REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/1975

of 10 August 2023

on temporary emergency measures derogating in respect of the year 2023 from certain provisions of Commission Delegated Regulation (EU) 2022/126 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council, to resolve specific problems in the fruit and vegetables sector caused by adverse meteorological events and measures linked to them

THE EUROPEAN COMMISSION,

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

Having regard to 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 ([1]), and in particular Article 45, point (c), thereof,

Whereas:

(1) Due to severe adverse meteorological events that have taken place in several Member States' regions in the spring of 2023, the production of fruits and vegetables has been dramatically damaged. In Spain, the planned production in the region of Catalonia is reduced of at least 50 % due to a drought situation, whereas the production in the region of Emilia-Romagna in Italy has been destroyed by a flood. Drought has also seriously impacted the level of production and its quality in some regions in France and in Portugal.

(2) In view of the unprecedented nature of the severe adverse meteorological events of the spring of 2023, it is necessary to alleviate those difficulties by derogating from provisions concerning the calculation of the value of marketed production laid down in Commission Delegated Regulation (EU) 2022/126 ([2]) applicable in the fruit and vegetables sector.

(3) Producer organisations are also vulnerable to the disruption and disturbance caused by the severe adverse meteorological events of the spring of 2023 and are experiencing financial difficulties and cash-flow problems caused by the reduction or destruction of their productions. This is having a direct impact on the financial stability of producer organisations and on their capacity to implement operational programmes not only in the year 2023 but also in the subsequent years, as the value of marketing production for the year 2023 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 this crisis. In addition, the reduction of the value of marketed production caused by the adverse meteorological events impairs the future continuity and viability of the producer organisations' operational programmes in the fruit and vegetables sector.

(4) Losses in the value of marketed production in the fruit and vegetables sector caused by adverse meteorological events 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 were to occur in 2023, producer organisations would risk losing 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 would put the long-term stability of

([1]) OJ L 435, 6.12.2021, p. 1.

([2]) 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).

producer organisations at risk. Therefore, if a reduction of at least 35 % in the value of a product were to occur in the year 2023 due to the adverse meteorological events of the spring of 2023, and if this were to occur outside the responsibility and control of producer organisations, the value of marketed production for 2023 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, to counteract those losses.

(5) In view of the necessity to take immediate action, 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

Temporary derogation from Delegated Regulation (EU) 2022/126

By way of derogation from Article 32(3), point (b), of Delegated Regulation (EU) 2022/126, where a reduction of at least 35 % in the value of a product has occurred due to the adverse meteorological events of the spring of 2023 falling outside the responsibility and control of the producer organisation, association of producer organisations, the value of marketed production of that product in 2023 shall be deemed to represent 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 producer organisation shall prove to the competent authority of the Member State concerned that the conditions of the first subparagraph are met.

Article 2

Entry into force

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

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

Done at Brussels, 10 August 2023.

For the Commission
The President
Ursula VON DER LEYEN