Caiazzo, Luigia
	Calandrino, Salvatore
	Camicia, Ciro
	Cappelli, Salvatore
	Carafa, Simone
	Carini, Vito
	Carta, Sebastiano
	Cesareo, Michele
	Chionchio, Alessandro
	Cianci, Vincenzo
	Cignini, Innocenzo
	Clemente, Cosimo
	Colarossi, Mauro
	Colucciello, Roberto
	Comuzzi, Alberto
	Conte, Fabio
	Coppola, Giorgio
	Corallo, Domenico
	Cormio, Carlo
	Costanzo, Antonino
	Croce, Aldo
	Cuciniello, Luigi
	Cuscela, Michele
	D'Acunto, Francesco
	D'Amato, Fabio
	Dammico, Luigi
	D'Arrigo, Antonio
	De Crescenzo, Salvatore
	De Pinto, Giuseppe
	De Quarto, Enrico
	D'Erchia, Alessandro
	De Santis, Antonio
	Di Benedetto, Luigi
	Di Domenico, Marco
	Di Donato, Eliana

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	Di Santo, Giovanni
	Doria, Angelo
	D'Orsi, Francesco Paolo
	Errante, Domenico
	Esibini, Daniele
	Esposito, Robertino
	Esposito, Salvatore
	Fanizzi, Tommaso
	Fava, Antonello
	Ferioli, Debora
	Ferrara, Manfredo
	Fiorentino, Giovanni
	Fogliano, Pasquale
	Folliero, Alessandro
	Francolino, Giuseppe
	Fuggetta, Pasquale
	Fuso, Vittorio
	Gagliardi, Raffaele
	Gallo, Antonio
	Gangemi, Domenico
	Gangemi, Roberto Francesco
	Genchi, Paolo
	Giannone, Giuseppe Claudio
	Giovannone, Vittorio
	Golizia, Pasquale
	Graziani, Walter
	Greco, Giuseppe
	Guida, Giuseppe
	Guido, Alessandro
	Guzzi, Davide
	Iemma, Oreste
	La Porta, Santi Alessandro
	Lambertucci, Alessandro
	Lanza, Alfredo
	Leto, Antonio
	Limatola, Daniele
	Limetti, Fabio
	Lo Pinto, Nicola
	Lombardi, Pasquale
	Longo, Pierino Paolo
	Luperto, Giuseppe
	Magnolo, Lorenzo Giovanni
	Maio, Giuseppe
	Malaponti, Salvatore Francesco
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	Minò, Alessandro
	Monaco, Paolo
	Morciano, Giuseppe
	Morelli, Alessio
	Morra, Tommaso
	Mostacci, Sergio Massimo
	Mugavero, Amalia
	Mule, Vincenzo
	Musella, Stefano
	Nardelli, Giuseppe
	Negro, Mirco
	Novaro, Giovanni
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	Palmerini, Giorgio
	Palombella, Fabio Luigi
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	Paoletti, Dario
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	Pellegrino, Roberto
	Pepe, Angelo
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	Piscopello, Luciano
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	Porru, Massimiliano
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	Puddinu, Fabrizio
	Puleo, Isidoro
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Latvia	Avdjukeviča, Svetlana Brants, Jānis Brente, Elmārs Griezīte, Frančeska Gronska, Ieva Gudovannijs, Vsevolods Holštroms, Artūrs Jansons, Kārlis Jaunzems, Aldis Junkurs, Andris Kalējs, Rūdolfs Kalniņa, Ingūna Kaptelija, Liene Naumova, Daina Priediens, Ainars Putniņš, Raitis Raginskis, Jānis Štraubis, Valērijs Šuideiķis, Aigars Tīģeris, Ģirts Vārsbergs, Jānis Veide, Andris Veinbergs, Miks Ziemelis, Elvijs
Lithuania	Balnis, Algirdas Dambrauskis, Tomas Giedrius, Vaitkus Jonaitis, Arūnas Kairytė, Lina Kazlauskas, Tomas Lendzbergas, Erlandas Vitalij, Zartun

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Hungary	n/a
Malta	Abela, Claire Attard, Glen Attard, Godwin Attard, Omar Azzopardi, Joseph Baldacchino, Duncan Balzan, Gilbert Barbara, Anthony Borg, Benjamin Borg, Jonathan Borg, Robert Briffa, Daniel Bugeja, Stephanie Cachia, Pierre Calleja, Martin Camilleri, Aldo Camilleri, Christopher Carabott, Paul Caruana, Gary Cassar, Gaetano Cassar, Jonathan Cassar, Kenneth Cassar Lucienne Cauchi David Cuschieri, Roderick Farrugia, Emanuel Farrugia, Joseph Farrugia, Omar Fenech, Melvin Fenech, Paul Gatt, Glen Gatt, Joseph Gatt, Mervin Gatt, William Gauci, Mark Little, Elaine Lungaro, Gordon Mallia, Ramzy Micallef, Rundolf Muscat, Christian Muscat, Simon Musu, Matthew Piscopo, Christine

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Slovakia	n/a
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	Bergman, Daniel
	Bjerner, Martin
	Borg, Calle
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	Brännström, Lennart
	Cannehag, Niclas
	Cardell, Christina
	Carlsson, Christian
	Englund, Raymond
	Erlandsson, Björn
	Falk, David
	Frejd, Maud
	Fristedt, David
	Gynäs, Mattias
	Hagberg, Elice
	Hartman Bergqvist, Désirée
	Havh, Johan
	Hedman, Elin
	Hellberg, Stefan
	Hellqvist, Johan
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	Holmer, Johanna
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	Jansson, Anders
	Jeppsson, Tobias
	Johansson, Daniel
	Johansson, Isabella
	Johansson, Klaes
	Johansson, Thomas
	Joxelius, Paul
	Karlsson, Kent
	Kempe, Clas
	Koivula, Mikael
	Kurtsson, Morgan
	Larsson, Mats
	Lilja, Filip
	Lindström, Jakob
	Lindved, Martin
	Lundberg, Johan
	Lundh, Emelie
	Lundin, Stig
	Lundkvist, Mats
	Lundqvist, Annica

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	Mattson, Olof
	Montan, Anders
	Mukkavaara, Henrik
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	Nilsson, Pierre
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	Nord, Iza
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	Näsman, Lars
	Olson, Magnus
	Olsson, Kenneth
	Olsson, Lars
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	Persson, Göran
	Persson, Mats
	Peters, Linda
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	Petterson, Joel
	Petterson, Johan
	Philipsson, Gunnar
	Piltonen, Janne
	Podsedkowski, Zenek
	Rase, Dennis
	Reuterljung, Thomas
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	Rönnlund, Agneta
	Sjödin, Ronny
	Skölderud, Svante
	Snäckerström, Leif
	Stålnacke, Erik
	Strandberg, Magnus
	Stührenberg, Björn
	Sundberg, Andreas
	Sundberg, Patrick
	Svärd, Lars-Erik
	Svensson, Rutger
	Svensson, Tony
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	Timan, Hans
	Toresson, Martin
	Turesson, Andreas
	Uppman, Kerstin
	Werner, Lars
	Westerlund, Emma

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	Evans, Mathilda
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	Ferguson, Adam
	Ferguson, Simon
	Ferrari, Richard
	Finnie, Andrew
	Fitzpatrick, DeeAnn
	Fletcher, Norman
	Flint, Toby
	Foster, Pam
	Fraser, Uilleam
	Frew, Clare
	Fullerton, Gareth
	Gibson, Philip
	Gough, Callum
	Graham, Chris
	Grant, Leigh
	Gray, Neil
	Gray, Patrick
	Gregor, Stuart
	Gregory, Sam
	Griffin, Stuart
	Gwillam, SLt Ben
	Hamilton, Ian
	Harris, Hugh
	Harris, William
	Harsent, SLt Paul
	Hay, David
	Hay, John
	Henning, Alan
	Hepburn, Ian
	Higgins, Frank
	Higby, Louisa
	Hildreth, Joe
	Hill, Julie
	Holbrook, Joanna
	Howarth, Dan
	Hudson, John
	Hugues, Gary
	Hughes, Greta
	Imrie, Peter
	Irish, Rachel

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	Johnson, Paul
	Johnston, Steve
	Johnston, Isobel
	Johnstone, Ann
	Jones, Carl
	Karavla, Alexandra
	Kelly, Kevin
	Kemp, Gareth
	Kozlowski, Stephen
	Lane, Rory
	Lardeur, Beth
	Law, Garry
	Lethbridge, Wendy
	Legge, James
	Lindsay, Andrew
	Livingston, Andrew
	Lockwood, Mark
	Lowry, Thomas
	Lucas, David
	MacEachan, Iain
	MacGregor, Duncan
	MacIver, Roderick
	MacKay, Janice
	MacLean, Paula
	MacLean, Robin
	Magill, SLt Michael
	Marshall, Phil
	Martin David
	Mason, Liam
	Mason, Roger
	Matheson, Louise
	May, Colin
	Mayger, Lt Martyn
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	McCubbin, Stuart
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	Mills, John
	Mitchell, Hugh
	Mitchell, John
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	Moloughney, Bernie
	Morris, Chris
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	Mustard, Emma
	Mynard, Nick
	Neat, Simon
	Neilson, SLt Robert
	Nelson, Paul
	Newlands, Andrew
	Newlyn, Lindsley
	Newman, Chris
	Nye, Verity
	Overy, Thomas
	Owen, Gary
	Parr, Jonathan
	Pateman, Jason
	Paterson, Craig
	Perry, Andrew
	Phillips, Michael
	Pole, Mark
	Poulding, Daniel
	Poulson, Lt Chris
	Pringle, Geoff
	Proud, Christian
	Quinn, Barry
	Reeves, Adam
	Reid, Ian
	Reid, Peter
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	Richardson, David
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	Scarrf, David
	Sheperd, Ashley
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	Smith, Barry
	Smith, Don
	Smith, Matthew
	Smith, Pam
	Spencer, James
	Steele, Gordon
	Stevens, Emma
	Storton, George
	Strang, Nicol
	Stray, Sloyan
	Styles, Mario
	Sutton, Andrew
	Sykes-Gelder, Dan
	Taylor, Mark
	Templeton, John
	Thain, Marc
	Thompson, Dan
	Thompson, Gerald
	Thomson, Dave
	Thomson, Dave
	Turner, Alun
	Turner, Patrick
	Tyack, Paul
	Venton, Andrew
	Ward, Daniel
	Ward, Mark
	Watson, Stacey
	Watt, Barbara
	Watt, James
	Webb, Simon
	Wensley, Phil
	Weychan, Paul
	Whelton, Karen
	Whitby, Phil
	Whitford, Annika
	Williams, Adam
	Wilkinson, Dave

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European Fisheries Control Agency	Allen, Patrick Chapel, Vincent Del Hierro, Belén Del Zompo, Michele Dias Garção, José Fulton, Grant Mueller, Wolfgang Papaioannou, Themis Quelch, Glenn Roobrouck, Christ Sokolowski, Paweł Sorensen, Svend Stewart, William Tahon, Sven

**COMMISSION IMPLEMENTING DECISION (EU) 2017/903****of 23 May 2017****amending Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC***(notified under document C(2017) 3324)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC <sup>(1)</sup>, and in particular the fourth subparagraph of Article 29(1) thereof,

Whereas:

- (1) Directive 96/23/EC lays down measures to monitor the substances and groups of residues listed in Annex I thereto. Article 29 of that Directive requires that third countries from which Member States are authorised to import animals and animal products covered by that Directive submit a residue monitoring plan providing required guarantees ('the plan'). The plan should at least apply to the groups of residues and substances listed in that Annex I.
- (2) Commission Decision 2011/163/EU <sup>(2)</sup> approves plans submitted by certain third countries concerning specified animal and animal products as listed in the Annex to that Decision ('the list').
- (3) Colombia has submitted a plan for milk to the Commission. That plan provides sufficient guarantees and should be approved. An entry for Colombia for milk should therefore be included in the list.
- (4) Montenegro has submitted a plan for milk to the Commission. That plan provides sufficient guarantees and should be approved. An entry for Montenegro for milk should therefore be included in the list.
- (5) Ukraine has submitted a plan for rabbit to the Commission. That plan provides sufficient guarantees and should be approved. An entry for Ukraine for rabbit should therefore be included in the list.
- (6) Decision 2011/163/EU should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2011/163/EU is replaced by the text set out in the Annex to this Decision.

<sup>(1)</sup> OJ L 125, 23.5.1996, p. 10.<sup>(2)</sup> Commission Decision 2011/163/EU of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (OJ L 70, 17.3.2011, p. 40).

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 23 May 2017.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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## ANNEX

## 'ANNEX

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
AD	Andorra	X	X		X								X
AE	United Arab Emirates						X <sup>(3)</sup>	X <sup>(1)</sup>					
AL	Albania		X				X		X				
AM	Armenia						X						X
AR	Argentina	X	X		X	X	X	X	X	X	X	X	X
AU	Australia	X	X		X		X	X			X	X	X
BA	Bosnia and Herzegovina					X	X	X	X				X
BD	Bangladesh						X						
BN	Brunei						X						
BR	Brazil	X			X	X	X						X
BW	Botswana	X			X							X	
BY	Belarus				X <sup>(2)</sup>		X	X	X				
BZ	Belize						X						
CA	Canada	X	X	X	X	X	X	X	X	X	X	X	X
CH	Switzerland	X	X	X	X	X	X	X	X	X	X	X	X
CL	Chile	X	X	X		X	X	X			X		X
CM	Cameroon												X
CN	China					X	X		X	X			X

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
CO	Colombia						X	X					
CR	Costa Rica						X						
CU	Cuba						X						X
DO	Dominican Republic												X
EC	Ecuador						X						
ET	Ethiopia												X
FK	Falklands Islands	X	X				X						
FO	Faeroe Islands						X						
GE	Georgia												X
GH	Ghana												X
GL	Greenland		X								X	X	
GT	Guatemala						X						X
HN	Honduras						X						
ID	Indonesia						X						
IL	Israel (?)					X	X	X	X			X	X
IN	India						X		X				X
IR	Iran						X						
JM	Jamaica												X
JP	Japan	X					X						
KE	Kenya						X						

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
KG	Kyrgyzstan												X
KR	South Korea					X	X						
LK	Sri Lanka						X						
MA	Morocco					X	X						
MD	Moldova					X	X		X				X
ME	Montenegro	X	X	X		X	X	X	X				X
MG	Madagascar						X						X
MK	former Yugoslav Republic of Macedonia <sup>(4)</sup>	X	X	X		X	X	X	X		X		X
MM	Republic of the Union of Myanmar						X						
MU	Mauritius						X						
MX	Mexico						X		X				X
MY	Malaysia					X <sup>(3)</sup>	X						
MZ	Mozambique						X						
NA	Namibia	X	X										
NC	New Caledonia	X <sup>(3)</sup>					X				X	X	X
NI	Nicaragua						X						X
NZ	New Zealand	X	X		X		X	X			X	X	X
PA	Panama						X						
PE	Peru						X						

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
PH	Philippines						X						
PM	Saint Pierre and Miquelon					X							
PN	Pitcairn Islands												X
PY	Paraguay	X											
RS	Serbia <sup>(5)</sup>	X	X	X	X <sup>(2)</sup>	X	X	X	X		X		X
RU	Russia	X	X	X		X		X	X			X <sup>(6)</sup>	X
RW	Rwanda												X
SA	Saudi Arabia						X						
SG	Singapore	X <sup>(3)</sup>	X <sup>(3)</sup>	X <sup>(3)</sup>	X <sup>(8)</sup>	X <sup>(3)</sup>	X	X <sup>(3)</sup>			X <sup>(8)</sup>	X <sup>(8)</sup>	
SM	San Marino	X		X <sup>(3)</sup>									X
SR	Suriname						X						
SV	El Salvador												X
SZ	Swaziland	X											
TH	Thailand					X	X						X
TN	Tunisia					X	X				X		
TR	Turkey					X	X	X	X				X
TW	Taiwan						X						X
TZ	Tanzania						X						X
UA	Ukraine	X		X		X	X	X	X	X			X
UG	Uganda						X						X

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
US	United States	X	X	X		X	X	X	X	X	X	X	X
UY	Uruguay	X	X		X		X	X			X		X
VE	Venezuela						X						
VN	Vietnam						X						X
ZA	South Africa										X	X	
ZM	Zambia												X
ZW	Zimbabwe						X					X	

(1) Camel milk only.

(2) Export to the Union of live equidae for slaughter (food producing animals only).

(3) Third countries using only raw material either from Member States or from other third countries approved for imports of such raw material to the Union, in accordance with Article 2.

(4) The former Yugoslav Republic of Macedonia; the definitive nomenclature for this country will be agreed following current negotiations at UN level.

(5) Not including Kosovo (this designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence).

(6) Only for reindeer from the Murmansk and Yamalo-Nenets regions.

(7) Hereafter understood as the State of Israel, excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.

(8) Only for commodities of fresh meat originating from New Zealand, destined to the Union and being unloaded, reloaded and transited with or without storage through Singapore.'





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