



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 May 2013

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COVER NOTE

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| from: | Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director |
| date of receipt: | 25 April 2013 |
| to: | Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union |

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| No Cion doc.: | C(2013) 2315 final |
| Subject: | Commission Delegated Regulation (EU) No .../.. of 25.4.2013 supplementing Council Regulation (EC) No 73/2009 as regards the basis of calculation for reductions to be applied to farmers by Members States due to the adjustment of payments in 2013 and financial discipline for calendar year 2013 |

Delegations will find attached Commission document C(2013) 2315 final.

Encl.: C(2013) 2315 final



Brussels, 25.4.2013
C(2013) 2315 final

COMMISSION DELEGATED REGULATION (EU) No .../..

of 25.4.2013

**supplementing Council Regulation (EC) No 73/2009 as regards the basis of calculation
for reductions to be applied to farmers by Member States due to the adjustment of
payments in 2013 and financial discipline for calendar year 2013**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003¹ empowers the Commission to adopt delegated acts in accordance with Article 11a of Regulation (EC) No 73/2009.

In order to ensure an optimal application of the adjustments of direct payments in 2013 and financial discipline for calendar year 2013 the purpose of this delegated act is to lay down rules concerning the basis of calculation for reductions to be applied to farmers by Member States due to the adjustments of payments in 2013 provided for in Article 10a of Regulation (EC) No 73/2009 and financial discipline provided for in Article 11 of the same Regulation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations, involving experts from all the 27 Member States and from the European Parliament, have been carried within the Expert Group of Direct Payments. A meeting held on 24 January 2013 was 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 a thorough exchange of views on all aspects of the draft. The exercise consisted in clarifying the Commission's approach, hearing experts' views and further refining the draft text accordingly.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The act provides for the application in 2013 of the adjustments referred to in Article 10a of Regulation (EC) No 73/2009 (an adjustment of direct payments in respect of 2013) and in Article 11 of that Regulation (an adjustment for reasons of financial discipline).

In the interest of transparency and predictability, the method of calculation of both adjustments in the process of calculating the amount of the payments to be made to farmers in respect of 2013 corresponds to the method for calculating the reduction due to modulation under Articles 7 and 10 of Regulation (EC) No 73/2009 and to financial discipline under Article 11 of that Regulation as provided for in Article 79(1) of Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector².

¹ OJ L 30, 31.1.2009, p. 16.

² OJ L 316, 2.12.2009, p. 65.

COMMISSION DELEGATED REGULATION (EU) No .../..

of 25.4.2013

supplementing Council Regulation (EC) No 73/2009 as regards the basis of calculation for reductions to be applied to farmers by Member States due to the adjustment of payments in 2013 and financial discipline for calendar year 2013

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003³, and in particular Article 11a thereof,

Whereas:

- (1) Article 10a of Regulation (EC) No 73/2009, which applies as from 1 January 2013, provides for an adjustment of direct payments in respect of 2013. Article 11 of that Regulation provides for an adjustment for reasons of financial discipline. Provision should be made to ensure an optimal application of those adjustments in 2013.
- (2) In the interest of transparency and predictability, it is appropriate that the method of calculation of both adjustments in the process of calculating the amount of the payments to be made to farmers in respect of 2013 corresponds to the method for calculating the reduction due to modulation under Articles 7 and 10 of Regulation (EC) No 73/2009 and to financial discipline under Article 11 of that Regulation as provided for in Article 79(1) of Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector⁴.
- (3) Since this Regulation applies to aid applications in respect of 2013, it should enter into force on the day following that of its publication,

³ OJ L 30, 31.1.2009, p. 16.

⁴ OJ L 316, 2.12.2009, p. 65.

HAS ADOPTED THIS REGULATION:

Article 1

Reductions due to the adjustment of direct payments in 2013 provided for in Article 10a of Regulation (EC) No 73/2009 as well as reductions due to financial discipline provided for in Article 11 of that Regulation for calendar year 2013 shall be applied to the sum of the payments from the different support schemes listed in Annex I to Regulation (EC) No 73/2009 to which each farmer is entitled to after the application of Article 78 of Regulation (EC) No 1122/2009.

Those reductions shall be applied before the reductions provided for in Article 79(2) of Regulation (EC) No 1122/2009 are applied.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply to aid applications in respect of 2013.

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

Done at Brussels, 25.4.2013

For the Commission
The President
José Manuel BARROSO