EUROPEAN
COMMISSION

Brussels, 27.9.2019
COM(2019) 436 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

On the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 and pursuant to Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006

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1. REGULATION (EU) NO 228/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 13 MARCH 2013 LAYING DOWN SPECIFIC MEASURES FOR AGRICULTURE IN THE OUTERMOST REGIONS OF THE UNION AND REPEALING COUNCIL REGULATION (EC) NO 247/2006

1.1. Introduction

Regulation (EU) No 228/2013 of the European Parliament and of the Council[1] lays down specific measures for agriculture in the outermost regions of the Union.

Article 12(2) empowers the Commission to adopt delegated acts determining the conditions for recording operators in a register held by the competent authorities and providing for the full exercise by operators of their rights to participate in the specific supply arrangements.

Article 19(4) empowers the Commission to adopt delegated acts regarding the conditions for establishing the amount of aid awarded in respect of the marketing of products outside the production region and, where appropriate, the conditions for establishing the quantities of products subject to this aid.

Article 21(3) empowers the Commission to adopt delegated acts regarding the conditions for exercising the right to use the logo specific to the outermost regions and for reproducing and

[1] Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006, *OJ L 78, 20.3.2013, p. 23*

using it, in order to improve awareness of high-quality agricultural products from the outermost regions and to increase the consumption thereof, regardless of whether those products are processed or non-processed.

Article 26(4) empowers the Commission under certain conditions to adopt delegated acts to allow in the French overseas departments of Martinique, Guadeloupe and French Guiana the production of UHT milk reconstituted from milk powder originating in the Union.

Article 27(2) empowers the Commission to adopt delegated acts laying down the conditions for the exemption from import duties on bovine animals for fattening and consumption in the French overseas departments and Madeira.

Article 30(4) empowers the Commission to adopt delegated acts concerning the conditions for determining the annual maximum amount which may be allocated to measures for financing studies, demonstration projects, training and technical assistance.

1.2. Legal Basis

The report is required under Article 33(2). Pursuant to this provision, the power to adopt delegated acts referred to referred to in Articles 12(2), 19(4), 21(3), 26(4), 27(2) and 30(4) shall be conferred on the Commission for a period of five years from 21 March 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

1.3. Exercise of Delegation

The Commission has adopted one delegated act on the basis of Articles 12(2), 19(4), 21(3), 27(2) and 30(4): **Commission Delegated Regulation (EU) No 179/2014**[2]. This delegated act provides for rules for the register of operators, for rules for the amount of aid awarded for the marketing of products outside the production region, for rules regarding the marketing aid for tomatoes and for rice, for rules for the use of the logo, the right to use it and the conditions for reproducing and using it, for conditions for the exemption from import duties for young male bovine animals and for the maximum amount to finance studies, demonstration projects, training or technical assistance measures.

In line with the common understanding on delegated acts[3], Member States' experts were consulted in the Expert Group for Direct Payments – sub-group on POSEI and Smaller Aegean Islands. The Commission adopted Delegated Regulation (EU) 179/2014 on 6 November 2013 and the Regulation was notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to the Delegated Regulation. After the

[2] Commission Delegated Regulation (EU) No 179/2014 of 6 November 2013 supplementing Regulation (EU) No 228/2013 of the European Parliament and of the Council with regard to the register of operators, the amount of aid for the marketing of products outside the region, the logo, the exemption from import duties for certain bovine animals and the financing of certain measures relating to specific measures for agriculture in the outermost regions of the Union, OJ L 63, 4.3.2014, p. 3

[3] Common Understanding on delegated acts from 2011 (not published).

expiry of the two-month period, the Commission Delegated Regulation (EU) 179/2014 was published in the Official Journal of the European Union L 63 of 4 March 2014 and entered into force on 7 March 2014.

The empowerment of Article 26 (4) has not been used, because France has not demonstrated any expediency of allowing the production of UHT milk reconstituted from milk powder originating in the Union for the French overseas departments of Martinique, Guadeloupe and French Guiana.

The Commission does not intend to use the empowerment in the near future, but it cannot be excluded that it will become necessary.

1.4. Conclusions

The Commission has exercised its delegated powers correctly. It cannot be excluded that the empowerments will be needed in future.

2. REGULATION (EU) NO 229/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 13 MARCH 2013 LAYING DOWN SPECIFIC MEASURES FOR AGRICULTURE IN FAVOUR OF THE SMALLER AEGEAN ISLANDS AND REPEALING COUNCIL REGULATION (EC) NO 1405/2006

2.1. Introduction

Regulation (EU) No 229/2013 of the European Parliament and of the Council[4] lays down specific measures for agriculture in favour of the smaller Aegean Islands.

Article 11(2) empowers the Commission to adopt delegated acts determining the conditions for recording operators in a register held by the competent authorities and providing for the full exercise by operators of their rights to participate in the specific supply arrangements.

Article 15(4) obliges the Commission to adopt delegated acts concerning the conditions for establishing the amount of aid awarded in respect of the support for the marketing and transport of raw and processed products outside the region in which they are produced, and, where appropriate, concerning the conditions for establishing the quantities of products subject to that aid.

Article 18(4) obliges the Commission to adopt delegated acts concerning the conditions for determining the annual maximum amount which may be allocated to measures for financing studies, demonstration projects, training and technical assistance, provided that such allocation is reasonable and proportionate.

[4] Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006, OJ L 78, 20.3.2013, p. 41

2.2. Legal Basis

The report is required under Article 21(2). Pursuant to this provision, the power to adopt delegated acts referred to in Article 11(2), 15(4) and 18(4) shall be conferred on the Commission for a period of five years from 21 March 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

2.3. Exercise of Delegation

The Commission has adopted one delegated act on the basis of Articles 11(2), 15(4) and 18(4): **Commission Delegated Regulation (EU) No 178/2014**[5]. This delegated act provides for rules regarding the register of operators, for the amount of aid for marketing outside the production region and for the maximum amount to finance studies, demonstration projects, training or technical assistance measures.

In line with the common understanding on delegated acts[6], Member States were consulted in the Expert Group for Direct Payments – sub-group on POSEI and Smaller Aegean Islands. The Commission adopted Delegated Regulation (EU) 178/2014 on 6 November 2013 and the Regulation was notified to the European Parliament and the Council to allow these institutions to express objection within two months from the notification of the act. Neither the European Parliament nor the Council issued any objection to the Delegated Regulation. After the expiry of the two-month period, the Commission Delegated Regulation (EU) 178/2014 was published in the Official Journal of the European Union L 63 of 4 March 2014 and entered into force on 7 March 2014.

The Commission does not intend to use the empowerment in the near future, but it cannot be excluded that it will become necessary-.

2.4. Conclusions

The Commission has exercised its delegated powers correctly. It cannot be excluded that the empowerments will be needed in future.

The Commission invites the European Parliament and the Council to take note of this Report.

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[5] Commission Delegated Regulation (EU) No 178/2014 of 6 November 2013 supplementing Regulation (EU) No 229/2013 of the European Parliament and of the Council laying down specific measures for agriculture in favour of the smaller Aegean islands, OJ L 63, 4.3.2014, p. 1

[6] See footnote 3.