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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/920

of 20 May 2016

on the signing, on behalf of the European Union, of the Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 3 December 2010, the Council authorised the Commission to open negotiations with the Government of the United States of America (United States) concerning an agreement on the protection of personal data when transferred and processed for the purpose of preventing, investigating, detecting or prosecuting criminal offences, including terrorism.
- (2) The negotiations with the Government of the United States have been completed and the text of the Agreement was initialled on 8 September 2015.
- (3) The Agreement aims at establishing a comprehensive framework of data protection principles and safeguards when personal information is transferred for criminal law enforcement purposes between the United States, on the one hand, and the European Union or its Member States, on the other. The objective is to ensure a high level of data protection and, thereby, enhance cooperation between the parties. Whilst not being itself the legal basis for any transfer of personal information to the United States, the Agreement supplements, where necessary, data protection safeguards in existing and future data transfer agreements or national provisions authorising such transfers.
- (4) The Union has competence covering all the provisions of the Agreement. In particular, the Union has adopted Directive (EU) 2016/680 of the European Parliament and of the Council ⁽¹⁾ on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data. Transfers by Member States subject to appropriate safeguards are foreseen by Article 37(1)(a) of that Directive.

⁽¹⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

- (5) In accordance with Article 6a of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), the United Kingdom and Ireland are not bound by the rules laid down in the Agreement which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or 5 of Title V of Part Three of the TFEU where the United Kingdom and Ireland are not bound by the rules governing the forms of judicial cooperation in criminal matters or police cooperation which require compliance with the provisions laid down in the Agreement.
- (6) In accordance with Articles 2 and 2a of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not bound by the rules laid down in the Agreement or subject to their application which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or 5 of Title V of Part Three of the TFEU.
- (7) Any notification under Article 27 of the Agreement as regards the United Kingdom, Ireland or Denmark should be done in accordance with the status of those Member States under the relevant provisions of Union law and in close consultation with them.
- (8) The Agreement should be signed subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences is hereby authorised, subject to the conclusion of the said Agreement ⁽¹⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 May 2016.

For the Council
The President
K.H.D.M. DIJKHOFF

⁽¹⁾ The text of the Agreement will be published together with the decision on its conclusion.

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/921

of 10 June 2016

laying down further temporary exceptional support measures for producers 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 ⁽¹⁾, and in particular Article 219(1) in conjunction with Article 228 thereof,

Whereas:

- (1) On 7 August 2014 the Russian government introduced a ban on imports of certain products from the Union to Russia, including fruit and vegetables. This ban created a serious threat of market disturbances caused by significant price falls due to the fact that an important export market was no longer available. On 24 June 2015 this ban was extended until August 2016. In January 2016, it was extended to Turkey too. Turkey exported huge quantities of fruit and vegetables to Russia. With the extension of the ban, the risk exists that products originating in Turkey will be redirected to the Union or to third countries' markets where they will compete with Union products. This is particularly the case in some Member States where there is a low degree of organisation of the sector. In such circumstances, threats of Union market disturbances remain real and adequate measures need to be adopted and implemented as long as the Russian ban remains in force.
- (2) That threat of market disturbances is of particular relevance for the fruit and vegetables sector where large quantities of perishable products used to be exported to Russia. It has proved difficult to redirect the entire production to other destinations. Uncertainty as regards the renewal of the ban may negatively affect the start of the season for many products of that sector.
- (3) Accordingly, a situation continues to exist on the Union market for which the normal measures available under Regulation (EU) No 1308/2013 appear to be insufficient.
- (4) In order to prevent a severe and prolonged market disturbance, Commission Delegated Regulations (EU) No 913/2014 ⁽²⁾, (EU) No 932/2014 ⁽³⁾, (EU) No 1031/2014 ⁽⁴⁾ and (EU) 2015/1369 ⁽⁵⁾ provided for maximum amounts of support for withdrawal, non-harvesting and green harvesting operations, calculated on the basis of traditional exports to Russia. As the threat of market disturbance continues to exist, the measures initially introduced by those Regulations need to be adapted.
- (5) The temporary exceptional support measures should therefore be prolonged for a further year, or until trade situation between the Union and Russia changes, for all the products that were covered by Delegated Regulation (EU) No 1031/2014. In addition, sweet cherries and persimmons should be added to the list of products eligible for support, since those products used to be exported to Russia by some Member States.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) No 913/2014 of 21 August 2014 laying down temporary exceptional support measures for producers of peaches and nectarines (OJ L 248, 22.8.2014, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) No 932/2014 of 29 August 2014 laying down temporary exceptional support measures for producers of certain fruit and vegetables and amending Regulation (EU) No 913/2014 (OJ L 259, 30.8.2014, p. 2).

⁽⁴⁾ Commission Delegated Regulation (EU) No 1031/2014 of 29 September 2014 laying down temporary exceptional support measures for producers of certain fruit and vegetables (OJ L 284, 30.9.2014, p. 22).

⁽⁵⁾ Commission Delegated Regulation (EU) 2015/1369 of 7 August 2015 amending Delegated Regulation (EU) No 1031/2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables (OJ L 211, 8.8.2015, p. 17).

- (6) The temporary Union financial assistance should be granted taking into account the estimated quantities affected by the ban. The calculation of those quantities should be made for each Member State in accordance with the level of those established in Annex I to Delegated Regulation (EU) 2015/1369. In addition, the quantities should be significantly reduced to take into account the fact that producers have had more time to adapt and source new outlets.
- (7) Where the uptake of these exceptional support measures within a Member State has been very low for a particular product and the administrative costs of providing support are therefore disproportionately high, that Member State should have the option to choose not to implement these measures.
- (8) It is expected that products covered by this Regulation, which would have been exported to Russia, have already been or will be diverted to the markets of other Member States. Producers of the same products within those Member States, which do not traditionally export their products to Russia, may accordingly, be faced with a significant market disturbance and a fall in prices. Therefore, in order to further stabilise the market, the temporary Union financial assistance should also be available for producers in all Member States in respect of one or more of the products covered by this Regulation, but the quantity involved should not exceed 3 000 tonnes per Member State.
- (9) Member States should remain free to decide not to use the quantity of 3 000 tonnes. Where they do so, they should inform the Commission in time to allow the Commission to decide on a possible re-allocation of the quantities that have not been used.
- (10) Market withdrawal, non-harvesting and green harvesting are effective crisis management measures where there exists a surplus of fruit and vegetables due to temporary and unpredictable circumstances. Member States should have the possibility to allocate the quantities made available to them to one or more of those measures in order to make the most efficient use of the amounts available.
- (11) As provided for in Delegated Regulation (EU) No 932/2014, the restriction of 5 % as a proportion of the volume of marketed production for supported market withdrawals should be temporarily lifted. The Union financial assistance should therefore be granted even when withdrawals exceed the 5 % ceiling.
- (12) The temporary Union financial assistance granted for market withdrawals should be based on the respective amounts set out in Annex XI to Commission Implementing Regulation (EU) No 543/2011 ⁽¹⁾ for withdrawals for free distribution and for withdrawals for other destinations. For those products for which no amount is fixed in Annex XI to Implementing Regulation (EU) No 543/2011, maximum amounts should be laid down in this Regulation.
- (13) Taking into account that the amounts for tomatoes set out in Annex XI to Implementing Regulation (EU) No 543/2011 refer to the marketing year of tomatoes for processing and tomatoes for fresh consumption, it is adequate to clarify that the maximum amount applicable for tomatoes for fresh consumption for the purpose of this Regulation is the one concerning the period from 1 November until 31 May.
- (14) In light of the exceptional market disturbances and in order to ensure that all producers of fruit and vegetables are supported by the Union, the temporary Union financial assistance for market withdrawals should be extended to producers of fruit and vegetables who are not members of a recognised producer organisation.
- (15) In order to encourage the free distribution of withdrawn fruit and vegetables to certain organisations, such as charitable organisations and schools or any other equivalent destinations approved by the Member States, 100 % of the maximum amounts fixed in Annex XI to Implementing Regulation (EU) No 543/2011 should also be applicable to producers who are not members of a recognised producer organisation. In the case of withdrawals for destinations other than free distribution, they should receive 50 % of the maximum amounts fixed. In this context, producers who are not members of a recognised producer organisation should fulfil the same or similar conditions as producer organisations. Therefore, they should be subject, like recognised producer organisations, to the relevant provisions of Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011.

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

- (16) Producer organisations are the basic actors of the fruit and vegetables sector and are the most suited entities to ensure that the temporary Union financial assistance for market withdrawals is paid to producers who are not members of a recognised producer organisation. They should ensure that such assistance is paid to the producers who are not members of a recognised producer organisation through the conclusion of a contract. As not all Member States have the same degree of organisation on the supply side of the fruit and vegetables market, it is appropriate to allow the competent authority of the Member States to pay the support directly to the producers where this is duly justified.
- (17) The amount of the support for non-harvesting and green harvesting should be fixed by Member States per hectare at a level to cover not more than 90 % of the maximum amount for market withdrawals applicable to withdrawals for destinations other than free distribution as set out in Annex XI to Implementing Regulation (EU) No 543/2011 or, for products for which no amount has been fixed in that Annex, in this Regulation. For tomatoes for fresh consumption the amount to be taken into account by Member States should be the one set in Annex XI to Implementing Regulation (EU) No 543/2011 for the period from 1 November until 31 May. Non-harvesting should be supported even where commercial production has been taken from the producing area concerned during the normal production cycle.
- (18) Producer organisations concentrate the supply and are able to act faster than producers who are not members of such organisations, in coping with greater quantities and thereby providing an immediate impact on the market. Therefore, in order to make the implementation of the exceptional support measures provided for in this Regulation more efficient and to speed up the stabilisation of the market, it is appropriate, in respect of producers who are members of recognised producer organisations to increase the temporary Union financial assistance for withdrawals for destinations other than free distribution to 75 % of the relevant maximum amounts set for the support for withdrawals for other destinations.
- (19) As for withdrawals, the temporary Union financial assistance for non-harvesting and green harvesting operations should be extended to producers who are not members of a recognised producer organisation. The financial assistance should be 50 % of the maximum amounts of support set for producer organisations.
- (20) Given the high number of producers who are not members of a producer organisation and the need to carry out checks that are reliable but feasible, the temporary Union financial assistance should not be granted, for producers who are not members of a producer organisation, for green harvesting of fruit and vegetables for which the normal harvest has already begun or for non-harvesting measures where commercial production has been taken from the producing area concerned during the normal production cycle. In this context, producers who are not members of a recognised producer organisation should be subject, like recognised producer organisations, to the relevant provisions of Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011.
- (21) For producers who are not members of a producer organisation, the payment of the temporary Union financial assistance for non-harvesting and green harvesting operations should be done directly by the competent authority of the Member State. That competent authority should pay the relevant amounts to the producers in accordance with Implementing Regulation (EU) No 543/2011 and the relevant national rules and procedures.
- (22) In order to guarantee that the temporary Union financial assistance to producers of certain fruit and vegetables is used for the intended purposes and to ensure the efficient use of the Union budget, Member States should carry out a reasonable level of checks. In particular, documentary, identity and physical checks as well as on-the-spot checks should be carried out that cover a reasonable amount of products, areas, producer organisations and producers not being members of recognised producer organisation. Member States should ensure that withdrawal, green harvesting and non-harvesting operations for tomatoes only concern varieties intended for fresh consumption.
- (23) Member States should notify the Commission of the operations that have been implemented by producer organisations and producers non-members at regular intervals.
- (24) In order to prevent a severe and prolonged market disturbance and effectively guarantee the stabilisation of prices, a seamless continuation of those support measures currently in force, which are due to expire on 30 June 2016, is required. Therefore, this Regulation should enter into force on the day of its publication, and should apply as from that day or from 1 July 2016, whichever is later,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down rules on Union financial assistance ('the financial assistance') for temporary support measures to be granted to producer organisations in the fruit and vegetables sector recognised in accordance with Article 154 of Regulation (EU) No 1308/2013 and to producers who are not members of such organisations.

These temporary support measures shall cover withdrawal, non-harvesting and green harvesting operations.

2. The support referred to in paragraph 1 shall be granted in relation to the following products of the fruit and vegetables sector intended for fresh consumption:

- (a) tomatoes of CN code 0702 00 00;
- (b) carrots of CN code 0706 10 00;
- (c) cabbages of CN code 0704 90 10;
- (d) sweet peppers of CN code 0709 60 10;
- (e) cauliflowers and headed broccoli of CN code 0704 10 00;
- (f) cucumbers of CN code 0707 00 05;
- (g) gherkins of CN code 0707 00 90;
- (h) mushrooms of the genus *Agaricus* of CN code 0709 51 00;
- (i) apples of CN code 0808 10;
- (j) pears of CN code 0808 30;
- (k) plums of CN code 0809 40 05;
- (l) soft fruit of CN codes 0810 20, 0810 30 and 0810 40;
- (m) fresh table grapes of CN code 0806 10 10;
- (n) kiwi fruit of CN code 0810 50 00;
- (o) sweet oranges of CN code 0805 10 20;
- (p) clementines of CN code 0805 20 10;
- (q) mandarins (including tangerines and satsumas), wilking and similar citrus hybrids of CN codes 0805 20 30, 0805 20 50, 0805 20 70 and 0805 20 90;
- (r) lemons of CN code 0805 50 10;
- (s) peaches and nectarines of CN code 0809 30;
- (t) sweet cherries of CN code 0809 29 00;
- (u) persimmons of CN code 0810 70 00.

3. The support referred to in paragraph 1 shall cover activities carried out in the period from 1 July 2016 or the date of entry into force of this Regulation, whichever is later, until the date on which the quantities set out in Article 2(1) have been exhausted in each Member State concerned or 30 June 2017, whichever is earlier.

4. Where the import situation of certain products from the Union to Russia changes before 30 June 2017, the Commission may amend or repeal this Regulation accordingly.

Article 2

Allocation of maximum quantities to Member States

1. The financial assistance for support measures referred to in Article 1(1) shall be made available to Member States for the quantities of products set out in Annex I.

The financial assistance shall also be available to Member States for withdrawal, green harvesting or non-harvesting operations, with respect to one or more of the products referred to in Article 1(2) as determined by the Member State, provided that the additional quantity involved does not exceed 3 000 tonnes per Member State.

2. With respect to the quantities per Member State referred to in paragraph 1, Member States may determine for each product referred to in Article 1(2):

- (a) the quantities for market withdrawals for free distribution;
- (b) the quantities for market withdrawals for destinations other than free distribution;
- (c) the equivalent area for green harvesting and non-harvesting.

3. Where the quantities actually withdrawn in a Member State between 8 August 2015 and 30 June 2016 in accordance with Delegated Regulation (EU) No 1031/2014 for a category of products as defined in Annex Ib to that Regulation are less than 5 % of the total quantities allocated to that Member State for that category of products, the Member State may decide not to make use of the quantity allocated to it in accordance with Annex I. In that event, the Member State concerned shall notify the Commission of its decision by 31 October 2016. As from the moment of notification, withdrawal, non-harvesting and green harvesting operations carried out for that category of products in that Member State shall not be eligible for financial assistance.

4. Member States may decide not to make use of the quantity of 3 000 tonnes referred to in the second subparagraph of paragraph 1, or part thereof, by 31 October 2016. By the same date, the Member State concerned shall notify the Commission of any quantities not used. As from the moment of notification, withdrawal, non-harvesting and green harvesting operations carried out for the given category of products in that Member State shall not be eligible for financial assistance under this Regulation.

Article 3

Allocation of the quantities to producers

Member States shall allocate the quantities referred to in Article 2(1) between producer organisations and producers who are not members of producer organisations following the first come, first served system.

However, Member States may decide to set up a different system for the allocation of quantities, provided the system established is based on objective and non-discriminatory criteria. For this purpose, Member States may take into account the extent of the effects of the Russian import ban on the producers concerned.

Article 4

Common provisions to withdrawal, non-harvesting and green harvesting measures of producer organisations

1. The support for withdrawal, non-harvesting and green harvesting operations undertaken in accordance with this Regulation by producer organisations shall be granted to producer organisations even if their operational programmes and the national strategies of Member States do not provide for such operations.

The support referred to in the first subparagraph shall not be taken into account for the purpose of calculating the ceilings referred to in Article 34(2) of Regulation (EU) No 1308/2013.

Article 32(2) of Regulation (EU) No 1308/2013 and Article 55(4) of Implementing Regulation (EU) No 543/2011 shall not apply to financial assistance under this Regulation.

2. The ceiling of one third of expenditure referred to in the fourth subparagraph of Article 33(3) of Regulation (EU) No 1308/2013 and the 25 % maximum ceiling for the increase of the operational fund referred to in Article 66(3)(c) of Implementing Regulation (EU) No 543/2011 shall not apply in respect of expenditure incurred for withdrawal, non-harvesting and green harvesting operations under this Regulation.

3. Expenditure incurred in accordance with Articles 5 and 7 shall form part of the operational fund of the producer organisations.

4. Where the recognition of a producer organisation has been suspended in accordance with Article 114(2) of Implementing Regulation (EU) No 543/2011, members of that producer organisation shall be deemed to be producers not being members of a recognised producer organisation for the purpose of Articles 6 and 8.

Article 5

Financial assistance for withdrawals to producer organisations

1. The 5 % ceiling referred to in Article 34(4) of Regulation (EU) No 1308/2013 and in Article 79(2) of Implementing Regulation (EU) No 543/2011 shall not apply to operations under this Regulation.

2. The maximum amounts of the financial assistance for withdrawals to producer organisations shall be those set out in Annex II.

3. By way of derogation from Article 34(1) of Regulation (EU) No 1308/2013, the financial assistance for withdrawals for destinations other than free distribution shall be 75 % of the maximum amounts of the support for other destinations referred to in Annex II to this Regulation.

Article 6

Financial assistance for withdrawals to producers not being members of producer organisations

1. The maximum amounts of the financial assistance granted to producers who are not members of a recognised producer organisation for market withdrawals for free distribution shall be those set out in Annex II.

The maximum amounts of the financial assistance granted to producers who are not members of a recognised producer organisation for market withdrawals for destinations other than free distribution shall be 50 % of the amounts set out in Annex II.

2. Producers who are not members of a recognised producer organisation shall conclude a contract with such an organisation for the entire quantity of products to be delivered. Producer organisations shall accept all reasonable requests from producers who are not members of a recognised producer organisation. The quantities delivered by producers not being members shall be consistent with the regional yields and surface concerned.

The financial assistance shall be paid to producers not being members of a recognised producer organisation by the producer organisation with which they signed such a contract.

The amounts that correspond to the real costs incurred by the producer organisation for withdrawing the respective products shall be retained by that organisation. Evidence of those costs shall be proved by means of invoices.

3. For duly justified reasons, such as the limited degree of organisation of the producers in the Member State concerned, and in a non-discriminatory way, Member States may authorise that a producer who is not a member of a recognised producer organisation may, instead of signing the contract referred to in paragraph 2, make a notification to the competent authority of the Member State about the quantity to be delivered. For such notification, Article 78 of Implementing Regulation (EU) No 543/2011 shall apply *mutatis mutandis*. The quantities delivered by producers not being members shall be consistent with the regional yields and surface concerned.

In such cases, the competent authority of the Member State shall pay the financial assistance directly to the producer. Member States shall adopt new or apply existing national rules or procedures for this purpose.

4. Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011, as well as Article 4 of this Regulation shall apply *mutatis mutandis* in respect of this Article.

Article 7

Financial assistance for non-harvesting and green harvesting to producer organisations

1. By way of derogation from Article 85(4) of Implementing Regulation (EU) No 543/2011, Member States shall set the amounts of the support, comprising both the Union financial assistance and the producer organisation contribution for non-harvesting and green harvesting, per hectare and at a level to cover not more than 90 % of the amounts fixed for market withdrawals for destinations other than free distribution as set out in Annex II to this Regulation. Support for green harvesting shall cover only the products which are physically on the fields and which are actually green harvested.

By way of derogation from Article 34(4) of Regulation (EU) No 1308/2013, the Union financial assistance for non-harvesting and green harvesting shall be 75 % of the amounts fixed by the Member States in accordance with the first subparagraph.

2. By way of derogation from the first subparagraph of Article 85(3) of Implementing Regulation (EU) No 543/2011, non-harvesting measures referred to in Article 84(1)(b) of that Regulation may be undertaken even where commercial production has been taken from the producing area concerned during the normal production cycle. In such cases, the amounts of support referred to in paragraph 1 of this Article shall be proportionally reduced, taking into account the production already harvested, as established on the basis of stock records and financial accounts of the producer organisations concerned.

Article 8

Financial assistance for non-harvesting and green harvesting to producers not being members of producer organisations

1. By way of derogation from Article 85(3) of Implementing Regulation (EU) No 543/2011, the following shall apply:

- (a) support for green harvesting shall cover only the products which are physically on the fields, which are actually green harvested and for which the normal harvest has not begun;
- (b) non-harvesting measures shall not be undertaken where commercial production has been taken from the area concerned during the normal production cycle;
- (c) green harvesting and non-harvesting shall in no circumstances both be applied to the same product and the same given area.

2. The amounts of the financial assistance for non-harvesting and green harvesting operations shall be 50 % of the amounts set by Member States in accordance with Article 7(1).

3. Producers not being members of a recognised producer organisation shall make the appropriate notification to the competent authority of the Member State in accordance with the detailed provisions adopted by the Member State pursuant to Article 85(1)(a) of Implementing Regulation (EU) No 543/2011.

4. The competent authority of the Member State shall pay the financial assistance directly to the producer. Member States shall adopt new or apply existing national rules or procedures for this purpose.
5. Regulation (EU) No 1308/2013 and Implementing Regulation (EU) No 543/2011 shall apply *mutatis mutandis* in respect of this Article.

Article 9

Checks on withdrawal, non-harvesting and green harvesting operations

1. The withdrawal operations referred to in Articles 5 and 6 shall be subject to:
 - (a) first-level checks in accordance with Article 108 of Implementing Regulation (EU) No 543/2011. However, those checks shall cover at least 10 % of the quantity of products withdrawn from the market and at least 10 % of producer organisations benefiting from the financial assistance referred to in Article 5 of this Regulation.

However, for withdrawal operations referred to in Article 6(3), the first-level checks shall cover 100 % of the quantity of products withdrawn.
 - (b) second-level checks in accordance with Article 109 of Implementing Regulation (EU) No 543/2011. However, the on-the-spot checks shall cover at least 40 % of the entities subject to the first-level checks and at least 5 % of the quantity of products withdrawn.
2. Non-harvesting and green harvesting operations as referred to in Articles 7 and 8 shall be subject to the checks and conditions provided for in Article 110 of Implementing Regulation (EU) No 543/2011, except as regards the requirement that no partial harvest has taken place where the derogation provided for in Article 7(2) of this Regulation is applied. Checks shall cover at least 25 % of the producing areas concerned.

For non-harvesting and green harvesting operations referred to in Article 8, the checks shall cover 100 % of the producing areas concerned.

3. Member States shall take the appropriate control measures to ensure that withdrawals, non-harvesting and green harvesting operations for tomatoes only cover varieties intended for fresh consumption.

Article 10

Application for and payment of the financial assistance

1. Producer organisations shall apply for the payment of the financial assistance referred to in Articles 5 and 7 by 31 July 2017.
2. Producers not being members of a recognised producer organisation and not having signed a contract with a recognised producer organisation shall, by 31 July 2017, apply themselves to the competent authorities designated by the Member States for the payment of the financial assistance referred to in Articles 6 and 8.
3. The applications for payment shall be accompanied by supporting documents justifying the amount of the financial assistance concerned and contain a written undertaking that the applicant has not received and will not receive any double Union or national funding or compensation under an insurance policy in respect of the operations qualifying for the financial assistance granted in accordance with this Regulation.

Article 11

Notifications

1. On the first day of each month until 1 October 2017, Member States shall notify the Commission of the following information for each product:
 - (a) the quantities withdrawn for free distribution;
 - (b) the quantities withdrawn for destinations other than free distribution;

- (c) the equivalent area for green harvesting and non-harvesting;
- (d) the total expenditure incurred for the quantities and areas referred to in points (a), (b) and (c).

Only operations that have been implemented shall be included in the notifications.

For those notifications Member States shall use the template set out in Annex III.

2. When making their first notification, Member States shall notify the Commission of the amounts of support fixed by them in accordance with Article 79(1) or 85(4) of Implementing Regulation (EU) No 543/2011 and Articles 5 to 8 of this Regulation, using the templates set out in Annex IV.

Article 12

Payment of Union financial assistance

Member States' expenditure in relation to the payments under this Regulation shall only be eligible for the financial assistance if it has been paid by 30 September 2017.

Article 13

Entry into force and application

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

It shall apply as from 1 July 2016 or the day of its publication in the *Official Journal of the European Union*, whichever is later.

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

Done at Brussels, 10 June 2016.

For the Commission
The President
Jean-Claude JUNKER

ANNEX I

Maximum quantities of products allocated per Member State as referred to in Article 2(1)

(tonnes)

	Apples and pears	Plums, table grapes and kiwi fruit	Tomatoes, carrots, sweet peppers, cucumbers and gherkins	Oranges, clemen- tines, mandarins and lemons	Peaches and nectar- ines
Bulgaria					300
Belgium	25 700		5 000		
Germany	1 900				
Greece	800	4 900	400	2 400	6 300
Spain	2 300	1 500	6 900	16 600	11 500
France	3 600		1 000		100
Croatia	600			1 000	
Italy	5 300	4 600	200	1 000	2 800
Cyprus				3 600	
Latvia	200		400		
Lithuania			900		
Hungary		100			
Netherlands	6 900		6 800		
Austria	600				
Poland	88 900	500	9 400		600
Portugal	1 100				

ANNEX II

Maximum amounts of support for market withdrawals as referred to in Articles 5, 6 AND 7*(EUR/100 kg)*

Product	Maximum support	
	Free distribution	Other destinations
Cauliflowers	15,69	10,52
Tomatoes	27,45	18,30
Apples	16,98	13,22
Fresh table grapes	39,16	26,11
Nectarines	26,90	26,90
Peaches	26,90	26,90
Pears	23,85	15,90
Oranges	21,00	21,00
Mandarins	19,50	19,50
Clementines	22,16	19,50
Satsumas	19,50	19,50
Lemons	23,99	19,50
Carrots	12,81	8,54
Cabbages	5,81	3,88
Sweet peppers	44,40	30,00
Headed broccoli	15,69	10,52
Cucumbers and gherkins	24,00	16,00
Mushrooms	43,99	29,33
Plums	34,00	20,40
Soft fruit	12,76	8,50
Kiwi fruit	29,69	19,79
Persimmons	21,02	14,01
Cherries	48,14	32,09

Templates for notifications as referred to in Article 11(1)

NOTIFICATION ON WITHDRAWALS — FREE DISTRIBUTION

Member State:...

Period covered:...

Date:...

Product	Producer organisations					Producer non-members					Total quanti- ties (t)	Total Union financial assistance (EUR)
	Quanti- ties (t)	Union financial assistance (EUR)				Quanti- ties (t)	Union financial assistance (EUR)					
		with- drawal	transport	sorting and packing	TOTAL		with- drawal	transport	sorting and packing	TOTAL		
(a)	(b)	(c)	(d)	(e) = (b) + (c) + (d)	(f)	(g)	(h)	(i)	(j) = (g) + (h) + (i)	(k) = (a) + (f)	(l) = (e) + (j)	
Apples												
Pears												
Total Apples and Pears												
Tomatoes												
Carrots												
Sweet peppers												
Cucumbers and gherkins												
Total Vegetables												
Plums												
Fresh table grapes												
Kiwi fruit												
Total Other Fruit												

Product	Producer organisations					Producer non-members					Total quanti- ties (t)	Total Union financial assistance (EUR)
	Quanti- ties (t)	Union financial assistance (EUR)				Quanti- ties (t)	Union financial assistance (EUR)					
		with- drawal	transport	sorting and packing	TOTAL		with- drawal	transport	sorting and packing	TOTAL		
(a)	(b)	(c)	(d)	(e) = (b) + (c) + (d)	(f)	(g)	(h)	(i)	(j) = (g) + (h) + (i)	(k) = (a) + (f)	(l) = (e) + (j)	
Oranges												
Clementines												
Mandarins												
Lemons												
Total Citrus												
Peaches												
Nectarines												
Total Peaches and Nectarines												
Cabbages												
Cauliflowers and headed broccoli												
Mushrooms												
Soft fruit												
Cherries												
Persimmons												
Total Others												
TOTAL												

Note: One different Excel sheet shall be completed for every notification.

NOTIFICATION ON WITHDRAWALS — OTHER DESTINATIONS

Member State:...

Period covered:...

Date:...

Product	Producer organisations		Producer non-members		Total quantities (t)	Total Union financial assistance (EUR)
	Quantities (t)	Union finan- cial assistance (EUR)	Quantities (t)	Union finan- cial assistance (EUR)		
	(a)	(b)	(c)	(d)		(f) = (b) + (d)
Apples						
Pears						
Total Apples and Pears						
Tomatoes						
Carrots						
Sweet peppers						
Cucumbers and gherkins						
Total Vegetables						
Plums						
Fresh table grapes						
Kiwi fruit						
Total Other Fruit						
Oranges						
Clementines						
Mandarins						
Lemons						
Total Citrus						
Peaches						
Nectarines						
Total Peaches and Nectar- ines						
Cabbages						

Product	Producer organisations		Producer non-members		Total quantities (t)	Total Union financial assistance (EUR)
	Quantities (t)	Union financial assistance (EUR)	Quantities (t)	Union financial assistance (EUR)		
	(a)	(b)	(c)	(d)	(e) = (a) + (c)	(f) = (b) + (d)
Cauliflowers and headed broccoli						
Mushrooms						
Soft fruit						
Cherries						
Persimmons						
Total Others						
TOTAL						

Note: One different Excel sheet shall be completed for every notification.

NOTIFICATION ON NON-HARVESTING AND GREEN HARVESTING

Member State:...

Period covered:...

Date:...

Product	Producer organisations			Producer non-members			Total quantities (t)	Total Union financial assistance (EUR)
	Area (ha)	Quantities (t)	Union financial assistance (EUR)	Area (ha)	Quantities (t)	Union financial assistance (EUR)		
	(a)	(b)	(c)	(d)	(e)	(f)	(g) = (b) + (e)	(h) = (c) + (f)
Apples								
Pears								
Total Apples and Pears								
Tomatoes								
Carrots								
Sweet peppers								
Cucumbers and gherkins								
Total Vegetables								
Plums								
Fresh table grapes								
Kiwi fruit								
Total Other Fruit								

Product	Producer organisations			Producer non-members			Total quantities (t)	Total Union financial assistance (EUR)
	Area (ha)	Quantities (t)	Union financial assistance (EUR)	Area (ha)	Quantities (t)	Union financial assistance (EUR)		
	(a)	(b)	(c)	(d)	(e)	(f)		
Oranges							(g) = (b) + (e)	(h) = (c) + (f)
Clementines								
Mandarins								
Lemons								
Total Citrus								
Peaches								
Nectarines								
Total Peaches and Nectarines								
Cabbages								
Cauliflowers and headed broccoli								
Mushrooms								
Soft fruit								
Cherries								
Persimmons								
Total Others								
TOTAL								

Note: One different Excel sheet shall be completed for every notification.

ANNEX IV

Templates to be sent with the first notification as referred to in Article 11(2)

WITHDRAWALS — OTHER DESTINATIONS

Maximum amounts of support fixed by the Member State in accordance with Article 79(1) of Implementing Regulation (EU) No 543/2011 and Article 5 of this Regulation

Member State:...

Date:...

Product	Producer Organisation's contribution (EUR/100 kg)	Union financial assistance (EUR/100 kg)
Apples		
Pears		
Tomatoes		
Carrots		
Cabbages		
Sweet peppers		
Cauliflowers and headed broccoli		
Cucumbers and gherkins		
Mushrooms		
Plums		
Soft fruit		
Fresh table grapes		
Kiwi fruit		
Oranges		
Clementines		
Mandarins		
Lemons		
Peaches		
Nectarines		
Cherries		
Persimmons		

NON-HARVESTING AND GREEN HARVESTING

Maximum amounts of support fixed by the Member State in accordance with Article 85(4) of Implementing Regulation (EU) No 543/2011 and Article 7 of this Regulation

Member State:...

Date:...

Product	Open air		Greenhouse	
	Producer Organisation's contribution (EUR/ha)	Union financial assistance (EUR/ha)	Producer Organisation's contribution (EUR/ha)	Union financial assistance (EUR/ha)
Apples				
Pears				
Tomatoes				
Carrots				
Cabbages				
Sweet peppers				
Cauliflowers and headed broccoli				
Cucumbers and gherkins				
Mushrooms				
Plums				
Soft fruit				
Fresh table grapes				
Kiwi fruit				
Oranges				
Clementines				
Mandarins				
Lemons				
Peaches				
Nectarines				
Cherries				
Persimmons				

COMMISSION IMPLEMENTING REGULATION (EU) 2016/922**of 10 June 2016****amending Annex II to Regulation (EU) No 206/2010 as regards the list of third countries, territories or parts thereof from which the introduction into the Union of fresh meat is authorised****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8, point (4) of Article 8 and Article 9(4)(c) thereof,

Whereas:

- (1) Commission Regulation (EU) No 206/2010 ⁽²⁾ lays down, inter alia, the conditions for the introduction into the Union of consignments of fresh meat of certain ungulates. Part 1 of Annex II to that Regulation establishes a list of third countries, territories and parts thereof from which such consignments may be introduced into the Union, as well as the specific conditions or supplementary guarantees required from certain third countries.
- (2) Argentina and Brazil are regionalised for the purpose of inclusion into this list. The regionalised territories are set out in Part 1 of Annex II to Regulation (EU) No 206/2010 as parts of those countries authorised for the introduction into the Union of consignments of fresh meat of certain ungulates.
- (3) Four parts of the territory of Argentina are listed in Part 1 of Annex II to Regulation (EU) No 206/2010 as authorised for the introduction into the Union of consignments of fresh meat of certain ungulates. The dates from when such animals may be slaughtered to allow the introduction of fresh meat thereof into the Union, are stated as opening dates for each part of the territory of Argentina. For some of these parts, supplementary guarantees and specific conditions are applicable to eliminate certain animal health risk linked to the introduction of the fresh meat into the Union.
- (4) Argentina has requested the listing of those parts of its territory to be updated, in order to merge certain parts of its territory based on whether supplementary guarantees and specific conditions are applicable or not for those parts. This should clarify the regionalisation of Argentina. As different opening dates apply to the current regionalisation, the latest opening date from the merged parts of the territory should be applicable. As not all such parts of Argentina are authorised for introduction of fresh meat of wild non-domestic ungulates covered by the certificate 'RUW', this should be specified in a footnote.
- (5) The high-surveillance area of Argentina, established along the border with Bolivia and Paraguay, is now part of the territory of Argentina recognised by the World Organisation for Animal Health (OIE) as a zone free of foot-and-mouth disease (FMD) where vaccination is practised ⁽³⁾. Argentina has requested this area to be authorised for the introduction of fresh meat of certain domestic and wild ungulates into the Union. Considering that it is recognised as a zone free of FMD where vaccination is practised and that Argentina has provided sufficient animal health guarantees in support of its request, that area should be authorised for the introduction of fresh meat of certain domestic and wild ungulates into the Union, with the same supplementary guarantees applicable to the other parts of Argentina free of FMD with vaccination.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

⁽³⁾ <http://www.oie.int/animal-health-in-the-world/official-disease-status/fmd/list-of-fmd-free-members/>

- (6) The high-surveillance area of Brazil, established along the border with Paraguay, is now part of the territory of Brazil recognised by the OIE as a zone free of FMD where vaccination is practised ⁽¹⁾. Brazil has requested this area to be authorised for the introduction of fresh meat of domestic bovine animals into the Union. Considering that it is recognised as a zone free of FMD where vaccination is practised and that Brazil has provided sufficient animal health guarantees in support of its request, that area should be authorised for the introduction of fresh meat of domestic bovine animals into the Union with the same supplementary guarantees applicable to the other parts of Brazil free of FMD with vaccination.
- (7) Part 1 of Annex II to Regulation (EU) No 206/2010 should therefore be amended accordingly.
- (8) To avoid any disruption of introduction into the Union of consignments of fresh meat of certain ungulates, veterinary certificates with indication of the code of territory AR-4 issued in accordance with Regulation (EU) No 206/2010 before the amendments made by this Regulation, should continue to be authorised for a transitional period.
- (9) 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

Part I of Annex II to Regulation (EU) No 206/2010 is amended in accordance with the Annex to this Regulation.

Article 2

Transitional provisions

For a transitional period until 1 September 2016, consignments of fresh meat of certain ungulates from Argentina accompanied by a veterinary certificate for fresh meat in which the code of the territory AR-4 is indicated in accordance with Part I of Annex II to Regulation (EU) No 206/2010 before the amendments made by this Regulation, shall continue to be authorised for introduction into the Union provided that the certificate was issued no later than 1 August 2016.

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*.

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

Done at Brussels, 10 June 2016.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ <http://www.oie.int/animal-health-in-the-world/official-disease-status/fmd/list-of-fmd-free-members/>

Part I of Annex II to Regulation (EU) No 206/2010 is amended as follows:

(1) the entry for Argentina is replaced by the following:

'AR — Argentina	AR-0	Whole country	EQU				
	AR-1	The provinces of: Buenos Aires, Catamarca, Corrientes (*), Entre Ríos, La Rioja, Mendoza, Misiones, Part of Neuquén (excluding territory included in AR-2), Part of Río Negro (excluding territory included in AR-2), San Juan, San Luis, Santa Fe, Tucuman, Cordoba, La Pampa, Santiago del Estero, Chaco, Formosa, Jujuy, Salta (excluding territory included in AR-3).	BOV RUF RUW (*)	A	1		1 August 2010
	AR-2	The provinces of: Chubut, Santa Cruz, Tierra del Fuego,	BOV OVI RUW RUF				1 August 2008

		Part of Neuquén (except in Confluencia the zone located east of the Provincial road 17, and in Picun Leufú the zone located east of the Provincial road 17), Part of Río Negro (except: in Avellaneda the zone located north of the Provincial road 7 and east of the Provincial road 250, in Conesa the zone located east of the Provincial road 2, in El Cuy the zone located north of the Provincial road 7 from its intersection with the Provincial road 66 to the border with the Department of Avellaneda, and in San Antonio the zone located east of the Provincial roads 250 and 2).					
	AR-3	Part of Salta: the area of 25 km from the border with Bolivia and Paraguay that extends from the Santa Catalina District in the Province of Jujuy, to the Laishi District in the Province of Formosa (the former high-surveillance buffer area)	BOV RUF RUW	A	1		1 July 2016

(*) For "RUW": Except from the following departments of the Province of Corrientes: the departments of Berón de Astrada, Capital, Empedrado, General Paz, Itati, Mbucuruyá, San Cosme and San Luís del Palmar.'

(2) the entry for Brazil is replaced by the following:

BR — BRAZIL	BR-0	Whole country	EQU				
	BR-1	State of Minas Gerais, State of Espírito Santo, State of Goiás, State of Mato Grosso, State of Rio Grande Do Sul, State of Mato Grosso Do Sul (excluding territory included in BR-4).	BOV	A and H	1		1 December 2008
	BR-2	State of Santa Catarina	BOV	A and H	1		31 January 2008
	BR-3	States of Paraná and São Paulo	BOV	A and H	1		1 August 2008
	BR-4	Part of State of Mato Grosso Do Sul: The area of 15 km from the external borders in the municipalities of Porto Murtinho, Caracol, Bela Vista, Antônio João, Ponta Porã, Aral Moreira, Coronel Sapucaia, Paranhos, Sete Quedas, Japorã, and Mundo Novo and the area in the municipalities of Corumbá and Ladário (the former designated high-surveillance area)	BOV	A and H	1		1 July 2016'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/923**of 10 June 2016****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 ⁽¹⁾,

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 ⁽²⁾, 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, 10 June 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ 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 ⁽¹⁾	Standard import value
0702 00 00	MA	136,7
	TR	69,0
	ZZ	102,9
0709 93 10	TR	145,6
	ZZ	145,6
0805 50 10	AR	175,8
	IL	134,0
	MA	106,8
	TR	157,0
	ZA	179,9
0808 10 80	ZZ	150,7
	AR	121,5
	BR	107,0
	CL	135,0
	CN	102,3
	NZ	149,7
	US	180,4
	UY	107,2
	ZA	123,6
	ZZ	128,3
0809 10 00	TR	269,1
	ZZ	269,1
0809 29 00	TR	527,5
	US	888,6
	ZZ	708,1

⁽¹⁾ 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'.

