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COMMISSION IMPLEMENTING REGULATION (EU) 2025/1015

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on temporary emergency measures for Spain derogating from certain provisions of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, Commission Delegated Regulation (EU) 2017/891 and Commission Implementing Regulation (EU) 2017/892, to resolve specific problems in the fruit and vegetables sector caused by severe adverse meteorological events

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 221(1) thereof,

Whereas:

(1) Due to severe adverse meteorological events that took place in the region of Valencia in Spain in October and November 2024, the production of fruit and vegetables, the production potential and producer organisations' infrastructures have been dramatically damaged, which caused not only enormous losses in relation to the 2024 harvest but is also expected to impact negatively the sector in the years to come. A high-altitude isolated depression causing the catastrophic flash flooding and torrential rain severely affected or even destroyed orchards located in this region. The estimated losses resulting from the damages to the 2024 harvest caused by the catastrophic flash flooding and torrential rain amount to EUR 644,6 million. Some products experience particularly high level of damage, e.g. the estimated losses in the almond and hazelnut sectors amount to EUR 49,3 million, with expected production losses of above 30 % for almonds and even 50 % for hazelnuts in 2024. Moreover, the negative consequences for the most affected areas extend beyond the production of this year, as they include damages to the orchards' trees and permanent structures as well as destruction of machinery, terraces and irrigation systems. These damages will weigh on the future production capacity of those areas.

(2) Many of the fruit and vegetables producers heavily impacted by the severe adverse meteorological events of October and November 2024 are members of recognised producer organisations that implement operational programmes. Since October 2024, these producer organisations and their producer members have been facing difficulties in fulfilling their outstanding commitments for the 2024 programmes and in taking on obligations under the programmes for the year 2025. As a consequence, some of the approved actions and measures may not be implemented and therefore part of the operational funds may not be spent, while actions and measures taken by the producer organisations to manage the crisis situation may remain ineligible for Union financing. Against this background, it is necessary to take urgent actions to address the situation by allowing some flexibility in the implementation of operational programmes, which continue to operate under the conditions applicable under Regulation (EU) No 1308/2013 in accordance with Article 5(6), first subparagraph, point (c), of Regulation (EU) 2021/2117 of the European Parliament and of the Council ([2]). Such flexibility would enable producer organisations to spend their resources within the operational funds on precisely targeted actions and measures and to efficiently redirect the Union financing within these funds by derogating only to an extent that is strictly necessary from the relevant provisions of Regulation (EU) No 1308/2013.

([1]) OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj.

([2]) Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262, ELI: http://data.europa.eu/eli/reg/2021/2117/oj).

(3) Pursuant to Article 33(3), fourth subparagraph, of Regulation (EU) No 1308/2013, recognised producer organisations and associations of producer organisations may implement, as part of their approved operational programmes, crisis and prevention measures in the fruit and vegetables sector. Those measures are intended to increase their resilience in such situations and to help managing crisis. However, in accordance with Article 33(3), fourth subparagraph, of that Regulation, such crisis prevention and management measures are not to comprise more than one third of the expenditure under the operational programme in order to avoid an overspending of funds under operational programmes for financing solely crisis management measures. However, given the severe consequences of the severe adverse meteorological events of October and November 2024 and the high level of destruction they caused in the fruit and vegetables sector, it is necessary to provide greater flexibility for the affected producer organisations and to enable them to focus the resources under operational programmes on crisis management measures addressing the consequences of those events. Therefore, the rule laid down in Article 33(3), fourth subparagraph, of that Regulation should not apply to operational programmes paid or implemented in the year 2025.

(4) Moreover, recognised producer organisations and associations of producer organisations need to be able to redirect funds, including Union financial assistance within their corresponding operational fund, to the actions and measures that are necessary to address the consequences of the severe adverse meteorological events of October and November 2024. To ensure that recognised producer organisations and associations of producer organisations are able to do this, it is necessary, without prejudice to Article 32 of Regulation (EU) No 1308/2013, to increase in the years 2024 and 2025 the limit of Union financial assistance laid down in Article 34(1) of that Regulation from 50 % to 70 % of the actual expenditure incurred.

(5) In addition, due to the severe adverse meteorological events of October and November 2024, recognised producer organisations and associations of producer organisations in the fruit and vegetables sector have encountered exceptional difficulties in the planning, management and implementation of operational programmes in the affected areas. This may lead to delays in the implementation of these operational programmes and, as a result, producer organisations and associations of producer organisations may fail to conform to the requirements laid down for such programmes in Commission Delegated Regulation (EU) 2017/891 ([3]), which continue to apply to operational programmes implemented under the conditions applicable under Regulation (EU) No 1308/2013 in accordance with Article 5(6), first subparagraph, point (c), of Regulation (EU) 2021/2117 and Article 1, second subparagraph, point (b), of Commission Delegated Regulation (EU) 2022/2528 ([4]). In view of the unprecedented nature of the severe adverse meteorological events of October and November 2024, it is necessary to alleviate those difficulties by derogating from certain provisions of Delegated Regulation (EU) 2017/891.

(6) Producer organisations are highly vulnerable to the disruption and disturbance caused by the severe adverse meteorological events and are experiencing financial difficulties and cash-flow problems caused by the reduction or destruction of their production. This has a direct impact on their financial stability and capacity to implement operational programmes not only in the year 2024 but also in subsequent years since the value of marketing production for the year 2024 impacts the calculation of the Union financial assistance for the subsequent years. This is further influencing the ability of producer organisations to introduce measures and actions targeting the effects of the severe adverse meteorological events. In addition, the reduction of the value of marketed production caused by the severe adverse meteorological events of October and November 2024 impairs the continuity and viability of the producer organisations' operational programmes in the fruit and vegetables sector.

([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 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, ELI: http://data.europa.eu/eli/reg_del/2017/891/oj).

([4]) Commission Delegated Regulation (EU) 2022/2528 of 17 October 2022 amending Delegated Regulation (EU) 2017/891 and repealing Delegated Regulations (EU) No 611/2014, (EU) 2015/1366 and (EU) 2016/1149 applicable to aid schemes in certain agricultural sectors (OJ L 328, 22.12.2022, p. 70, ELI: http://data.europa.eu/eli/reg_del/2022/2528/oj).

(7) To address the consequences of the severe adverse meteorological events of October and November 2024, and their impact on the value of products sold, producer organisations should be exempted in the year 2025 from the requirement, laid down in Article 11(2) of Delegated Regulation (EU) 2017/891, that the economic value of products sold from producers that are not members of the producer organisation or of the association of producer organisations is to be below the value of marketed production of the producer organisation or of the association of producer organisations.

(8) Losses in the value of marketed production in the fruit and vegetables sector caused by the severe adverse meteorological events of October and November 2024 tend to have a major impact on the amount of Union aid received by producer organisations in the subsequent year, as the amount of Union aid is to be calculated as a percentage of the value of marketed production of each producer organisation. If substantial loss in the value of marketed production has occurred due to the severe adverse meteorological events of October and November 2024, producer organisations may lose their recognition as producer organisations, as one of the criteria for such recognition is reaching a certain minimum value of marketed production fixed at a national level. This is putting the long-term stability of producer organisations at risk. Therefore, if a reduction of at least 35 % in the value of a product has occurred in the year 2024 or in the year 2025 due to the severe adverse meteorological events of October and November 2024 and for reasons outside the responsibility and control of producer organisations, the value of marketed production for 2025 should be established as 100 % of the value of marketed production for the average of the five previous 12-month reference periods, excluding the lowest and highest values. The threshold of 65 % of the value of marketed production in the previous period, laid down in Article 23(4) of Delegated Regulation (EU) 2017/891, is indeed insufficient to achieve economic and financial stability given the extent of the loss of value of marketed production for the producer organisations affected by the severe adverse meteorological events of October and November 2024.

(9) Producer organisations or associations of producer organisations which are affected by the severe adverse meteorological events of October and November 2024 should be exempted from the obligation to comply with the maximum percentages of the operational fund to be spent on any individual measure or type of action, as set out in the national strategy established by Spain pursuant to Article 27 of Delegated Regulation (EU) 2017/891. This derogation aims at ensuring greater flexibility for the concerned producer organisations by allowing them to redirect the resources available within the operational fund to those measures which are considered most efficient to address the consequences of those severe adverse meteorological events.

(10) Spain and the producer organisations concerned should also be exempted in the year 2025 from the obligations laid down in Article 34(1) and Article 34(2), first subparagraph, of Delegated Regulation (EU) 2017/891, in relation to submission and approval of amendments to operational programmes.

(11) Moreover, producer organisations or associations of producer organisations affected by the severe adverse meteorological events of October and November 2024 should be able to amend their operational programmes in the year 2025 in order to increase or decrease the amount of the operational fund without prior authorisation by the Member State and beyond the maximum percentage laid down in Article 34(2), second subparagraph, point (c), of Delegated Regulation (EU) 2017/891 or any other percentages fixed by the Member State. This would allow producer organisations and associations of producer organisations to adjust the initially planned operational funds in the most efficient way corresponding to their actual needs.

(12) In accordance with Article 36(1) of Delegated Regulation (EU) 2017/891, if a producer organisation or association of producer organisations ceases to implement its operational programme before the end of its scheduled duration, no further payments are to be made to that organisation or association for actions implemented after the date of cessation of that operational programme. In order to ensure the financial stability of producer organisations, aid received for eligible actions carried out before the cessation of the operational programme should not be recovered in the year 2025 where the producer organisation or association of producer organisations demonstrates to the competent authority of the Member State that the cessation of that operational programme occurred for reasons linked to the severe adverse meteorological events of October and November 2024 and falling outside the control and responsibility of the producer organisation.

(13) In order to ensure the financial stability of producer organisations, Union financial assistance received for multiannual commitments in the fruit and vegetables sector, such as environmental actions, should not be recovered and reimbursed to the European Agricultural Guarantee Fund (EAGF) as provided for in Article 36(3) of Delegated Regulation (EU) 2017/891, if their long-term objectives could not be realised because of their interruption in the year 2024 for reasons linked to the consequences of the severe adverse meteorological events of October and November 2024.

(14) In addition, given the unforeseen difficulties producer organisations in the affected areas encounter due to the severe adverse meteorological events of October and November 2024, Spain and the producer organisations concerned should be provided with some flexibility in relation to certain requirements laid down in Article 9 of Commission Implementing Regulation (EU) 2017/892 ([5]), which continue to apply to operational programmes implemented under the conditions applicable under Regulation (EU) No 1308/2013 in accordance with Article 5(6), first subparagraph, point (c), of Regulation (EU) 2021/2117 and Article 1, second subparagraph, point (b), of Commission Implementing Regulation (EU) 2022/2532 ([6]).

(15) Pursuant to Article 9(3), first subparagraph, of Implementing Regulation (EU) 2017/892, the aid applications may cover expenditure programmed but not incurred if the operations concerned could not be carried out by 31 December of the year of the implementation of the operational programme, for reasons outside the control of the producer organisation concerned but can however be carried out by 30 April of the year following the year for which the aid is requested and if an equivalent contribution from the producer organisation remains in the operational fund. In view of the severe adverse meteorological events of October and November 2024, it is appropriate to derogate from Article 9(3), first subparagraph, point (b), of that Implementing Regulation and to provide that the aid applications submitted by 15 February 2025 may cover expenditure for operations programmed for the year 2024 but not carried out by 31 December 2024, if those operations can be carried out by 15 August 2025. The same deadline should also apply for the obligation to provide proof of implementation of the programmed expenditure as referred to in Article 9(3), second subparagraph, of Implementing Regulation (EU) 2017/892.

(16) The overall situation caused by the severe adverse meteorological events of October of November 2024 constitutes a specific problem within the meaning of Article 221 of Regulation (EU) No 1308/2013 that cannot be readily addressed by measures taken pursuant to Articles 219 or 220 of that Regulation. The situation is not specifically linked to an existing identified unique market disturbance or a precise threat thereof. It is not linked either to measures that would combat the spread of animal diseases or the loss of consumer confidence due to public, animal or plant health risks.

(17) In view of the necessity to take immediate action and urgently adopt measures to alleviate the severe negative effects of the severe adverse meteorological events of October and November 2024 on producer organisations and associations of producer organisations in the fruit and vegetables sector, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*. Since Article 221(4) of Regulation (EU) No 1308/2013 provides that the measures are to remain in force for a period not exceeding 12 months, this Regulation should apply for 12 months from its date of entry into force.

(18) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

([5]) Commission Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors (OJ L 138, 25.5.2017, p. 57, ELI: http://data.europa.eu/eli/reg_impl/2017/892/oj).

([6]) Commission Implementing Regulation (EU) 2022/2532 of 1 December 2022 amending Implementing Regulation (EU) 2017/892 and repealing Regulation (EU) No 738/2010 and Implementing Regulations (EU) No 615/2014, (EU) 2015/1368 and (EU) 2016/1150 applicable to aid schemes in certain agricultural sectors (OJ L 328, 22.12.2022, p. 80, ELI: http://data.europa.eu/eli/reg_impl/2022/2532/oj).

HAS ADOPTED THIS REGULATION:

Article 1

Temporary derogations from Regulation (EU) No 1308/2013 with regard to fruit and vegetables

1. By way of derogation from Article 33(3), fourth subparagraph, of Regulation (EU) No 1308/2013, the limit of one third of expenditure for crisis prevention and management measures under the operational programme referred to in that provision shall not apply to operational programmes paid or implemented in the year 2025 in respect of areas identified by Spain as affected by the severe adverse meteorological events of October and November 2024.

2. The limit laid down in Article 34(1) of Regulation (EU) No 1308/2013 shall be 70 % of the actual expenditure incurred in the years 2024 and 2025 for operational programmes implemented by producer organisations or associations of producer organisations identified by Spain as affected by the severe adverse meteorological events of October and November 2024.

Article 2

Temporary derogations from Delegated Regulation (EU) 2017/891

1. By way of derogation from Article 11(2) of Delegated Regulation (EU) 2017/891, in the year 2025, a producer organisation or an association of producer organisations which is affected by the severe adverse meteorological events of October and November 2024 may sell products from producers that are not members of a producer organisation or of an association of producer organisations irrespective of the economic value of that activity compared to the value of its marketed production.

2. By way of derogation from Article 23(4) of Delegated Regulation (EU) 2017/891, if in the years 2024 and 2025, a reduction of at least 35 % in the value of a product has occurred due to the severe adverse meteorological events of October and November 2024 and for reasons falling outside the responsibility and control of the producer organisation, the value of marketed production of that product shall be deemed to represent 100 % of its average value of marketed production during the five previous 12-month reference periods, excluding the lowest and highest values.

3. By way of derogation from Article 27(5) of Delegated Regulation (EU) 2017/891, the maximum percentages of the operational fund which may be spent on any individual measure or type of action, as set out in the national strategy established by Spain pursuant to Article 27 of that Delegated Regulation, shall not apply to operational programmes implemented by producer organisations or associations of producer organisations which are affected by the severe adverse meteorological events of October and November 2024.

4. In the year 2025, the obligations of Spain and producer organisations as regards submission and approval of amendments to operational programmes laid down in Article 34(1) and Article 34(2), first subparagraph, of Delegated Regulation (EU) 2017/891 shall not apply to Spain and to producer organisations or associations of producer organisations which are affected by the severe adverse meteorological events of October and November 2024.

5. By way of derogation from Article 34(2), second subparagraph, point (c), of Delegated Regulation (EU) 2017/891, producer organisations and associations of producer organisations affected by the adverse meteorological events of October and November 2024 shall be authorised to amend their operational programmes in order to increase or decrease the initially approved operational fund without prior authorisation by Spain. The maximum percentage of increase as laid down in Article 34(2), second subparagraph, point (c), of that Delegated Regulation or any other percentages fixed by Spain shall not apply to such amendments.

6. In the year 2025, aid received for eligible actions carried out before the cessation of the operational programme shall not be recovered, even if the conditions laid down in Article 36(2) of Delegated Regulation (EU) 2017/891 are not met, provided that the cessation of the operational programme was linked to the severe adverse meteorological events of October and November 2024 and occurred for reasons falling outside the control and responsibility of the producer organisation concerned.

7. By way of derogation from Article 36(3) of Delegated Regulation (EU) 2017/891, Union financial assistance for multiannual commitments shall not be recovered and reimbursed to the EAGF where the long-term objectives and expected benefits of those commitments cannot be realised because their implementation was interrupted in the year 2024 for reasons linked to the severe adverse meteorological events of October and November 2024.

8. The producer organisations shall prove to the competent authority of Spain concerned that the conditions laid down in paragraphs 1 to 7 are met.

Article 3

Temporary derogations from Implementing Regulation (EU) 2017/892

1. By way of derogation from Article 9(3), first subparagraph, point (b), of Implementing Regulation (EU) 2017/892, the deadline for carrying out operations that could not be carried out by 31 December 2024 due to the severe adverse meteorological events of October and November 2024 and are covered as programmed expenditure by the aid applications submitted by a producer organisation or an association of producer organisations, shall be 15 August 2025.

2. Where producer organisations or associations of producer organisations make use of the derogation provided for in paragraph 1 of this Article, the deadline for providing proof of implementation of the programmed expenditure, as referred to in Article 9(3), second subparagraph, of Implementing Regulation (EU) 2017/892, shall be 15 August 2025.

Article 4

Entry into force and application

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

It shall apply until 27 May 2026.

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

Done at Brussels, 26 May 2025

For the Commission
The President
Ursula VON DER LEYEN