



Brussels, 23.11.2017  
C(2017) 7683 final

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

**of 23.11.2017**

**amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE DELEGATED ACT**

Articles 6(3) and 7(3) of Regulation (EU) No 1307/2013 of the European Parliament and the Council of 17 December 2013, establishing rules for direct payment 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<sup>1</sup>, empower the Commission to adopt delegated acts to adapt the national and net ceilings set following the developments relating to the total maximum amounts of direct payments that may be granted.

Article 58(7) of Regulation (EU) No 1305/2013 of the European Parliament and the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005<sup>2</sup> empowers the Commission to adopt delegated acts to take account of developments relating to the annual breakdown of Union support to Rural Development.

Article 14(1) of Regulation (EU) No 1307/2013 provided that Member States by 31 December 2013 or by 1 August 2014 could decide to make a certain share of their annual national ceilings for direct payments available as additional support for measures under rural development. Article 14(2) of the same Regulation allowed Member States to make available as direct payments a certain share of their rural development allocations.

An option to review these decisions insofar this review does not lead to reduction of the Member State's allocation for rural rural development, is provided for in the fourth subparagraphs of Article 14(1) and (2) of Regulation (EU) No 1307/2013. Such review should be notified by Member States to the Commission by 1 August 2017. The aim of the present amendment is to take aboard the notified Member State decisions.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

A consultation, involving experts from the Member States, have been carried out within a joint meeting of the Expert Group for Direct Payments and of the Expert group for Rural Development. A meeting was held on 26/09/2017 organised for the specific purpose of exchanging expert views on the present act. The meeting allowed for a full presentation of the Commission's draft provisions and an exchange of views on all aspects of the draft. The exercise consisted in clarifying the Commission's approach and hearing experts' views if any. There were no questions nor requests for further explanations and the draft text was not modified.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The act amends the annual national ceilings and the annual net ceilings in Annexes II and III of Regulation (EU) No 1307/2013 and the annual breakdown of Union support to rural development set out in Annex I of Regulation (EU) No 1305/2013 following the notifications made by Member States by 1 August 2017 as regards reviews of flexibility between pillars in accordance with the 4<sup>th</sup> subparagraph of Article 14(1) of Regulation (EU) No 1307/2013. No Member State notified a review of the flexibility in accordance with subparagraph 4 of Article 14(2) of Regulation (EU) No 1307/2013.

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<sup>1</sup> OJ L 347, 20.12.2013, p. 608.

<sup>2</sup> OJ L 347, 20.12.2013, p. 487.

#### **4. BUDGETARY IMPLICATIONS**

The proposed adaptation of the annual national ceilings and the annual net ceilings for direct payments in Regulation (EU) No 1307/2013 as well as the corresponding adaptation of the annual breakdown by Member State of the Union support for rural development in Annex I to Regulation (EU) No 1305/2013, reflect the Member States' decisions as notified by 1 August 2017 on the review of flexibility between pillars. The amendments will have a neutral financial impact (in commitment appropriations) for the Union budget.

The total transfer of the amounts from direct payments ceilings for the calendar years 2018-2019 to rural development for the financial years 2019-2020 is increased from EUR 1 121,911 million to EUR 1 857,788 million.

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**amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005<sup>3</sup>, and in particular Article 58(7) thereof,

Having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payment 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<sup>4</sup>, and in particular Articles 6(3) and 7(3) thereof,

Whereas:

- (1) Article 14(1) of Regulation (EU) No 1307/2013 provides that Member States could opt to make a certain percentage of their annual national ceilings for direct payments available as additional support for measures under rural development programming by 31 December 2013 or by 1 August 2014.
- (2) In accordance with the fourth subparagraph of Article 14(1) of Regulation (EU) No 1307/2013, France, Lithuania and the Netherlands notified the Commission by 1 August 2017 of their decision to review, for the 2018 and 2019 calendar years, their previous decision to transfer a certain percentage of their annual national ceilings for direct payments to rural development programming, financed under the European Agricultural Fund for Rural Development (EAFRD).
- (3) It is therefore necessary to adapt Annexes II and III to Regulation (EU) No 1307/2013 in order to incorporate the proposed amendments to the annual national ceilings and the annual net ceilings for direct payments. It is also necessary to adapt Annex I to Regulation (EU) No 1305/2013 in order to reflect these amendments in the corresponding annual breakdown by Member State of the Union support for rural development.
- (4) Annex I to Regulation (EU) No 1305/2013 and Annexes II and III to Regulation (EU) No 1307/2013 should therefore be amended accordingly,

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<sup>3</sup> OJ L 347, 20.12.2013, p. 487.

<sup>4</sup> OJ L 347, 20.12.2013, p. 608.

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EU) No 1305/2013 is replaced by the text in Annex I to this Regulation.

*Article 2*

Annexes II and III to Regulation (EU) No 1307/2013 are replaced by the text in Annex II to this Regulation.

*Article 3*

This Regulation shall enter into force on the third 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, 23.11.2017

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*