



Council of the
European Union

Brussels, 23 July 2014
(OR. en)

12136/14

AGRI 511
AGRIFIN 98
DELECT 129

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	18 July 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2014) 4984 final
Subject:	COMMISSION DELEGATED REGULATION (EU) No .../.. of 18.7.2014 amending Annex X to 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

Delegations will find attached document C(2014) 4984 final.

Encl.: C(2014) 4984 final



EUROPEAN
COMMISSION

Brussels, 18.7.2014
C(2014) 4984 final

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

of 18.7.2014

amending Annex X to 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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 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 empowers the Commission to adopt delegated acts in accordance with Article 70 of that Regulation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

During the examination period after the adoption by the Commission of Commission Delegated Regulation (EU) No 639/2014 discussions took place with the European Parliament and the Council. These discussions resulted in a declaration made by the Commission on 2 April 2014 in relation, which states that: *"The Commission undertakes to thoroughly evaluate the experience with the implementation of the obligations on Ecological Focus Areas (EFA) as part of the 'greening' obligations, after the first year of application. [...]. In the meantime, the Commission will adopt a delegated act amending the delegated act on direct payments to increase the EFA weighting factor for areas cultivated with nitrogen fixing crops from 0.3 to 0.7 with application on January 1st 2015."*

The co-legislators eventually did not express objections to the adopted Delegated Regulation (EU) No 639/2014 in the framework of the examination period.

This draft Delegated Regulation follows up on the commitment made by the Commission in its declaration, as regards the EFA weighting factor for nitrogen fixing crops.

Member States have been consulted on this draft Delegated Regulation in the framework of the Experts Group on direct payments – greening (meeting of 6 June 2014).

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 46(9)(c) of Regulation (EU) No 1307/2013 empowers the Commission to adopt delegated acts adapting Annex X of the same Regulation in order to establish the conversion and weighting factors foreseen in this Annex. In accordance with Article 290 of the Treaty on the Functioning of the European Union, this Commission Delegated Regulation amends Annex X of Regulation (EU) No 1307/2013.

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

of 18.7.2014

amending Annex X to 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

THE EUROPEAN COMMISSION,

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 Article 46(9)(c) thereof,

Whereas:

- (1) Chapter 3 of Title III of Regulation (EU) No 1307/2013 establishes the conditions for granting the payment for agricultural practices beneficial for the climate and the environment. Those conditions include rules on ecological focus areas in order to meet objectives of biodiversity.
- (2) In order to simplify the administration of such ecological focus areas and to take account of the characteristics of the different types of areas, Article 46(3) of Regulation (EU) No 1307/2013 provides for the use of conversion and weighting factors.
- (3) Commission Delegated Regulation (EU) No 639/2014² amended Annex X to Regulation (EU) No 1307/2013 in order to establish the relevant conversion and weighting factors referred to in Article 46(3) of that Regulation.
- (4) As a result of the discussions with the European Parliament and the Council on Delegated Regulation (EU) No 639/2014, the Commission undertook to increase the weighting factor for areas with nitrogen-fixing crops as referred to point (j) of the first subparagraph of Article 46(2) of Regulation (EU) No 1307/2013 in order to meet the above-mentioned objectives.
- (5) Annex X to Regulation (EU) No 1307/2013 should therefore be amended accordingly.

¹ OJ L 347, 20.12.2013, p. 608.

² Commission 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, p.1-47).

- (6) This Regulation should apply with respect to aid applications relating to calendar years subsequent to calendar year 2014,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EU) No 1307/2013

In Annex X to Regulation (EU) No 1307/2013, the weighting factor of "0.3" for areas with nitrogen-fixing crops is replaced by "0.7".

Article 2

Entry into force and application

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

It shall apply with respect to aid applications relating to calendar years subsequent to calendar year 2014.

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

Done at Brussels, 18.7.2014

For the Commission
The President
José Manuel BARROSO