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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/1611**of 7 July 2016****on reviewing the scale for missions by officials and other servants of the European Union in the Member States**

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of officials and Conditions of employment of other servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, and in particular Article 112(2) of the Staff Regulations and Article 13 of Annex VII to the Staff Regulations,

After consulting the Staff Regulations Committee,

After consulting the staff representatives from the institutions and other bodies of the European Union,

Whereas:

- (1) In accordance with Article 13(3) of Annex VII to the Staff Regulations, Eurostat has submitted a report ⁽²⁾ on the evolution of the prices of hotels, restaurants and catering services.
- (2) This report shows that the daily subsistence allowances and the hotel ceilings should be reviewed to take account of the evolution of the prices of hotels, restaurants and catering services.
- (3) Reviewing the scale of the daily subsistence allowance and the hotel ceilings involves an assessment of complex economic and/or social situations, in which the legislator enjoys a wide margin of discretion.
- (4) The last reform of the Staff Regulations of officials and Conditions of employment of other servants of the European Union underlined the need for a particular effort by each and every public administration and each and every member of its staff to improve efficiency and to adjust to the changing economic and social context in Europe.
- (5) Following the accession of the Republic of Croatia to the European Union on 1 July 2013, the reimbursement to officials and other servants of expenditure incurred on missions in this country should be subject to the rules set out in Article 13(2)(a) of Annex VII to the Staff Regulations,

⁽¹⁾ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EC, Euratom) No 1023/2013 (OJ L 287, 29.10.2013, p. 15).

⁽²⁾ Commission Staff Working Paper — Eurostat Report on the 2015 update of mission expenses (daily subsistence allowances and hotel ceilings) — Ref. Ares(2015)6009670 — 22/12/2015. Available at: https://circabc.europa.eu/sd/a/0bbefcd7-ef76-4825-812d-dc78be24b36b/Ares_2015_6009670_UpdateMissionExpenses.7z

HAS ADOPTED THIS REGULATION:

Article 1

The scale of mission allowances in Article 13(2)(a) of Annex VII to the Staff Regulations is hereby replaced by the following table:

Destination	Hotel ceiling	Daily allowance
Belgium	148	102
Bulgaria	135	57
Czech Republic	124	70
Denmark	173	124
Germany	128	97
Estonia	105	80
Ireland	159	108
Greece	112	82
Spain	128	88
France	180	102
Croatia	110	75
Italy	148	98
Cyprus	140	88
Latvia	116	73
Lithuania	117	69
Luxembourg	148	98
Hungary	120	64
Malta	138	88
Netherlands	166	103
Austria	132	102
Poland	116	67
Portugal	101	83
Romania	136	62
Slovenia	117	84
Slovak Republic	100	74
Finland	142	113
Sweden	187	117
United Kingdom	209	125

Article 2

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

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

Done at Brussels, 7 July 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION DELEGATED REGULATION (EU) 2016/1612
of 8 September 2016
providing aid for milk production reduction

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,

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 ⁽²⁾, and in particular Article 106(5) thereof,

Whereas:

- (1) The milk sector is confronted with market disturbance due to a worldwide supply-demand imbalance, in which the prolongation until the end of 2017 of the Russian ban on the import of agricultural products and foodstuffs originating in the Union plays a role.
- (2) Global demand for milk and milk products slightly increased in 2015 and in the first months of 2016, but at a much lower rate than production.
- (3) Global milk supply generally increased throughout 2015, with a combined production growth in the Union, the United States and New Zealand amounting to some 4,5 million t, while total exports from the Union and those two third countries in milk equivalent decreased by some 200 000 t.
- (4) In the first four months of 2016, milk production in the Union, the United States and New Zealand increased by some 3,6 million t, with less than 1 % of that volume being absorbed by additional exports.
- (5) Voluntary agreements and decisions on the planning of production in the milk and milk products sector have been authorised for recognised producer organisations, their associations and recognised interbranch organisations by Commission Implementing Regulation (EU) 2016/559 ⁽³⁾ and for cooperatives and other forms of producer organisations in the milk and milk products sector by Commission Delegated Regulation (EU) 2016/558 ⁽⁴⁾ for a period of six months starting on 13 April 2016. That period was extended by Commission Implementing Regulation (EU) 2016/1615 ⁽⁵⁾.
- (6) Market intervention instruments in the form of public intervention and private storage for butter and skimmed milk powder have remained available without interruption since September 2014.
- (7) Those instruments have mitigated the crisis' impact and set a floor to the continuous deterioration of dairy product prices but global imbalance persists.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ Commission Implementing Regulation (EU) 2016/559 of 11 April 2016 authorising agreements and decisions on the planning of production in the milk and milk products sector (OJ L 96, 12.4.2016, p. 20).

⁽⁴⁾ Commission Delegated Regulation (EU) 2016/558 of 11 April 2016 authorising agreements and decisions of cooperatives and other forms of producer organisations in the milk and milk products sector on the planning of production (OJ L 96, 12.4.2016, p. 18).

⁽⁵⁾ Commission Implementing Regulation (EU) 2016/1615 of 8 September 2016 amending Implementing Regulation (EU) 2016/559 as regards the period in which agreements and decisions on the planning of production in the milk and milk products sector are authorised (see page 17 of this Official Journal).

- (8) In order to help the milk and milk products sector find a new balance under the prevailing severe market situation and given that, on the basis of available market analysis, no significant decrease in production volumes is expected until the end of 2017, it is appropriate that aid is made available to milk producers in the Union who voluntarily engage in milk production reduction.
- (9) As milk production in the Union is predominantly characterised by cow milk deliveries, while direct sales and milk from other species only represent a marginal share of the Union milk production, it is appropriate that aid is made available for a reduction in cow milk deliveries only.
- (10) In order to achieve an effective reduction in cow milk deliveries, the eligibility of applicants should be limited to those who were delivering cow milk to first purchasers in July 2016, the most recent time period for which applicants can provide evidence of such deliveries.
- (11) With the same aim of effectiveness, Union aid should not cover more than a 50 % reduction of cow milk deliveries compared to the relevant reference period.
- (12) The aid provided for in this Regulation should be granted as a measure supporting agricultural markets in accordance with Article 4(1)(a) of Regulation (EU) No 1306/2013.
- (13) It should be allowed to cumulate that aid with other support financed by the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development.
- (14) As the financial grant is fixed in euro, it is necessary, in order to ensure a uniform and simultaneous application, to fix a date for the conversion of the amount allocated to Member States not having adopted the euro into their national currencies. It is therefore appropriate to determine the operative event for the exchange rate in accordance with Article 106 of Regulation (EU) No 1306/2013. In view of the principle referred to in paragraph (2)(b) of that Article and the criteria laid down in paragraph (5)(c) of that Article, the operative event should be the date of the entry into force of this Regulation.
- (15) In order for the scheme to run effectively without exceeding the maximum total volume of cow milk delivery reduction covered by the aid, notifications should be provided for with regard to applications for aid and applications for payment.
- (16) In order to maximise use of the scheme, a number of application periods should be provided for until the total volume of cow milk delivery reduction corresponding to the available budget is exhausted by aid applications. To ensure that applications are efficiently dealt with, they should preferably be submitted by electronic means.
- (17) In order for applications to involve a meaningful cow milk delivery reduction and to avoid a disproportionate administrative burden, a minimum quantity of cow milk delivery reduction should be fixed per application.
- (18) In order to ensure uniform treatment of applications throughout the Union, a standard conversion factor should be set for converting litres into kg.
- (19) Member States should not only check the admissibility of aid applications but also their plausibility. For instance, an aid application for which the total volume of cow milk to be delivered to first purchasers in the reduction period is bigger than the total volume delivered in the reference period should not be considered plausible.
- (20) In order to ensure that beneficiaries receive the aid as soon as possible and production reduction can start without delay, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. Union aid shall be available to eligible applicants reducing cow milk deliveries for a three month period, hereinafter referred to as 'the reduction period', compared with the same period in the previous year, hereinafter referred to as 'the reference period', under the conditions laid down in this Regulation.

Union aid shall be fixed at EUR 14/100 kg of cow milk for the volume corresponding to the difference between the cow milk delivered during the reference period and the cow milk delivered during the reduction period. Union aid shall not cover more than a total volume of cow milk delivery reduction corresponding to EUR 150 000 000.

Per eligible applicant, Union aid shall cover a quantity of cow milk delivery reduction that is no more than 50 % of the total quantity of cow milk delivered to first purchasers in the reference period.

2. For the purposes of this Regulation, 'eligible applicants' means milk producers who delivered cow milk to first purchasers in July 2016.

3. In respect of eligible applicants established in Bulgaria, the Czech Republic, Denmark, Croatia, Hungary, Poland, Romania, Sweden and the United Kingdom, the operative event for the exchange rate as regards the amounts paid under this Regulation shall be the date of entry into force of this Regulation.

4. The aid provided for in this Regulation may be cumulated with other support financed by the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development.

Article 2

1. The aid shall be granted on the basis of applications.

The minimum quantity of cow milk delivery reduction covered by an aid application shall be 1 500 kg.

Where the quantity of cow milk delivery reduction is expressed in litres, it shall be multiplied by the coefficient 1,03 to be expressed in kg.

2. Aid applications shall be submitted by eligible applicants with the Member State where the applicant is established, using the method established by the Member State concerned. Aid applications shall be submitted in such a way that they are received by the Member State by the time limits for receipt set out in the third subparagraph.

Member States may decide that aid applications may be submitted on behalf of eligible applicants by recognised producer organisations or by cooperatives. In that case, Member States shall ensure that the aid is passed on in full to those eligible applicants who have actually reduced their cow milk deliveries under the conditions laid down in this Regulation.

The time limits for the receipt of complete applications shall be:

- (a) 21 September 2016 at 12.00 (Brussels time) for the first reduction period covering October, November and December 2016;
- (b) 12 October 2016 at 12.00 (Brussels time) for the second reduction period covering November and December 2016 and January 2017;
- (c) 9 November 2016 at 12.00 (Brussels time) for the third reduction period covering December 2016 and January and February 2017;
- (d) 7 December 2016 at 12.00 (Brussels time) for the fourth reduction period covering January, February and March 2017.

Applicants for aid shall not submit more than one aid application under this Regulation. Where an applicant submits more than one application, none of his applications shall be admissible. However, applicants who submitted an application for the first reduction period may also submit an application for the fourth reduction period.

3. In order to be admissible, an aid application shall include:
 - (a) the following information on a form made available by the Member State:
 - (i) the eligible applicant's name and address;
 - (ii) the total quantity of cow milk delivered to first purchasers in the reference period;
 - (iii) the total quantity of cow milk planned to be delivered in the reduction period;
 - (iv) the planned quantity of cow milk delivery reduction for which the aid is applied for and which shall be no more than 50 % of the total quantity referred to in point (ii) and no less than 1 500 kg;
 - (b) documents indicating the total quantity of cow milk referred to in point (a)(ii);
 - (c) documents indicating that the application relates to a milk producer who delivered cow milk to first purchasers in July 2016.
4. Aid applications covering a quantity of cow milk delivery reduction that is less than 1 500 kg shall be rejected.

Aid applications covering a quantity of cow milk delivery reduction that is more than 50 % of the total quantity referred to in point (a)(ii) of paragraph 3 shall be deemed to have been submitted for a quantity of cow milk delivery reduction equal to 50 % of the total quantity referred to in that point.

Article 3

After having completed a plausibility and admissibility check, Member States shall notify the Commission in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾ of all admissible and plausible aid applications by 16.00 (Brussels time) on the third working day following the relevant time limit for the receipt of applications as referred to in Article 2(2).

Article 4

1. On the basis of the notifications referred to in Article 3, the Commission shall inform Member States to what extent authorisations for quantities applied for may be granted in view of the maximum total volume referred to in Article 1(1).

Member States shall communicate the authorisations to the applicants within seven working days following the relevant time limit for the receipt of applications as referred to in Article 2(2), subject to paragraph 2 of this Article.

Authorisations shall be issued for all admissible and plausible applications notified to the Commission pursuant to Article 3.

2. Where the aggregated volume covered by aid applications notified pursuant to Article 3 exceeds the maximum total volume referred to in Article 1(1), the Commission shall, by means of an implementing act to be adopted without applying the procedure referred to in Article 229 of Regulation (EU) No 1308/2013, fix an allocation coefficient, which Member States shall apply to the quantity covered by each aid application.

⁽¹⁾ 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).

Where an allocation coefficient is fixed for the reduction period concerned, aid applications submitted for subsequent reduction periods as referred to in Article 2(2) shall be rejected and it shall no longer be possible to submit applications for the next reduction periods.

Authorisations shall be issued for the quantities covered by aid applications, multiplied by the allocation coefficient.

Article 5

1. The aid shall be paid on the basis of an application for payment.
2. Applications for payment shall be submitted by eligible applicants who were granted authorisations referred to in Article 4 with the Member State where the applicant is established, using the method established by the Member State concerned. Applications for payment shall be submitted in such a way that they are received by the Member State within 45 days after the end of the reduction period.

Member States may decide that applications for payment may be submitted on behalf of eligible applicants by recognised producer organisations or by cooperatives. In that case, Member States shall ensure that the payment is passed on in full to those eligible applicants who have actually reduced their cow milk deliveries under the conditions laid down in this Regulation.

3. In order to be admissible, an application for payment shall include:
 - (a) the following information on a form made available by the Member State:
 - (i) the eligible applicant's name and address;
 - (ii) the total quantity of cow milk actually delivered to first purchasers in the reduction period;
 - (iii) the actual quantity of cow milk delivery reduction for which payment of the aid is applied for and which shall be no more than 50 % of the total quantity of cow milk delivered to first purchasers in the reference period and, where applicable, no more than the quantity resulting from the application of the allocation coefficient referred to in Article 4(2).
 - (b) documents indicating the total quantity referred to in point (a)(ii).
4. Payment of the aid shall be carried out once Member States have checked, in compliance with Articles 58 and 59 of Regulation (EU) No 1306/2013, that the cow milk delivery reduction for which Union aid is paid has actually taken place under the conditions laid down in this Regulation. Payment shall be made no later than the 90th day following the end of the reduction period, unless an administrative inquiry is ongoing.
5. The aid amount shall cover the actual cow milk delivery reduction referred to in point (a)(iii) of paragraph 3 for each eligible applicant.

Where the actual cow milk delivery reduction is higher than the quantity resulting from the application of Article 4, the aid amount shall correspond to the latter quantity ('the authorised quantity'). Where the actual cow milk delivery reduction is 80 % or more of the authorised quantity, the aid amount shall correspond to the actual cow milk delivery reduction referred to in point (a)(iii) of paragraph 3, provided that the authorised quantity is not exceeded. Where the actual cow milk delivery reduction is 50 % or more but less than 80 % of the authorised quantity, the aid amount shall be multiplied by a coefficient of 0,8. Where the actual cow milk delivery reduction is 20 % or more but less than 50 % of the authorised quantity, the aid amount shall be multiplied by a coefficient of 0,5. Where the actual cow milk delivery reduction is less than 20 % of the authorised quantity, no aid shall be paid.

6. Member States' expenditure in relation to the payments under this Regulation shall only be eligible for Union aid if the relevant payments have been made by 30 September 2017 at the latest.

Article 6

By 8 March, 5 April, 3 May and 7 June 2017 at 16.00 (Brussels time) Member States shall notify the Commission in accordance with Regulation (EC) No 792/2009 of all admissible applications for payment received for the first, second, third and fourth reduction period, respectively.

Article 7

Member States shall notify the Commission by 30 June 2017 of the following:

- (a) the number of eligible applicants and the actual total volume of cow milk delivery reduction covered by the aid applications and applications for payment received by them;
- (b) the aggregated Union aid amount expected to be paid.

Article 8

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

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

Done at Brussels, 8 September 2016.

For the Commission
The President
Jean-Claude JUNKER

COMMISSION DELEGATED REGULATION (EU) 2016/1613**of 8 September 2016****providing for exceptional adjustment aid to milk producers and farmers in other livestock 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 ⁽¹⁾, and in particular Article 219(1) in conjunction with Article 228 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 ⁽²⁾, and in particular Article 106(5) thereof,

Whereas:

- (1) The milk sector is confronted with market disturbance due to a worldwide supply-demand imbalance, in which the prolongation until the end of 2017 of the Russian ban on the import of agricultural products and foodstuffs originating in the Union plays a role.
- (2) Global demand for milk and milk products slightly increased in 2015 and in the first months of 2016, but at a much lower rate than production.
- (3) Global milk supply generally increased throughout 2015, with a combined production growth in the Union, the United States and New Zealand amounting to some 4,5 million t, while total exports from the Union and those two third countries in milk equivalent decreased by some 200 000 t.
- (4) In the first four months of 2016, milk production in the Union, the United States and New Zealand increased by some 3,6 million t, with less than 1 % of that volume being absorbed by additional exports.
- (5) As a consequence, prices of raw milk in the Union have further decreased and downward pressure is likely to continue, reaching unsustainable levels for milk producers. In May 2016, average farm gate milk prices in the Union were 22 % below the average price in May of the years 2011 to 2015.
- (6) In parallel, milk price disparities have widened between Member States. Small farmers are particularly hit, putting at risk the social fabric of rural areas.
- (7) Other livestock sectors, in particular the pigmeat, beef and veal, and sheepmeat and goatmeat sectors, experience market difficulties as well. With regard to pigmeat those difficulties are mainly related to the Russian import ban notably linked to the outbreak of African swine fever in certain Member States, while for the beef and veal sector they are a side-effect of the milk market disturbance.
- (8) Market intervention instruments in the form of public intervention and private storage for butter and skimmed milk powder have remained available without interruption since September 2014. Those instruments have mitigated the crisis' impact and have set a floor to the continuous decrease of milk product prices, but global imbalance persists.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

- (9) As the normal measures available under Regulation (EU) No 1308/2013 appear to be insufficient and in order to cater for a situation where prices would further deteriorate and deepen market disturbances, it is essential that aid is made available to milk producers and farmers in other livestock sectors in the Union affected by market disturbances that severely weakened profitability and liquidity. Member States should choose one or more of the sectors concerned, or part of them, to support producers and farmers who suffer most from market disturbances.
- (10) In order to improve farmers' resilience, that aid should be confined to more sustainable farming methods. Particular attention should be given to small farms, which form the backbone of rural economy.
- (11) To alleviate the current crisis, it is appropriate to provide Member States with a one-time financial grant to support milk producers and/or farmers in other livestock sectors engaging in activities fostering economic sustainability and market stabilisation.
- (12) The financial grant available to each Member State should take into account the main features of their sectors including production, market prices and the weight of small farmers.
- (13) Member States should design measures based on one or more of the following activities fostering economic sustainability and market stabilisation: freezing or reducing production, small scale farming, extensive production, environmental and climate friendly production, cooperation between farmers, improvement of quality and added value, and training in sound management methods.
- (14) Taking account of the particular situation of milk producers and farmers in other livestock sectors, which varies across the Union, Member States should choose the most appropriate measures, in particular in terms of market stabilisation and economic sustainability, and should provide a description of the concrete measures to be taken.
- (15) As the amount allocated to each Member State will compensate only a limited portion of the actual loss suffered by milk producers and farmers in other livestock sectors, Member States should be allowed to grant additional support to those farmers, under the same conditions of objectiveness, non-discrimination and non-distortion of competition.
- (16) The aid provided for in this Regulation should be granted as a measure supporting agricultural markets in accordance with Article 4(1)(a) of Regulation (EU) No 1306/2013.
- (17) In order to give them the flexibility to distribute the aid as circumstances require to cope with the difficulties, Member States should be allowed to cumulate it with other support financed by the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development.
- (18) As the financial grant is fixed in euro, it is necessary, in order to ensure a uniform and simultaneous application, to fix a date for the conversion of the amount allocated to Member States not having adopted the euro into their national currencies. It is therefore appropriate to determine the operative event for the exchange rate in accordance with Article 106 of Regulation (EU) No 1306/2013. In view of the principle referred to in paragraph (2)(b) of that Article and the criteria laid down in paragraph (5)(c) of that Article, the operative event should be the date of the entry into force of this Regulation.
- (19) For budgetary reasons, the Union should finance the expenditure incurred by Member States in relation to milk producers and farmers in other livestock sectors only where such expenditure is made by a certain deadline.
- (20) In order to ensure transparency and the monitoring and proper administration of the amount available to them, Member States should inform the Commission of the concrete measures to be taken, the objective criteria used, the rationale for supporting livestock sectors other than milk, the measures taken to avoid distortion of the market, the intended impact of the measures and the methods to check that it is reached.
- (21) In order to ensure that milk producers and farmers in other livestock sectors receive the aid as soon as possible, Member States should be enabled to implement this Regulation without delay. Therefore, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. Union aid of a total amount of EUR 350 000 000 shall be available to Member States to provide exceptional adjustment aid to milk producers and/or to farmers in the beef and veal, pigmeat and sheepmeat and goatmeat sectors ('farmers in other livestock sectors').

Member States shall use the amounts available to them as set out in the Annex for measures taken on the basis of objective and non-discriminatory criteria, provided that the resulting payments do not cause distortion of competition.

The measures taken by the Member States shall support milk producers and/or farmers in other livestock sectors who engage in one or more of the following activities that aim at fostering the economic sustainability of their holdings and that contribute to market stabilisation:

- (a) production reduction beyond that covered by Commission Delegated Regulation (EU) 2016/1612 ⁽¹⁾ or not increasing production;
- (b) small-scale farming;
- (c) the application of extensive production methods;
- (d) the application of environmental and climate friendly production methods;
- (e) the implementation of cooperation projects;
- (f) the implementation of quality schemes or projects aiming at promoting quality and value added;
- (g) training in financial instruments and risk management tools.

Member States shall ensure that, when milk producers and farmers in other livestock sectors are not the direct beneficiaries of the payments, the economic benefit of the aid is passed on to them in full.

Member States' expenditure in relation to the payments under this Regulation shall only be eligible for Union aid if those payments have been made by 30 September 2017 at the latest.

2. In respect of Bulgaria, the Czech Republic, Denmark, Croatia, Hungary, Poland, Romania, Sweden and the United Kingdom, the operative event for the exchange rate as regards the amounts set out in the Annex shall be the date of entry into force of this Regulation.

3. Measures under this Regulation may be cumulated with other support financed by the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development.

Article 2

Member States may grant additional support for the measures taken under Article 1 up to a maximum of 100 % of the corresponding amount as set out in the Annex, under the same conditions of objectiveness, non-discrimination and non-distortion of competition as laid down in Article 1.

Member States shall pay the additional support by 30 September 2017 at the latest.

⁽¹⁾ Commission Delegated Regulation (EU) 2016/1612 of 8 September 2016 providing aid for milk production reduction (see page 4 of this Official Journal).

Article 3

Member States shall notify the Commission of the following:

- (a) without delay and no later than 30 November 2016:
 - (i) a description of the concrete measures to be taken;
 - (ii) the objective criteria used to determine the methods for granting the aid and, where appropriate, the rationale for using the aid for other livestock sectors than the milk sector;
 - (iii) the intended impact of the measures in view of stabilising the market;
 - (iv) the measures taken to check that the intended impact is reached;
 - (v) the measures taken to avoid distortion of competition;
 - (vi) the level of additional support granted pursuant to Article 2;
- (b) no later than 15 October 2017, the total amounts paid per measure, the number and type of beneficiaries and the assessment of the effectiveness of the measure.

Article 4

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

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

Done at Brussels, 8 September 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Member State	EUR
Belgium	10 979 636
Bulgaria	5 809 941
Czech Republic	10 346 106
Denmark	9 294 305
Germany	57 955 101
Estonia	8 081 123
Ireland	11 086 327
Greece	1 683 910
Spain	14 665 678
France	49 900 853
Croatia	1 517 133
Italy	20 942 300
Cyprus	297 165
Latvia	9 760 362
Lithuania	13 298 661
Luxembourg	560 115
Hungary	9 543 566
Malta	100 092
Netherlands	22 952 419
Austria	5 863 491
Poland	22 670 129
Portugal	3 988 059
Romania	10 896 083
Slovenia	1 145 506
Slovakia	2 062 803
Finland	7 521 715
Sweden	6 881 425
United Kingdom	30 195 996

COMMISSION DELEGATED REGULATION (EU) 2016/1614**of 8 September 2016**

laying down temporary exceptional measures for the milk and milk products sector in the form of extending the public intervention period for skimmed milk powder in 2016 and advancing the public intervention period for skimmed milk powder in 2017 and derogating from Delegated Regulation (EU) 2016/1238 as regards the continued application of Regulation (EC) No 826/2008 with respect to aid for private storage under Implementing Regulation (EU) No 948/2014 and of Regulation (EU) No 1272/2009 with respect to public intervention under this Regulation

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) The milk and milk products sector is confronted with market disturbance due to a strong supply-demand imbalance.
- (2) The production of skimmed milk powder in the Union increased by 18 % in the period from January to April 2016 as a result of increased milk production, while exports declined by 8 % in the same period. Exports of skimmed milk powder traditionally represent some 40 to 50 % of the total skimmed milk powder production in the Union.
- (3) As a consequence, prices of skimmed milk powder in the Union are under downward pressure.
- (4) Article 12(d) of Regulation (EU) No 1308/2013 provides that public intervention for skimmed milk powder is to be available from 1 March to 30 September. In accordance with Commission Delegated Regulation (EU) 2015/1549 ⁽²⁾, in 2016 public intervention for skimmed milk powder was made available from 1 January to 30 September.
- (5) In order to provide for the possibility to swiftly use all possible market measures and cater for a situation where the prices of skimmed milk powder would further deteriorate and market disturbances would deepen, it is essential that public intervention remains available for skimmed milk powder without interruption until the start of the next intervention period on 1 March 2017.
- (6) It is therefore appropriate to extend the intervention buying-in period for skimmed milk powder in 2016 until 31 December 2016, and to fix the start of the intervention buying-in period in 2017 at 1 January.
- (7) The extension of the intervention buying-in period from 30 September 2016 to 31 December 2016 coincides with the date of application of Commission Delegated Regulation (EU) 2016/1238 ⁽³⁾ and Commission Implementing Regulation (EU) 2016/1240 ⁽⁴⁾, which replace Commission Regulation (EC) No 826/2008 ⁽⁵⁾ and Commission Regulation (EU) No 1272/2009 ⁽⁶⁾ as from 1 October 2016. In the interest of continuity and legal

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) 2015/1549 of 17 September 2015 laying down temporary exceptional measures for the milk and milk product sector in the form of extending the public intervention period for butter and skimmed milk powder in 2015 and advancing the public intervention period for butter and skimmed milk powder in 2016 (OJ L 242, 18.9.2015, p. 28).

⁽³⁾ Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (OJ L 206, 30.7.2016, p. 15).

⁽⁴⁾ Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (OJ L 206, 30.7.2016, p. 71).

⁽⁵⁾ Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products (OJ L 223, 21.8.2008, p. 3).

⁽⁶⁾ Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (OJ L 349, 29.12.2009, p. 1).

certainty, it is appropriate to provide for a derogation to the effect that Regulation (EC) No 826/2008 continues to apply to applications for private storage aid for skimmed milk powder submitted under Commission Implementing Regulation (EU) No 948/2014 ⁽¹⁾ and that Regulation (EU) No 1272/2009 continues to apply to offers or tenders submitted under this Regulation.

- (8) In order to ensure that the temporary measures provided for in this Regulation have an immediate impact on the market and contribute to stabilise prices, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Derogation from Regulation (EU) No 1308/2013

By way of derogation from Article 12(d) of Regulation (EU) No 1308/2013, the period during which public intervention for skimmed milk powder is available in 2016 shall be extended to 31 December 2016.

By way of derogation from Article 12(d) of Regulation (EU) No 1308/2013, in 2017 public intervention for skimmed milk powder shall be available from 1 January to 30 September.

Article 2

Derogation from Delegated Regulation (EU) 2016/1238

By way of derogation from Articles 10 and 11 of Delegated Regulation (EU) 2016/1238, Regulation (EC) No 826/2008 shall continue to apply in respect of applications for private storage aid for skimmed milk powder submitted before 1 March 2017 under Implementing Regulation (EU) No 948/2014.

By way of derogation from Articles 10 and 11 of Delegated Regulation (EU) 2016/1238, Regulation (EU) No 1272/2009 shall continue to apply in respect of offers or tenders for skimmed milk powder submitted before 1 January 2017 under the first paragraph of Article 1 of this Regulation.

Article 3

Entry into force

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

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

Done at Brussels, 8 September 2016.

For the Commission

The President

Jean-Claude JUNKER

⁽¹⁾ Commission Implementing Regulation (EU) No 948/2014 of 4 September 2014 opening private storage for skimmed milk powder and fixing in advance the amount of aid (OJ L 265, 5.9.2014, p. 18).

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1615**of 8 September 2016****amending Implementing Regulation (EU) 2016/559 as regards the period in which agreements and decisions on the planning of production in the milk and milk products sector are authorised**

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 the second subparagraph of Article 222(3) thereof,

Whereas:

- (1) In addition to a series of exceptional measures to address the difficult market situation in the milk and milk products sector on the basis of Article 219 of Regulation (EU) No 1308/2013, the Commission has authorised voluntary agreements and decisions on the planning of production in the milk and milk products sector for recognised producer organisations, their associations and recognised interbranch organisations by Commission Implementing Regulation (EU) 2016/559 ⁽²⁾ and for cooperatives and other forms of producer organisations in the milk and milk products sector by Commission Delegated Regulation (EU) 2016/558 ⁽³⁾ for a period of six months starting on 13 April 2016.
- (2) No joint agreement or decision has been reported so far, as the sector needs time to organise itself to use this new instrument, while the milk sector is still confronted with severe market imbalance due to worldwide supply-demand imbalance, in which the prolongation until the end of 2017 of the Russian ban on the import of agricultural products and foodstuffs originating in the Union plays a role.
- (3) Farm gate milk prices declined in 2015 by 8 % and by a further 15 % in the first five months of 2016. In May 2016, the average milk price in the Union was 22 % lower than the average of the last five years. In parallel, the gap between Member States further widened, with some Member States reporting prices 30 % lower than the Union average. On the basis of available market analysis, no significant decrease in production volumes is expected until the end of 2017.
- (4) In order to help the milk and milk products sector find a new balance under the prevailing severe market imbalance and accompany the necessary adjustments following the expiry of the milk quota, it is appropriate to authorise the voluntary agreements and decisions referred to in Implementing Regulation (EU) 2016/559 and Delegated Regulation (EU) 2016/558 for a further period of six months. As the conditions as well as the substantive and geographical scope referred to in Article 222(1) of Regulation (EU) No 1308/2013 and the relevant notification obligations have already been specified in Implementing Regulation (EU) 2016/559, it is appropriate to amend that Implementing Regulation.
- (5) Implementing Regulation (EU) 2016/559 should therefore be amended accordingly.
- (6) Given the severe market imbalance and the need to ensure continuity and legal certainty, this Regulation should enter into force on the day following that of its publication.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2016/559 of 11 April 2016 authorising agreements and decisions on the planning of production in the milk and milk products sector (OJ L 96, 12.4.2016, p. 20).

⁽³⁾ Commission Delegated Regulation (EU) 2016/558 of 11 April 2016 authorising agreements and decisions of cooperatives and other forms of producer organisations in the milk and milk products sector on the planning of production (OJ L 96, 12.4.2016, p. 18).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2016/559 is amended as follows:

(1) Article 1 is replaced by the following:

'Article 1

Without prejudice to Article 152(3)(b)(i) and Article 209(1) of Regulation (EU) No 1308/2013, recognised producer organisations, their associations and recognised interbranch organisations in the milk and milk products sector are hereby authorised:

- (a) during a period of six months starting on 13 April 2016 or 13 October 2016 to conclude voluntary joint agreements and take common decisions having a validity ending on 12 October 2016 or 12 April 2017 at the latest, respectively, on the planning of the volume of milk to be produced; or
- (b) to prolong the validity of such agreements or decisions concluded or taken during the period starting on 13 April 2016 for a period not exceeding 12 April 2017.'

(2) Article 4 is amended as follows:

(a) Paragraph 2 is replaced by the following:

'2. No later than 25 days after the end of each six-month period referred to in Article 1, the producer organisations, associations or interbranch organisations concerned shall communicate the production volume actually covered by the agreements or decisions to the competent authority referred to in paragraph 1 of this Article.'

(b) In paragraph 3, point (b) is replaced by the following:

'(b) no later than 30 days after the end of each six-month period referred to in Article 1, an overview of the agreements and decisions implemented during that period.'

Article 2

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

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

Done at Brussels, 8 September 2016.

For the Commission
The President
Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1616**of 8 September 2016****derogating from Regulation (EU) No 1307/2013 of the European Parliament and of the Council as regards a possible revision of the voluntary coupled support measures in the milk and milk products sector for claim year 2017**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 69(1) thereof,

Whereas:

- (1) Pursuant to Article 52 of Regulation (EU) No 1307/2013, Member States may grant, under certain conditions, coupled support to farmers in specific agricultural sectors or types of farming, to the extent necessary to create an incentive to maintain current levels of production in the sectors or regions concerned.
- (2) Given the relatively high production levels and consequently depressed prices on the Union market for milk and milk products and, in particular, the resulting temporary difficulties that the dairy sector currently is confronted with, Member States should be able to decide to revise their voluntary coupled support measures targeting the milk and milk products sector for claim year 2017 in order to allow that voluntary coupled support can continue to be paid on the basis of the number of animals for which such support was accepted in 2016. Although, in the short term, such revision might seem to jeopardise one of the objectives of voluntary coupled support, i.e. maintaining current levels of production, such measures may help attaining the objectives of voluntary coupled support in the long term.
- (3) In view of the seriousness of the financial difficulties currently being encountered by beneficiaries, it is appropriate to use Article 69(1) of Regulation (EU) No 1307/2013 to provide for a derogation from Chapter 1 of Title IV of that Regulation.
- (4) In order to enable the Commission to monitor the correct application of rules and the impact of such review, Member States should notify the Commission of their decision within 14 days after the date on which the decision was taken.
- (5) In order to ensure that the milk and milk products sector can benefit as soon as possible from the derogation provided for in this Regulation, it should enter into force on the day following that of its publication and Member States should take their decision within 30 days after the date of entry into force of this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Revision of measures targeting the milk and milk products sector

1. For claim year 2017 Member States may decide to revise all their measures adopted pursuant to Article 52 of Regulation (EU) No 1307/2013 targeting the milk and milk products sector.

⁽¹⁾ OJ L 347, 20.12.2013, p. 608.

That revision shall consist in:

- (a) providing that for claim year 2017 the payment to the farmer who is entitled to receive payments in accordance with Article 9 and Article 10(1) of Regulation (EU) No 1307/2013 is made on the basis of the number of animals for which that farmer was entitled to support under those measures for claim year 2016; and
- (b) not applying all the other applicable eligibility conditions for the measures subject to the revision.

The decision referred to in the first subparagraph shall supersede any decision to review voluntary coupled support measures targeting the milk and milk products sector pursuant to Article 53(6) of Regulation (EU) No 1307/2013.

2. For each revised voluntary coupled support measure, Member States shall calculate the unit amount corresponding to the ratio between the amount fixed for the financing of the measure targeting the milk and milk products sector as notified in accordance with point (3)(i) of Annex I to Commission Delegated Regulation (EU) No 639/2014 ⁽¹⁾ and the total number of animals for that voluntary coupled support measure.

The total number of animals referred to in the first subparagraph shall correspond to:

- (a) the total number of animals for which the payment was accepted in respect of claim year 2016; or
- (b) the number of animals referred to in point (a) for the farmers eligible in 2017.

3. The annual payment to be granted to the farmer shall correspond to the unit amount as calculated in accordance with paragraph 2 multiplied by the number of animals for which the farmer concerned was entitled to support for claim year 2016.

Article 2

Time limit

The decision referred to in Article 1 shall be taken within 30 days after the date of entry into force of this Regulation.

Article 3

Notification

Member States shall notify the Commission of the decision referred to in Article 1 within 14 days after the date on which that decision was taken.

Article 4

Entry into force

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

⁽¹⁾ Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ L 81, 20.6.2014, p. 1).

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

Done at Brussels, 8 September 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1617**of 8 September 2016**

derogating in respect of claim year 2016 from the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the level of advance payments for direct payments and area-related and animal-related rural development measures and from the first subparagraph of Article 75(2) of that Regulation as regards direct payments

THE EUROPEAN COMMISSION,

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

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 ⁽¹⁾, and in particular Article 75(3) thereof,

Whereas:

- (1) Pursuant to the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013, from 16 October to 30 November Member States may pay advances of up to 50 % for direct payments under Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽²⁾ and up to 75 % for area-related and animal-related support measures under Regulation (EU) No 1305/2013 of the European Parliament and the Council ⁽³⁾.
- (2) Article 75(2) of Regulation (EU) No 1306/2013 provides that payments referred to in paragraph 1 of that Article, including advances for direct payments, shall not be made before the administrative and on-the-spot checks to be carried out pursuant to Article 74 of that Regulation have been finalised. However, as regards area-related and animal-related support measures under rural development, Article 75(2) of Regulation (EU) No 1306/2013 allows advances to be paid after the administrative checks pursuant to Article 59(1) of that Regulation have been finalised.
- (3) The ongoing severity of the economic situation in certain agricultural sectors, and particularly in the dairy market, still generates serious financial difficulties and cash-flow problems for beneficiaries.
- (4) In addition, the administrative difficulties encountered in the first year of implementation of the new legal framework for the direct payments schemes and rural development measures continue to exist in some Member States and have delayed the execution of payments to the beneficiaries for claim year 2015 in some Member States.
- (5) In a view of the exceptional nature of those combined circumstances and the resulting financial difficulties for beneficiaries, it is necessary to alleviate those difficulties by derogating from the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013 in order to allow Member States to pay a higher level of advances to beneficiaries for claim year 2016.
- (6) Moreover, due to the new requirements linked to the preparation of the application process for claim year 2016, the administration of the single application, aid applications and payment claims and applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme has been delayed. As a consequence, the necessary checks are likely to be completed later than usual.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ 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).

⁽³⁾ 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).

- (7) It is therefore necessary to derogate from the first subparagraph of Article 75(2) of Regulation (EU) No 1306/2013 in order to allow advances for direct payments to be made after the administrative checks as specified in Articles 28 and 29 of Commission Implementing Regulation (EU) No 809/2014 ⁽¹⁾ are completed. It is however imperative that such a derogation will not impede the sound financial management and the requirement of a sufficient level of assurance. Accordingly, Member States making use of that derogation are responsible for taking all necessary measures to ensure that overpayments are avoided and that any undue amounts are quickly and actually recovered. Moreover, the use of that derogation should be covered by the management declaration referred to in Article 7(3)(b) of Regulation (EU) No 1306/2013 for financial year 2017.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds, the Committee for Direct Payments and the Rural Development Committee,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013, in respect of claim year 2016 Member States may pay advances of up to 70 % for the direct payments listed in Annex I to Regulation (EU) No 1307/2013 and of up to 85 % for the support granted under rural development as referred to in Article 67(2) of Regulation (EU) No 1306/2013.

Article 2

By way of derogation from the first subparagraph of Article 75(2) of Regulation (EU) No 1306/2013, in respect of claim year 2016 Member States may pay advances for the direct payments listed in Annex I to Regulation (EU) No 1307/2013 after the administrative checks as referred to in Article 74 of Regulation (EU) No 1306/2013 have been finalised.

Article 3

For Member States applying Article 2 of this Regulation the management declaration pursuant to Article 7(3)(b) of Regulation (EU) No 1306/2013 shall include for financial year 2017 a confirmation that overpayments to beneficiaries were prevented and undue amounts have been quickly and actually recovered based on the verification of all necessary information.

Article 4

This Regulation shall enter into force on the third 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, 8 September 2016.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

COMMISSION REGULATION (EU) 2016/1618**of 8 September 2016****amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I and IV****(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 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers ⁽¹⁾, and in particular paragraphs 1 and 3 of Article 31 and Article 29(4) thereof,

Whereas:

- (1) Requests have been submitted pursuant to Article 31(2) of Regulation (EC) No 2003/2003 for inclusion in Annex I to that Regulation of a number of fertilisers.
- (2) [S,S]-Ethylenediaminedisuccinic acid (hereinafter '[S,S]-EDDS') is an organic chelating agent for micro-nutrients. Iron chelated with [S,S]-EDDS is used to correct iron shortages and to remedy ferric chlorosis for ornamental crops and decorative lawn turfs. It degrades rapidly thus posing minimal leaching concerns from top soils to groundwater and is completely mineralised, exhibiting no mammalian and aquatic toxicity.
- (3) Heptagluconic acid (hereinafter 'HGA') is an organic complexing agent for micro-nutrient fertilisers. HGA is effective, biodegradable, showing good stability over a wide range of pH values and high solubility in water. HGA has been authorised for many years in Spain without any reported damage to the environment, nor to human health.
- (4) Manufacturers of [S,S]-EDDS and HGA have submitted requests to the Commission, via the authorities of Germany and Spain, to include those substances in the list of authorised organic chelating and complexing agents in Annex I to Regulation (EC) No 2003/2003 in order to make [S,S]-EDDS and HGA available to farmers throughout the Union. [S,S]-EDDS and HGA, as specified in Annex I to this Regulation, fulfil the requirements stipulated in Article 14 of Regulation (EC) No 2003/2003. They should therefore be added to the list of authorised organic chelating and complexing agents in Annex I to that Regulation.
- (5) Since analytical methods for determination of [S,S]-EDDS and HGA are available, those methods should be specified in Annex IV to Regulation (EC) No 2003/2003, for the purpose of facilitating the controls that Member States exercise pursuant to Article 29 of that Regulation. The subtitle describing Methods 11 should reflect the fact that HGA is a complexing agent.
- (6) The reaction mixture between N-butylphosphorothioic triamide and N-propylphosphorothioic triamide was introduced in Annex I to Regulation (EC) No 2003/2003 by Commission Regulation (EU) No 1257/2014 ⁽²⁾. Recent research has shown that no significant difference in the reduction of ammonia emissions from the use of either the reaction mixture or the mere mixture of the two substances can be expected. Therefore the entry should be amended in order to allow the producers of such mixture to opt for one of these production routes.
- (7) Regulation (EC) No 2003/2003 should therefore be amended accordingly.
- (8) In order to ensure that the analytical method for [S,S]-EDDS, which is currently under validation, is published by the European Committee for Standardisation, a reasonable period of time should be provided for before the inclusion of [S,S]-EDDS in Annex I to Regulation (EC) No 2003/2003 and the new analytical method for this fertiliser type in its Annex IV applies.

⁽¹⁾ OJ L 304, 21.11.2003, p. 1.

⁽²⁾ Commission Regulation (EU) No 1257/2014 of 24 November 2014 amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I and IV (OJ L 337, 25.11.2014, p. 53).

- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 32 of Regulation (EC) No 2003/2003,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EC) No 2003/2003 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Regulation;
- (2) Annex IV is amended in accordance with Annex II to this Regulation.

Article 2

Entry into force

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

However, Annex I, point (1) and Annex II, point (2) shall apply from 1 July 2017.

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

Done at Brussels, 8 September 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Annex I to Regulation (EC) No 2003/2003 is amended as follows:

(1) in the table in Section E.3.1, the following entry is added:

'12	[S,S]-Ethylenediaminedisuccinic acid	[S,S]-EDDS	$C_{10}H_{16}O_8N_2$	20846-91-7'
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(2) in the table in Section E.3.2, the following entry is added:

'2	Heptagluconic acid	HGA	$C_7H_{14}O_8$	23351-51-1'
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(3) in the table in Section F.2, entry 3 is replaced by the following:

'3	Mixture of N-butylphosphorothioic triamide (NBPT) and N-propylphosphorothioic triamide (NPPT) (ratio 3:1 ⁽¹⁾) Reaction mixture: EC No 700-457-2 Mixture of NBPT/NPPT: NBPT: ELINCS No 435-740-7 NPPT: CAS No 916809-14-8	Minimum: 0,02 Maximum: 0,3		
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⁽¹⁾ Tolerance on the portion of NPPT: 20 %.'

ANNEX II

Annex IV to Regulation (EC) No 2003/2003 is amended as follows:

- (1) in Section B, under the heading 'Methods 11', the subtitle 'Chelating agents' is replaced by 'Chelating and complexing agents';
- (2) in Section B, the following Method 11.9 is added:

'Determination of [S,S]-EDDS

EN 13368-3 Part 3: Fertilizers — Determination of chelating agents in fertilizers by chromatography: Determination of [S,S]-EDDS by ion pair chromatography

This method of analysis has been ring-tested.;

- (3) in Section B, the following Method 11.10 is added:

'Determination of HGA

EN 16847: Fertilizers — Determination of complexing agents in fertilizers — Identification of heptagluconic acid by chromatography

This method of analysis has been ring-tested.'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1619**of 8 September 2016****amending Implementing Regulation (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for skimmed milk powder**

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 18(2), Article 20(c), (f), (l), (m) and (n) and Article 223(3)(c) thereof,

Having regard to Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products ⁽²⁾, and in particular Article 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 ⁽³⁾, and in particular Article 62(2)(b) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 948/2014 ⁽⁴⁾ opened private storage for skimmed milk powder in view of the particular difficult market situation, notably resulting from the ban introduced by Russia on imports of dairy products from the Union.
- (2) That private storage scheme has been extended by Commission Implementing Regulations (EU) No 1337/2014 ⁽⁵⁾, (EU) 2015/303 ⁽⁶⁾, (EU) 2015/1548 ⁽⁷⁾ and (EU) 2016/224 ⁽⁸⁾. As a result, applications for aid can be lodged until 30 September 2016.
- (3) On 29 June 2016, Russia prolonged the ban on the import of agricultural products and foodstuffs originating in the Union until the end of 2017.
- (4) The production of skimmed milk powder in the Union increased by 18 % in the period from January to April 2016 as a result of increased milk production, while exports declined by 8 % in the same period. Exports of skimmed milk powder traditionally represent some 40 to 50 % of the total skimmed milk powder production in the Union.
- (5) As a consequence, prices of skimmed milk powder in the Union continue to be under downward pressure.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 346, 20.12.2013, p. 12.

⁽³⁾ OJ L 347, 20.12.2013, p. 549.

⁽⁴⁾ Commission Implementing Regulation (EU) No 948/2014 of 4 September 2014 opening private storage for skimmed milk powder and fixing in advance the amount of aid (OJ L 265, 5.9.2014, p. 18).

⁽⁵⁾ Commission Implementing Regulation (EU) No 1337/2014 of 16 December 2014 amending Implementing Regulations (EU) No 947/2014 and (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for butter and skimmed milk powder (OJ L 360, 17.12.2014, p. 15).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/303 of 25 February 2015 amending Implementing Regulations (EU) No 947/2014 and (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for butter and skimmed milk powder (OJ L 55, 26.2.2015, p. 4).

⁽⁷⁾ Commission Implementing Regulation (EU) 2015/1548 of 17 September 2015 amending Implementing Regulations (EU) No 947/2014 and (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for butter and skimmed milk powder (OJ L 242, 18.9.2015, p. 26).

⁽⁸⁾ Commission Implementing Regulation (EU) 2016/224 of 17 February 2016 amending Implementing Regulations (EU) No 947/2014 and (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for butter and skimmed milk powder (OJ L 41, 18.2.2016, p. 8).

- (6) In view of the current market situation it is appropriate to secure the undisrupted availability of the private storage aid scheme for skimmed milk powder and to extend it until the start of the 2017 intervention period on 1 March 2017.
- (7) In order to avoid any interruption of the possibility for lodging applications under the scheme, this Regulation should enter into force on the day following that of its publication.
- (8) 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:

Article 1

In Article 5 of Implementing Regulation (EU) No 948/2014, '30 September 2016' is replaced by '28 February 2017'.

Article 2

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

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

Done at Brussels, 8 September 2016.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1620**of 8 September 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, 8 September 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	158,1
	ZZ	158,1
0707 00 05	TR	132,9
	ZZ	132,9
0709 93 10	TR	137,2
	ZZ	137,2
0805 50 10	AR	172,7
	CL	178,9
	EG	94,4
	TR	143,8
	UY	143,7
	ZA	159,0
	ZZ	148,8
	TR	137,5
	ZZ	137,5
	AR	110,7
0806 10 10	BR	102,8
	CL	125,4
	CN	98,0
	NZ	125,0
	US	179,7
	ZA	88,4
	ZZ	118,6
	AR	93,2
	CL	120,3
	TR	142,8
0808 30 90	ZA	115,3
	ZZ	117,9
	TR	138,9
	ZA	88,8
	ZZ	113,9
0809 30 10, 0809 30 90	TR	216,0
	ZZ	216,0
	ZZ	216,0

⁽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'.

DECISIONS

COMMISSION DECISION (EU) 2016/1621

of 7 September 2016

adopting a guidance document on notification to accreditation and licensing bodies by environmental verifiers active in a Member State other than that where the accreditation or licence was granted under Regulation (EC) No 1221/2009 of the European Parliament and of the Council

(notified under document C(2016) 5648)

(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 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC ⁽¹⁾, and in particular Article 30(6) thereof,

Whereas:

- (1) Article 30(3) of Regulation (EC) No 1221/2009 establishes the possibility for the Forum of the Accreditation and Licensing Bodies to develop guidance on issues in the field of the competence of accreditation and licensing bodies in order to harmonise the procedures applied by those bodies for accreditation or licensing and supervision of environmental verifiers.
- (2) Environmental verifiers operating in different Member States are required to notify their activities to the relevant accreditation and licensing bodies in accordance with Article 24 of Regulation (EC) No 1221/2009.
- (3) The practical execution of that notification procedure has revealed that the response of individual accreditation and licensing bodies to environmental verifiers who fail to respect their notification obligations differs. Consequently, additional guidance is needed to ensure consistent application of the notification procedures, in the context of environmental verifiers accredited or licensed in one Member State performing verification and validation activities in another Member State.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 49 of Regulation (EC) No 1221/2009,

HAS ADOPTED THIS DECISION:

Article 1

The guidance document on notification to accreditation and licensing bodies by environmental verifiers under Regulation (EC) No 1221/2009 as set out in the Annex is adopted.

⁽¹⁾ OJ L 342, 22.12.2009, p. 1.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 September 2016.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX

Guidance document on notification to accreditation and licensing bodies by environmental verifiers active in a Member State other than that where the accreditation or licence was granted under Regulation (EC) No 1221/2009

INTRODUCTION

This guidance document harmonises the notification procedures applicable to environmental verifiers active in a Member State other than that where the accreditation or licence was granted.

1. Obligations to be observed prior to the notification

- 1.1. The accreditation or licensing body shall make its procedures for the notification addressed to environmental verifiers accredited in another Member State publicly available and easily accessible. The publicly available information with regard to those procedures shall also specify any fees (excluding travel expenses) charged by the accreditation or licensing body for the notification and supervision.
- 1.2. The accreditation or licensing body that granted the accreditation or licence shall require its accredited or licensed environmental verifiers to have followed the procedure for notification defined in Article 24(1) before taking up verification or validation activities in a Member State other than where the accreditation or licence was granted. The accreditation or licensing body shall also verify, as part of the supervision activity of its accredited or licensed environmental verifiers, that the notification requirements of Regulation (EC) No 1221/2009 have been met when the environmental verifier has been active in a different Member State.
- 1.3. The accreditation or licensing body shall recommend its accredited or licensed environmental verifiers to inform their client organisations that they are required to allow supervision in accordance with Article 23(6) of Regulation (EC) No 1221/2009 and that refusal to allow such supervision can preclude the organisations from being registered.

2. Content of the notification

- 2.1. The notification requirements set out in Article 24(1) of Regulation (EC) No 1221/2009 shall be considered to be fulfilled when all the following information is submitted:
 - (a) accreditation or licence details, with evidence that the accreditation or licence is still valid and not affected by suspension or withdrawal and that it is adequate for the specific activities of the organisation under verification or validation;
 - (b) team composition and competences, in particular knowledge of legal requirements relating to the environment and knowledge of the official language of the Member State where the verification or validation should take place;
 - (c) personnel records, if necessary, such as records of relevant qualifications, training and experience specific to the economic sector being verified;
 - (d) time and place of the verification and validation, including the environmental verifiers visit at the organisation and all stages before and after that visit, as set out in Article 25 of Regulation (EC) No 1221/2009;
 - (e) address and contact details of the organisation that is subject to verification or validation, including all sites and activities under the scope of verification or validation, and the number of employees.

The additional requests referred to in point (c) shall be justified with regard to the specific situation and may not prejudice the right of the environmental verifier to provide services in a Member State other than the one where the accreditation or licence was granted.

- 2.2. Where the notification fulfils the notification requirements set out in Article 24(1) of Regulation (EC) No 1221/2009, the accreditation or licensing body shall inform the environmental verifier hereof prior to the beginning of the verification or validation activities as described in Article 25 of Regulation (EC) No 1221/2009. If possible, such information shall be given two weeks prior to the beginning of the verification or validation activities. At the same time, the accreditation or licensing body shall inform the environmental verifier of the scope and content of the supervision it intends to execute, and of the associated costs.
- 2.3. Where the accreditation or licensing body becomes aware that verification or validation activities are to be conducted, or already have been conducted, without notification, the accreditation or licensing body shall remind the environmental verifier about the requirements of Regulation (EC) No 1221/2009 regarding notification in the specific country (see point 2.1).

Where the information mentioned in Article 24(1) of Regulation (EC) No 1221/2009 is not provided in due time or where the notification does not fulfil the notification requirements set out in that Article, point 3.1 of this guidance document shall apply.

- 2.4. Since the outcome of the notification could influence the verification and validation processes the accreditation or licensing body shall recommend to the verifier to communicate the notification outcome to its client.

3. Consequences of failure to comply with the notification procedure

- 3.1. Where the notification does not fulfil the notification requirements set out in Article 24(1) of Regulation (EC) No 1221/2009, the accreditation and licensing body shall follow the procedure set out in points 3.1.1 to 3.1.4.
 - 3.1.1. If information with regard to accreditation or licence details, competences, time and place of the verification and validation, address and contact details of the organisation, knowledge of legal requirements relating to the environment and knowledge of the official language of the Member State where the verification or validation should take place, or, if appropriate, team composition is not provided, or is not provided on time, the environmental verifier shall be informed as soon as possible about the missing information and failure to respect the notification deadline.
 - 3.1.2. If the accreditation or licensing body considers that the missing information does not preclude satisfactory supervision of the environmental verifier, the accreditation or licensing body shall consider the notification as satisfactory for the execution of the supervisory activities, and request the environmental verifier to provide the missing information at a later stage. The environmental verifier shall be informed of this decision in a timely manner and, prior to the verification or validation.
 - 3.1.3. If the accreditation or licensing body considers that information that is essential to perform a satisfactory supervision of the verification or validation activity (for example, the time and place of the verification or validation activities, the address and contact details of the organisation, the accreditation or licence details of the environmental verifier, team composition or team competences, in particular knowledge of legal requirements and knowledge of the official language of the Member State where the verification or validation should take place) has not been received, the accreditation or licensing body shall inform the environmental verifier that it considers the notification as unsatisfactory, that a satisfactory supervision is therefore not possible and that if the verification or validation take place before complementing the missing information it will recommend the competent body not to register the organisation.
 - 3.1.4. When the accreditation or licensing body decides to recommend the competent body not to register the organisation this shall be communicated to the environmental verifier, to the accreditation or licensing body that has granted the accreditation or licence, to the organisation, where possible, and to the competent body.
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