

## Fruit and vegetables

### Agreements and concerted practices in the fruit and vegetables sector

Article 101(1) of the Treaty on the functioning of the European Union (TFEU) does not apply to the agreements, decisions and concerted practices of recognised interbranch organisations in the fruit and vegetables sector provided that:

- a) the agreements, decisions and concerted practices have been notified to the Commission;
- b) within two month of receipt of all the details required the Commission has not found that the agreements, decisions or concerted practices are incompatible with Union rules.

The agreements, decisions and concerted practices may not be put into effect before the two month period referred in b) elapses.

The following agreements, decisions and concerted practices shall in any case be declared incompatible with Union rules:

- (a) agreements, decisions and concerted practices which may lead to the partitioning of markets in any form within the Community;
- (b) agreements, decisions and concerted practices which may affect the sound operation of the market organisation;
- (c) agreements, decisions and concerted practices which may create distortions of competition which are not essential to achieving the objectives of the common agricultural policy pursued by the interbranch organisation activity;
- (d) agreements, decisions and concerted practices which entail the fixing of prices, without prejudice to activities carried out by interbranch organisations in the application of specific Community rules;
- (e) agreements, decisions and concerted practices which may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.

If, following expiry of the two-month period referred to above, the Commission finds that the conditions for exemption have not been met, it shall take a Decision declaring that Article 101(1) of the TFEU applies to the agreement, decision or concerted practice in question. This Commission Decision shall not apply earlier than the date of its notification to

the interbranch organisation concerned, unless that interbranch organisation has given incorrect information or abused the exemption provided for in the first paragraph.

In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement. However, in that event, the Commission may, on its own initiative or at the request of another Member State, issue a finding of incompatibility at any time.