

COMMISSION DELEGATED REGULATION (EU) 2022/2092**of 25 August 2022****amending Delegated Regulation (EU) 2016/232 and Delegated Regulation (EU) 2017/891 with regard to notifications by Member States of recognised producer organisations, associations of producer organisations and interbranch organisations**

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 Articles 173(1) and 223(2), point (a), thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 lays down specific rules on the recognition of producer organisations, associations of producer organisations and interbranch organisations and empowers the Commission to adopt delegated and implementing acts in that respect.
- (2) Regulation (EU) No 1308/2013 provides that Member States must inform the Commission of their decisions to grant, refuse or withdraw recognitions for producer organisations, associations of producer organisations and interbranch organisations during the previous calendar year.
- (3) Commission Delegated Regulation (EU) 2016/232 ⁽²⁾ lays down rules that clarify, among other things, the scope of the notifications of Member States to the Commission with regard to those decisions.
- (4) Commission Delegated Regulation (EU) 2017/891 ⁽³⁾ lays down the information to be included in the annual report of Member States in the field of fruit and vegetables sector and processed fruit and vegetables sector. In order to avoid any duplication between the notification requirements laid down in this act and those laid down in other sectoral notification channels, Annex V, Part A, point 2, to Delegated Regulation (EU) 2017/891 should be deleted and all information referred to therein should be notified under Delegated Regulation (EU) 2016/232.
- (5) The current notification system provided for in Delegated Regulation (EU) 2016/232 does not enable the Commission to establish the total number of producer organisations, associations of producer organisations and interbranch organisations recognised by the Member States. The reason is that the annual notifications by Member States only cover the previous year's recognitions or withdrawals. Moreover, there are different notification channels used depending on the agricultural sector concerned. The whole system should therefore be streamlined and, in particular, reporting on the recognition decisions should be improved.
- (6) In a number of instances, the common agricultural policy (CAP) provides for specific financing rules and competition derogations for recognised producer organisations, associations of producer organisations and interbranch organisations. The information about such recognised entities including their number is therefore important so that the effectiveness of policy measures concerning recognised entities under the CAP can be monitored and assessed. To this end, the information to be submitted by Member States should give accurate

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) 2016/232 of 15 December 2015 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to certain aspects of producer cooperation (OJ L 44, 19.2.2016, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4).

information about the overall number of recognised entities in Member States as well as the names of the entities and, where applicable, their identification number, including the indication as to which of those entities have implemented an operational programme in accordance with Article 42 of Regulation (EU) 2021/2115 of the European Parliament and of the Council ^(*) during the previous financial year.

- (7) When recognised producer organisations also have non-producers as their members, it is important to identify the number of producers in the total membership. This enables the Commission to draw conclusions on trends and developments of the markets and ultimately ensure optimal monitoring of the policy.
- (8) In accordance with Commission Implementing Regulation (EU) 2017/1185 ^(†), Member States are to use the information technology-based system of the Commission when notifying information and documents pursuant to Regulation (EU) No 1308/2013 and in the acts adopted on the basis of that Regulation.
- (9) Delegated Regulations (EU) 2016/232 and (EU) No 2017/891 should therefore be amended accordingly.
- (10) In order to ensure that there is no disruption between the old and the new notification regimes, the rules laid down in this Regulation will apply as of 1 January 2023,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 of Delegated Regulation (EU) 2016/232 is replaced by the following:

‘Article 5

Notifications

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

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

^(*) Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

^(†) Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).

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

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

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

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

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

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

Article 2

In Part A of Annex V to Delegated Regulation (EU) 2017/891, point 2 is deleted.

Article 3

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

It shall apply from 1 January 2023.

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

Done at Brussels, 25 August 2022.

For the Commission
The President
Ursula VON DER LEYEN