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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 10.9.2025 amending Delegated Regulations (EU) 2016/232 and (EU) 2017/891 as regards certain rules on producer organisations, notification obligations of producer prices and implementation of certain import mechanisms in the fruit and vegetables sector

Delegations will find attached document C(2025) 6092 final.

Encl.: C(2025) 6092 final



EUROPEAN
COMMISSION

Brussels, 10.9.2025
C(2025) 6092 final

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

of 10.9.2025

amending Delegated Regulations (EU) 2016/232 and (EU) 2017/891 as regards certain rules on producer organisations, notification obligations of producer prices and implementation of certain import mechanisms in the fruit and vegetables sector

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1308/2013¹ of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products empowers the Commission to adopt delegated acts to ensure that the objectives and responsibilities of producer organisations, associations of producer organisations are clearly defined and for the efficient functioning of the entry price system.

Commission Delegated Regulation (EU) 2017/891² supplements Regulation (EU) No 1308/2013 on certain aspects related to the fruit and vegetable and processed fruit and vegetables sectors.

The purpose of this amending Delegated Act is to improve alignment with horizontal definitions used in Commission Delegated Regulation (EU) 2016/232³ and to harmonise and simplify the governance of the producer organisations. Furthermore, it updates the legal references to the valid methodology for the calculation of value of market production, as those provisions are governed by Regulation (EU) 2021/2115 of the European Parliament and of the Council⁴. These alignments aim to improve the clarity of the legal provisions governing the recognition of producer organisations.

The amendment also introduces new provisions for recognised producer organisations affected by natural disasters, such as climatic events, plant diseases or pest infestations. As these events are increasing in frequency and intensity, they may significantly decrease the producer organisation's own production, making it difficult to meet certain obligations. It is thus necessary to update these provisions and to ensure clarity and equal treatment of the producer organisations affected by natural disasters.

Member States have to notify information on the extension of rules decisions pursuant to Article 164(6) of Regulation (EU) No 1308/2013 in the fruits and vegetables and processed fruit and vegetables sectors currently under Delegated Regulation (EU) 2017/891 as well as under Delegated Regulation (EU) 2016/232, which applies to all sectors. To avoid this double notification obligation, the obligation to notify information on the extension of rules should be deleted from Delegated Regulation (EU) 2017/891. At the same time, with the aim to respond

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, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>).

² 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, ELI: http://data.europa.eu/eli/reg_del/2017/891/oj).

³ 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, ELI: http://data.europa.eu/eli/reg_del/2016/232/oj).

⁴ 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, ELI: <http://data.europa.eu/eli/reg/2021/2115/oj>).

to the specificity of the fruit and vegetables and processed fruit and vegetables sectors where the extension of rules is regularly used at regional level or in specific production areas, Delegated Regulation (EU) 2016/232 should be amended to provide for an obligation to specify the economic area within which the notified extension of rules will apply concerning those sectors.

Member States notify producer prices of fruit and vegetable on a weekly basis, for certain fruit and vegetables, their types or varieties, sizes and packaging formats. To ensure that the methodology for price notifications is the same along the whole supply chain from farmgate to retail stage, alignment with the methodology set out in Commission Implementing Regulation (EU) 2017/1185⁵ is necessary.

In case a recognised producer organisation fails to meet certain requirements, the payments it benefits may be suspended. With the financing of the operational programmes falling within the scope of Regulation (EU) 2021/2115, it is necessary to clarify the provisions on suspension and recovery of payments.

The system of notifications requires Member States' daily notification of prices and quantities of imported products subject to the entry price system. Due to changes in market dynamics and the development of trade flows, it is necessary to improve the rules on notification so that they reflect those changes and provide for alternative methods of data collection in case no representative import markets are identified by the Member States. To reduce the administrative burden and the number of notifications, the notifications should be done on a weekly basis.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Discussions involving experts from all 27 member States, have been carried out within the Experts Group for Agricultural Markets, in particular concerning aspects falling under the single CMO Regulation – Horticultural products held on 25.9.2024, 25.11.2024, 24.1.2025 and 21.3.2025.

During these meetings, the Commission services presented amended versions of the texts taking into account the observations and comments made in each of the meetings or sent in writing to the Commission services. Experts of the European Parliament could participate as observers to these meetings.

Stakeholders have had the opportunity to assess the various versions of the draft Delegated Regulation since those were posted on the Register of Commission expert groups.

Comments were also received during the general public consultation carried out through the publication of the draft Delegated Regulation on the Have your say portal from 14 May 2025 to 11 June 2025. The feedback was received from 13 stakeholders. Responses were provided by stakeholders in the fruit and vegetables sector, both from the Union and from third countries. The feedback from the groups can be summarised according to three main issues:

- Feedback regarding the proposed changes to weekly notifications and possible concerns for the functioning of the market, such as stop and go in trade. The Commission considers that the weekly notification will reduce the administrative

⁵ 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, ELI: http://data.europa.eu/eli/reg_impl/2017/1185/oj).

burden, while also improving the quality and robustness of the established standard import value, as it will include more and wider information on the market.

- Feedback was also received regarding the amendment of articles related to the calculation of the value of marketed production and extreme events, and the need to further align with horizontal rules in Commission Delegated Regulation (EU) 2022/126⁶. The Commission considers that the necessary provisions for the calculation of the value of marketed production that are required for the recognition of producer organisations are already included. Furthermore, as provisions on extreme events are also related to recognition, it is necessary to specify them in this regulation.
- Feedback was also received on the need to update the Combined Nomenclature (CN) codes of products included in Annex VII to Delegated Regulation (EU) 2022/126, to reflect recent developments in the classification and to avoid any misinterpretation on the application of the provisions of this Regulation. The Commission considered this a valid point as it will provide clarity to the sector.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act supplements certain provisions of Regulation (EU) No 1308/2013 that are necessary to ensure the proper functioning of producer organisation in the fruit and vegetables sector. The amended provisions of Delegated Regulation (EU) 2017/891 (following the numbering of the amended regulation) and the substance of changes are:

- Article 2: To avoid any misunderstanding of existing two equivalent definitions with different wording, the horizontal definitions of transnational producer organisation and transnational association of producer organisations should apply in the fruit and vegetable sector. Furthermore, in order to improve the clarity on applicability of provisions in this regulation, it should be clarified that references to producer organisation should also be applicable to transnational producer organisation, while the rules applicable to association of producer organisations should be made applicable to transnational association of producer organisations.
- Article 4: It is necessary to clarify that a producer organisation recognised for products intended solely for processing, may process them by itself in own facilities, or deliver them to an external processing entity.
- Article 8: The value or volume of marketed production for recognised producer organisation should be calculated according to rules establish under Regulation (EU) 2021/2115, ensuring a harmonised approach.
- Article 11: Provides an obligation that the economic value of products sold from producers that are not members of the producer organisation or of the association of producer organisations must be below the value of marketed production of the producer organisations or of associations of producer organisations. With the increasing occurrence of natural disasters, climatic events, plant diseases or pest infestation, impacting the producer organisations' own production, producer

⁶ 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, ELI: http://data.europa.eu/eli/reg_del/2022/126/oj).

organisation involved in selling products from non-members may face difficulties meeting this obligation. It is thus necessary to provide harmonised rules for recognised producer organisations impacted by such events to enable them to continue with their activities.

- Article 13: The value of the marketed production should be calculated according to rules established under Regulation (EU) 2021/2115.
- Articles 14 and 21: The value or volume of marketed production for recognised transnational producer organisations and for recognised transnational associations of producer organisations, should be calculated in accordance with Regulation (EU) 2021/2115, ensuring a harmonised approach. The rules for the approval of the operational programme of such transnational organisations are deleted.
- Article 15: Rules for merger should be clarified, allowing where applicable that when recognised producer organisations merge to be integrated into another existing producer organisation, the existing unique identification system number of the latter may be used for the result of the merger.
- Article 55: The notification obligation for producer prices of fruit and vegetable, their types or varieties and packaging formats should be aligned with the methodology for notifications set out in Implementing Regulation (EU) 2017/1185. This will ensure comparability of prices of fruit and vegetables at various stages along the supply chain.
- Article 59: Certain penalties are set for producer organisations that fail to respect recognition criteria. In such cases, Member States may suspend payments until corrective measures are taken. As payments for operational programmes are done under Regulation (EU) 2021/2115, it is necessary to clarify which payments may be suspended.
- Article 69: While Member States should exclude producers of organic production to determine the representativeness of producer organisation and associations of producer organisations for the purpose of extension of rules, such extension of rules may also apply expressly and specifically to organic production. It is therefore pertinent to clarify that when the rules to be extended are explicitly applicable to organic products, producers of organic production should count when assessing the representativeness of the producer organisation or the association of producer organisations.
- Article 70: Delegated Regulation (EU) 2016/232 specifies that Member States have to notify to the Commission certain information regarding the extension of rules decisions taken by Member States pursuant to Article 164(6) of Regulation (EU) No 1308/2013 as well as the corresponding deadline for this notification. This provision in Delegated Regulation (EU) 2016/232 applies to all sectors. To avoid the current double notification obligation, the notification concerning the extension of rules for fruit and vegetables and processed fruit and vegetables sectors should be deleted from Delegated Regulation (EU) 2017/891 and be governed only by Delegated Regulation (EU) 2016/232. In the fruit and vegetables and processed fruit and vegetables sectors the extension of rules is regularly used at regional level or in specific production areas and not at national level. Article 5(2a) of Delegated Regulation (EU) 2016/232 should therefore be amended to include, for those sectors, the notification of the economic area in which the extended rules will apply.

- Article 73: The article introduces a definition of market week for the purpose of Members States' notifications of prices and quantities of imported fruit and vegetables.
- Article 74: Member States are to notify the prices and quantities of imported fruit and vegetables, on the basis of quotations in representative import markets, if imports are above 10 tonnes. Due to changes in market dynamics and the development of trade flows, it is necessary to improve the rules on notification so that they reflect those changes and provide for alternative methods of collection in case no representative import markets are identified by the Member States. Furthermore, to reduce the administrative burden, by reducing the number of notifications and at the same time increasing the robustness of the system, the notifications should be done on a weekly basis.
- Article 75: Article 181(1) of Regulation (EU) No 1308/2013 provides the basis for the establishing the entry price system. When applying the customs value for selected fruit and vegetables, a guarantee must be paid under certain provisions and periods of the application. It is thus necessary to clearly set the periods of application when the guarantee is required.
- Annex VII: To provide clarity on the list of products for the purposes of the entry price system, it is necessary to reflect and update the codes according to the latest valid Combined Nomenclature.

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

of 10.9.2025

amending Delegated Regulations (EU) 2016/232 and (EU) 2017/891 as regards certain rules on producer organisations, notification obligations of producer prices and implementation of certain import mechanisms in the fruit and vegetables sector

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 1234/2007¹, and in particular Article 173(1), points (a), (b), (c), (d) and (j), Article 181(2) and Article 223(2), point (a), thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2017/891² supplements Regulation (EU) No 1308/2013 with regard to the recognition of producer organisations, associations of producer organisations, the notification of producer prices and of values and volumes of certain imported products by Member States in the fruit and vegetables and processed fruit and vegetables sectors.
- (2) In order to improve clarity and to harmonise and simplify the governance of the producer organisations, the definitions of transnational producer organisation and transnational association of producer organisations should be aligned with their horizontal definitions set out in Commission Delegated Regulation (EU) 2016/232³. Furthermore, it should be clarified that for the purpose of recognition, the same rules apply to producer organisations and associations of producer organisations as to the transnational formations thereof.
- (3) It is necessary to clarify that a producer organisation recognised for products intended solely for processing may process those products by itself, in its own facilities or in those of a subsidiary or deliver them to an external processing facility.

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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, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>).

² 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, ELI: http://data.europa.eu/eli/reg_del/2017/891/oj).

³ 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, ELI: http://data.europa.eu/eli/reg_del/2016/232/oj).

- (4) The value of marketed production is one of the requirements for the recognition of a producer organisation or an association of producer organisations. As the calculation of the value of marketed production is governed by Regulation (EU) 2021/2115 of the European Parliament and of the Council⁴, it is necessary to update the legal reference to the valid methodology for the calculation of the value of marketed production, which is laid down in Commission Delegated Regulation (EU) 2022/126⁵. Likewise, it is necessary to update the legal reference to the methodology for the calculation of the value of marketed production of transnational producer organisations and associations thereof. Furthermore, the rules for the approval of operational programmes of transnational producer organisations and associations thereof should be deleted from Delegated Regulation (EU) 2017/891, as those are governed by Regulation (EU) 2021/2115.
- (5) The increasing occurrence of extreme events, such as natural disasters, climatic events, plant diseases or pest infestations, may result in a significant decrease in the production of the members of a producer organisation. In case the producer organisation is also selling products from non-member producers, compliance with the proportion of the value of that activity as compared to the value of the marketed production of members may excessively restrict the overall economic activity of the producer organisation and threaten its recognition. It is thus necessary to allow recognised producer organisations to benefit from a derogation from the calculation of the value of their marketed production under those extreme circumstances, to ensure the stability of their operations.
- (6) Concentration of supply is the main aim of recognised producer organisations. One way to achieve this is through mergers. In case of mergers, for the sake of simplification, the provisions for assigning a number for the purposes of the unique identification system should allow Member States to either maintain one of the existing identification numbers for the resulting producer organisation or assign a new number.
- (7) The Member States are to collect and notify the information specified in Article 222a(4) of Regulation (EU) No 1308/2013. To improve clarity regarding notification, it is necessary to determine the fruit and vegetables for which the types or varieties and packaging formats the producer prices are to be notified. To ensure that the methodology for the collection of the prices to be notified is the same along the whole supply chain, from farmgate to retail stage, alignment with the methodology set out in Commission Implementing Regulation (EU) 2017/1185⁶ is necessary.

⁴ 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, ELI: <http://data.europa.eu/eli/reg/2021/2115/oj>).

⁵ 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, ELI: http://data.europa.eu/eli/reg_del/2022/126/oj).

⁶ 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

- (8) As the financing of operational programmes of recognised producer organisation falls within the scope of Regulation (EU) 2021/2115, it is necessary to clarify which payments may be suspended or recovered in cases where producer organisations fail to respect the recognition criteria.
- (9) While Member States are to exclude producers of organic products to determine the representativeness of producer organisations and association of producer organisations, organic production should be taken into account if the extension of rules expressly and specifically applies also to producers, producer organisations and associations of producer organisations of organic products.
- (10) Rules on the notification of decisions on extension of rules taken by Member States pursuant to Article 164(6) of Regulation (EU) No 1308/2013 are governed by Article 5(2a) of Delegated Regulation (EU) 2016/232, which specifies the deadlines and information to be notified. Member States have to notify information on the extension of rules in the fruit and vegetables and processed fruit and vegetables sectors also under Article 70 of Delegated Regulation (EU) 2017/891. To avoid double notification, the obligation to notify information on the extension of rules should be deleted from Delegated Regulation (EU) 2017/891.
- (11) Under Article 70 of Delegated Regulation (EU) 2017/891, Member States are required to notify the economic area or areas in which the extension of rules applies. Notification of that information is not required under Delegated Regulation (EU) 2016/232. Due to the specificity of the fruit and vegetables and processed fruit and vegetables sectors, where the extension of rules is regularly used at regional level or in specific production areas, but not at national level, the requirement to notify the economic area or areas of the extension concerning those sectors should be included in Delegated Regulation (EU) 2016/232.
- (12) Member States are required to notify prices and quantities of certain fruit and vegetables on the basis of quotations collected in representative import markets, if the imports are above 10 tonnes. Due to changes in market dynamics and the development of trade flows, it is necessary to improve the rules on notification so that they reflect those changes and provide for alternative methods of data collection in case no representative import markets are identified by the Member States. Furthermore, to reduce the administrative burden and the number of notifications, while increasing the robustness of the system, the notifications should be done on a weekly basis. It is also necessary to introduce a definition of the market week in Delegated Regulation (EU) 2017/891.
- (13) Article 181(1) of Regulation (EU) No 1308/2013 provides the basis for the establishment of the entry price system for certain products of the fruit and vegetables and processed fruit and vegetables sector. When applying the customs value for the fruit and vegetables referred to in Annex VII to Delegated Regulation (EU) 2017/891, the importer must pay a guarantee if the conditions laid down in Article 75 of that Delegated Regulation are met. It is thus necessary to clearly set the periods of application where the guarantee to be provided by the importer is required.

and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113, ELI: http://data.europa.eu/eli/reg_impl/2017/1185/oj).

- (14) To provide clarity on the list of products for the purposes of the entry price system, it is necessary to reflect and update the codes in Annex VII to Delegated Regulation (EU) 2017/891 according to the valid Combined Nomenclature.
- (15) Delegated Regulations (EU) 2016/232 and (EU) 2017/891 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5(2a) of Delegated Regulation (EU) 2016/232, the following second subparagraph is added:

‘In the fruit and vegetables and processed fruit and vegetables sectors, the information notified shall also include the economic area or areas in which the extension of rules apply.’.

Article 2

Delegated Regulation (EU) 2017/891 is amended as follows:

- (1) Article 2 is amended as follows:

- (a) point (d) is replaced by the following:

‘(d) “transnational producer organisation” and a “transnational association of producer organisations” means a producer organisation and an association of producer organisations complying with the definitions laid down in Article 2, points (a) and (b), of Commission Delegated Regulation (EU) 2016/232*, respectively;

* 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, ELI: http://data.europa.eu/eli/reg_del/2016/232/oj).’;

- (b) point (e) is deleted;

- (c) the following paragraph is added:

‘If not otherwise specified, the reference in this Regulation to producer organisations includes transnational producer organisations and the reference to associations of producer organisations includes transnational associations of producer organisations.’;

- (2) in Article 4, paragraph 2 is replaced by the following:

‘2. Member States shall recognise producer organisations in respect of a product or group of products solely intended for processing where the producer organisations are able to ensure that such products are either processed by themselves, by a subsidiary or are delivered for processing through a system of supply contracts.’;

- (3) in Article 8, paragraph 1 is replaced by the following:

‘1. For the purposes of determining the size of the producer organisation in accordance with Article 154(1), point (b), of Regulation (EU) No 1308/2013,

the value or volume of marketable production shall be calculated on the same basis as the value of marketed production set out in Articles 30 and 31 of Commission Delegated Regulation (EU) 2022/126*.

* 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, ELI: http://data.europa.eu/eli/reg_del/2022/126/oj).’;

(4) Article 11 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. A producer organisation may sell products of producers that are not members of the producer organisation or of an association of producer organisations, where it is recognised in respect of those products and provided that the economic value of that activity is below the value of its marketed production calculated in accordance with Article 31 of Delegated Regulation (EU) 2022/126.

However, in case the value of marketed production of a producer organisation decreases by 35 % or more for a given year in relation to the average of the three previous 12-month reference periods due to natural disasters, climatic events, plant diseases or pest infestations falling outside the responsibility and control of the producer organisation, the value of marketed production shall be deemed to represent 85 % of the average value of marketed production in the three previous 12-month reference periods, for the purpose of establishing the economic value of the activity referred to in the first subparagraph.

The producer organisation affected by the events referred to in the second subparagraph and involved in selling products of producers that are not its members, shall prove to the competent authority of the Member State concerned that the decrease in the value of marketed production fell outside its responsibility and control.’;

(b) in paragraph 4, ‘Article 22(8)’ is replaced by ‘Article 31(7) of Delegated Regulation (EU) 2022/126’;

(5) in Article 13(2), second subparagraph, ‘Article 22(8)’ is replaced by ‘Article 31(7) of Delegated Regulation (EU) 2022/126’;

(6) Article 14 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

‘The head office of a transnational producer organisation shall be located in the Member State in which the transnational producer organisation achieves the majority of the value of marketed production calculated in accordance with Articles 31 and 32 of Delegated Regulation (EU) 2022/126.’;

(b) in paragraph 3, point (b) is deleted;

(7) in Article 15(1), the first subparagraph is replaced by the following:

‘Where producer organisations merge, the producer organisation resulting from the merger shall assume the rights and obligations of the individual producer organisations that merged. The Member State shall ensure that the producer organisation resulting from the merger complies with all recognition criteria and

maintains one of the existing numbers or is assigned a new number for the purposes of the unique identification system referred to in Article 22 of Implementing Regulation (EU) 2017/892.’;

- (8) in Article 21(3), point (b) is deleted;
- (9) Article 55 is replaced by the following:

‘Article 55

Notification of producer prices of fruit and vegetables on the internal market

1. Member States shall notify the Commission, by 12.00 hours (Brussels time) each Wednesday, of the producer prices recorded in representative markets of the production areas of the fruit and vegetables concerned during the previous week, where data are available, as follows:
 - (a) for fruit and vegetables covered by the general marketing standard set out in Part A of Annex I to Commission Delegated Regulation (EU) 2023/2429*, the price of products meeting that standard;
 - (b) for products covered by a specific marketing standard set out in Part B of Annex I to Delegated Regulation (EU) 2023/2429, the price of products of class I.

Member States shall only notify prices of fruit and vegetables produced within their territory. The prices shall cover conventional, non-organic fruit and vegetables intended for the fresh market.

2. Regarding the requirement referred to in paragraph 1, Member States shall notify the weighted average price for each product, their types, varieties and sizes or packaging presentations referred to in Annex VI to this Regulation, if applicable. Additionally, for prices reported by type, variety and, where applicable, size and packaging presentations, a national weighted average price per product, except for tomatoes, shall also be notified. Where recorded prices concern other types, varieties, sizes or packaging presentations than those specified in Annex VI, Member States shall notify the Commission of the types, varieties, sizes and presentations of the products concerned.
3. The notified prices shall be ex-packaging station, sorted, packaged and, where applicable, on pallets, expressed in euro per 100 kilograms net weight.
4. Member States may notify the price as specified in paragraph 2 of other fruit and vegetables and their varieties not mentioned in Annex VI on a voluntary basis.
5. Member States shall notify the Commission, within six months after the date of the notification, of the methodology used to establish the prices referred to in paragraph 2, including the representative markets and their weights, as well as any modification thereof.

* Commission Delegated Regulation (EU) 2023/2429 of 17 August 2023 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for the fruit and vegetables sector, certain processed fruit and vegetable products and the bananas sector, and repealing Commission Regulation (EC) No 1666/1999 and Commission Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011 (OJ L, 2023/2429, 3.11.2023, ELI: http://data.europa.eu/eli/reg_del/2023/2429/oj).’;

(10) Article 59 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. If a Member State has established that a producer organisation fails to respect one of the recognition criteria linked to the requirements laid down in Articles 5 and 7, Article 11(1) and (2) and Article 17, it shall send to the producer organisation in question no later than two months after the failure has been identified, by registered delivery, a warning letter stating the failure identified, the corrective measures required and the time periods within which those measures have to be taken, which shall not exceed four months. Once a failure is established, Member States shall suspend the payments of aid granted to fruit and vegetables producer organisations for the implementation of operational programmes referred to in Article 50 of Regulation (EU) 2021/2115 of the European Parliament and of the Council* or in Article 5(6), first subparagraph, point (c), of Regulation (EU) 2021/2117 of the European Parliament and of the Council**, until satisfactory corrective measures are taken.

* 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, ELI: <http://data.europa.eu/eli/reg/2021/2115/oj>).

** 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>).’;

(b) paragraph 5 is replaced by the following:

‘5. A failure to take the corrective measures referred to in paragraph 4 within the time period fixed by the Member State shall lead to a suspension of the payments of aid granted to fruit and vegetables producer organisations for the implementation of operational programmes referred to in Article 50 of Regulation (EU) 2021/2115 or in Article 5(6), first subparagraph, point (c), of Regulation (EU) 2021/2117 and a reduction of the yearly aid amount by 1 % for each entire month and each fraction of a month, following the expiry of that time period. This is without prejudice to the application of horizontal national legislation which may provide for the suspension of such an action following the commencement of connected legal proceedings.’;

(11) in Article 69(2), point (d) is replaced by the following:

‘(d) producers or production of organic products covered by Regulation (EU) 2018/848 of the European Parliament and of the Council*, unless the extension of rules in accordance with Article 164 of Regulation (EU) No 1308/2013 expressly and specifically covers such producers or products.

* Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/848/oj>).’;

- (12) Article 70 is deleted;
- (13) in Article 73, the following point is added:
‘(c) ‘market week’ means the period from Monday to Friday of the week preceding the deadline for notification by Member States to the Commission in accordance with Article 74;’;
- (14) Article 74 is replaced by the following:

‘Article 74

Notification of weighted average representative prices and quantities of imported products

1. For each product and for the periods set out in Part A of Annex VII, for each market week and origin, Member States shall notify the Commission, by 18:00 (Brussels times) each Monday of the quantity and weighted average representative price of the imported products sold in the Member States during the previous market week.

For the products for which the period of application referred to in Part A of Annex VII does not cover the entire year, the first market week for which the prices shall be notified is the second week before the beginning of the period of application. For those products, the last market week whose prices shall be notified is the week preceding the end date of the period of application.

2. The price referred to in paragraph 1, first subparagraph, shall be recorded for all the available varieties and sizes, at the importer or wholesaler stage for each import market or, where no prices at that stage are available, the wholesaler or retailer stage.

It shall be recorded for each import market that Member States consider representative, and which shall include at least Milan, Perpignan and Rungis or, where no import markets are defined by the Member States, the weighted average representative price shall be recorded at national level.

Where the weighted average representative price is established at the wholesaler or retailer stage, it shall be reduced by:

- (a) 9 % to take into account the wholesaler’s trade margin; and
 - (b) EUR 0,7245 per 100 kilograms in respect of the costs of handling and market taxes and charges.
3. The weighted average representative prices shall be reduced by the following amounts:
 - (a) a marketing margin of 15 % for the marketing centres Milan and Rungis and of 8 % for other marketing centres; and
 - (b) the costs of transport and insurance within the customs territory of the Union.

4. For the costs of transport and insurance to be deducted pursuant to paragraph 3, point (b), Member States may fix standard amounts for deduction. Such standard amounts and the methods for calculating them, as well as possible modification thereof, shall be notified to the Commission immediately.
6. For products listed in Part A of Annex VII covered by a specific marketing standard, the representative prices shall be the weighted average of Class I and Class II of each product concerned, unless products in one class account for at least 90 % of the total quantities marketed, in which case only the quotations for that class shall be taken into account.

For products listed in Part A of Annex VII that are not covered by a specific marketing standard, product prices complying with the general marketing standard shall be deemed to be representative.

7. Where the quantity referred to in paragraph 1, first subparagraph, for a product is less than 10 tonnes in a market week, the corresponding weighted average representative price shall not be notified to the Commission. The threshold of 10 tonnes shall be intended as the cumulative volume over the market week. If the market week has less than five working days, Member States shall apply a proportional reduction of 2 tonnes per non-working day to that threshold.’;

(15) Article 75 is amended as follows:

- (a) in paragraph 2, the first subparagraph is replaced by the following:

‘Where the customs value of the products listed in Part A of Annex VII to this Regulation and determined in accordance with Article 70 of Regulation (EU) No 952/2013 is higher by more than 8 % than the flat-rate calculated by the Commission as a standard import value at the time of the declaration of release of the products for free circulation, the importer shall provide a guarantee in accordance with Article 148 of Commission Implementing Regulation (EU) 2015/2447*. The guarantee shall apply during the period of application determined in Annex VII to this Regulation for each product. The import duty to which the products listed in Part A of Annex VII to this Regulation may be subjected, shall be the amount of the duty due if the product in question had been classified on the basis of the standard import value concerned.

* Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558, ELI: http://data.europa.eu/eli/reg_impl/2015/2447/oj).’;

- (b) paragraph 3 is replaced by the following:

‘3. Where the customs value of the products listed in Part A of Annex VII to this Regulation is calculated in accordance with Article 74(2), point (c), of Regulation (EU) No 952/2013, the duty shall be deducted as provided for in Article 38(1) of Implementing Regulation (EU) 2017/892. In that case, for the period of application determined in Annex VII to this Regulation for each product, the importer shall provide a guarantee equal to the amount of duty which they would have paid if the classification of the products had been made on the basis of the standard import value applicable.’;

(16) Annex VII is replaced by the text in the Annex to this Regulation.

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*.

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

Done at Brussels, 10.9.2025

For the Commission
The President
Ursula VON DER LEYEN