



Brussels, 9.8.2017
C(2017) 5516 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 9.8.2017

amending Delegated Regulation (EU) No 611/2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

In the context of three-year work programmes to support the olive oil and table olives sector as provided for in Article 29 of Regulation (EU) No 1308/2013¹, the Union finances activities of French, Greek and Italian producer organisations, associations of producer organisations and interbranch organisations for a total maximum amount of € 47 665 000.

Based on the experience of the implementation of the current three-year work programmes that will end in March 2018, it is proposed to insert technical improvements into Commission Delegated Regulation (EU) No 611/2014². The improvements have been identified in discussions with the Member States concerned.

The revised Regulations should be adopted during the first semester of 2017 and enter into force in September 2017, as some amendments concern the eligibility criteria that applicants for the new programming period must be aware of when preparing their application to be submitted by a date to be laid down by the Member States but no later than 15 February 2018.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Prior to the drafting of this delegated act the Legal Service was consulted on the improvements that have been identified. The feedback mechanism was launched on 16 June 2017 following the closure of the Interservice Consultation.

In the olive oil expert group of 30 May 2017 Member States were informed about the possibilities to propose a delegated act to amend the provisions of Commission Delegated Regulation (EU) No 611/2014. Taking into account that those amendments are technical and have no significant impact, no impact assessment was carried out.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act is based on Article 30 of Regulation (EU) No 1308/2013 and will apply to work programmes that will start from 1 April 2018.

¹ 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 (OJ L 347, 20.12.2013, p. 671).

² Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector (OJ L 168, 7.6.2014, p. 55).

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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 1234/2007³, and in particular Article 30 thereof,

Whereas:

- (1) In light of the experience gained during the implementation of the three-year work programmes that started on 1 April 2015, certain provisions of Commission Delegated Regulation (EU) No 611/2014⁴ should be simplified or clarified. At the same time, it is appropriate to further limit the administrative burden for operators and national administrations.
- (2) Given that Member States are in the best position to assess the actual risk of double funding of the different aid schemes they manage, they should lay down clear demarcation criteria that allow to make a distinction between operations or actions that are supported under the three-year work programmes and those that are funded under any other Union instruments.
- (3) The minimum allocation of Union funding to specific areas of activities should be laid down by the Member States concerned, as they are in the best position to identify the sensitive priority areas in their territory. With a view to ensuring a balanced implementation of the priorities in the territory of the Member State concerned, that minimum allocation should apply to all work programmes.
- (4) The evaluation of work programmes carried out previously by the recipient organisations within the framework of Delegated Regulation (EU) No 611/2014 should be included in the list of criteria for the selection of new work programmes.
- (5) For the sake of simplification, it is appropriate to allow using a flat rate for the purpose of calculating the overheads.
- (6) In order to better match the applications for advance payment to the liquidity of the beneficiary during the implementation of the three-year work programme, it should no longer be required that an application for an advance is included in the initial approval application.

³ OJ L 347, 20.12.2013, p. 671.

⁴ Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector (OJ L 168, 7.6.2014, p. 55).

- (7) Delegated Regulation (EU) No 611/2014 should therefore be amended accordingly.
- (8) Work programmes approved before 1 April 2018 should continue to be governed by the provisions of Delegated Regulation (EU) No 611/2014 applicable at the time of their approval until those programmes come to an end,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) No 611/2014 is amended as follows:

- (1) The following Article 2a is inserted:
'Article 2a
Prohibition of double funding
Member States shall lay down clear demarcation criteria to ensure that no support is granted under Article 29 of Regulation (EU) No 1308/2013 for operations or actions that are supported under any other Union instruments.';
- (2) In Article 3(4), the introductory phrase is replaced by the following:
'Outsourcing the measures of a producer organisation or an association of producer organisations in accordance with Article 155 of Regulation (EU) No 1308/2013 may be authorised for the measures referred to in paragraph 1, subject to the following conditions:';
- (3) In Article 4(1), point (a) is deleted;
- (4) Article 5 is replaced by the following:
'Article 5
Allocation of Union funding
Member States shall lay down the minimum allocation of Union funding available under Article 29 of Regulation (EU) No 1308/2013 to specific areas referred to in Article 3(1) of this Regulation. That minimum allocation shall apply to all work programmes to be approved under this Regulation in the Member State concerned';
- (5) In Article 6(1), point (g) is replaced by the following:
'(g) the evaluation of programmes which may have been carried out previously by the recipient organisations within the framework of Commission Regulation (EC) No 1334/2002(*), Commission Regulation (EC) No 2080/2005(**), Regulation (EC) No 867/2008 or this Regulation.

(*) Commission Regulation (EC) No 1334/2002 of 23 July 2002 laying down detailed rules for the application of Council Regulation (EC) No 1638/98 as regards the work programmes of operators organisations in the olive sector for the marketing years 2002/2003, 2003/2004 and 2004/2005 (OJ L 195, 24.7.2002, p. 16).

(**) Commission Regulation (EC) No 2080/2005 of 19 December 2005 laying down detailed rules for the application of Council Regulation (EC) No 865/2004 as regards operators' organisations in the olive sector, their work programmes and the financing thereof (OJ L 333, 20.12.2005, p. 8).';

(6) Article 7(3) is amended as follows

(a) point (h) is deleted;

(b) the following second subparagraph is added:

'For the purposes of point (d) of the first subparagraph, Member States may decide whether overheads are eligible on the basis of a flat rate or of actual costs established on the basis of supporting documents to be submitted by the beneficiaries.'

Article 2

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

It shall apply to work programmes that will start from 1 April 2018 and their approval processes.

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

Done at Brussels, 9.8.2017

For the Commission
The President
Jean-Claude JUNCKER