



Council of the
European Union

Brussels, 17 October 2022
(OR. en)

13671/22

AGRI 550
AGRIFIN 121
AGRIORG 110
DELECT 186

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 17 October 2022

To: General Secretariat of the Council

No. Cion doc.: C(2022) 7247 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 17.10.2022 repealing Delegated Regulation (EU) No 639/2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation

Delegations will find attached document C(2022) 7247 final.

Encl.: C(2022) 7247 final



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

of 17.10.2022

repealing Delegated Regulation (EU) No 639/2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2021/2115 of the European Parliament and of the Council¹ lays down a new legal framework for the common agricultural policy (CAP) to improve its delivery on the Union's objectives set out in the Treaty on the Functioning of the European Union. That Regulation further specifies these Union objectives to be achieved by the CAP and defines the types of intervention as well as the common Union requirements applicable to Member States, while leaving flexibility for Member States in the design of the interventions to be provided in their CAP Strategic Plans for the period 1 January 2023 to 31 December 2027.

Regulation (EU) 2021/2115 provides for types of intervention for direct payments. As a consequence, Regulation (EU) No 1307/2013² of the European Parliament and of the Council is repealed with effect from 1 January 2023. In that context, the Commission has adopted additional requirements pursuant to Regulation (EU) 2021/2115 for the design of the interventions to be specified in the CAP Strategic Plans, namely by Commission Delegated Regulation (EU) 2022/126³. That Regulation replaces the rules currently laid down in Commission Delegated Regulation (EU) No 639/2014⁴. In the interest of clarity and legal certainty, the latter Regulation should be repealed with effect from 1 January 2023.

Since Regulation (EU) 2021/2115 leaves more flexibility for Member States in the design of the interventions to be provided in their CAP Strategic Plans and does therefore not contain the same empowerments as Regulation (EU) No 1307/2013, the repeal should be based on the empowerments of that Regulation that were used to adopt Delegated Regulation (EU) No 639/2014.

In accordance with Article 154(2) of Regulation (EU) 2021/2115, Regulation (EU) No 639/2014 should, however, continue to apply in respect of aid applications relating to claim years starting before 1 January 2023.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

On 3 October 2022, a consultation involving experts from all 27 Member States took place within the Expert Group on the implementation of the CAP strategic plans regulation.

¹ 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).

² Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

³ 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).

⁴ Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ L 181, 20.6.2014, p. 1).

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Delegated Act repeals Delegated Regulation (EU) No 639/2014, adopted on the basis of Regulation (EU) No 1307/2013, since that latter Regulation is repealed as from 1 January 2023.

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

of 17.10.2022

repealing Delegated Regulation (EU) No 639/2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009¹, and in particular Articles 4(3), 8(3), 9(5), 35(1), (2) and (3), 36(6), 39(3), 43(12), 44(5), 45(5) and (6), 46(9), 50(11), 52(9), 57(3), 58(5), 59(3) and 67(1) and (2) thereof,

Whereas:

- (1) Regulation (EU) 2021/2115 of the European Parliament and of the Council² lays down a new legal framework for the common agricultural policy (CAP) to improve its delivery on the Union's objectives set out in the Treaty on the Functioning of the European Union. That Regulation further specifies these Union objectives to be achieved by the CAP and defines the types of intervention as well as the common Union requirements applicable to Member States, while leaving flexibility for Member States in the design of the interventions to be provided in their CAP Strategic Plans for the period 1 January 2023 to 31 December 2027.
- (2) Regulation (EU) 2021/2115 provides for types of intervention for direct payments. As a consequence, it repeals Regulation (EU) No 1307/2013 with effect from 1 January 2023.
- (3) In that context, the Commission has adopted additional requirements pursuant to Regulation (EU) 2021/2115 for the design of the interventions to be specified in the CAP Strategic Plans, namely by Commission Delegated Regulation (EU) 2022/126³.

¹ OJ L 347, 20.12.2013, p. 608.

² 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).

³ 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).

That Delegated Regulation replaces the rules currently laid down in Commission Delegated Regulation (EU) No 639/2014⁴.

- (4) In the interest of clarity and legal certainty, Delegated Regulation (EU) No 639/2014 should be repealed with effect from 1 January 2023. However, in accordance with Article 154(2) of Regulation (EU) 2021/2115, it should continue to apply in respect of aid applications relating to claim years starting before 1 January 2023,

HAS ADOPTED THIS REGULATION:

Article 1

Repeal and transitional provisions

Delegated Regulation (EU) No 639/2014 is repealed with effect from 1 January 2023.

However, it shall continue to apply in respect of aid applications relating to claim years starting before 1 January 2023.

Article 2

Entry into force

This Regulation shall enter into force on the seventh 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, 17.10.2022

For the Commission

The President

Ursula VON DER LEYEN

⁴ Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ L 181, 20.6.2014, p. 1).