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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
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Subject:	COMMISSION DELEGATED REGULATION (EU) No .../.. of 28.5.2015 amending Delegated Regulation (EU) No 639/2014 as regards the eligibility conditions in relation to the identification and registration requirements for animals for coupled support under Regulation (EU) No 1307/2013 of the European Parliament and of the Council

Delegations will find attached document C(2015) 3462 final.

Encl.: C(2015) 3462 final



EUROPEAN
COMMISSION

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

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amending Delegated Regulation (EU) No 639/2014 as regards the eligibility conditions in relation to the identification and registration requirements for animals for coupled support under Regulation (EU) No 1307/2013 of the European Parliament and of the Council

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The draft Delegated Regulation aims at amending Commission Delegated Regulation (EU) No 639/2014 in view of introducing certain flexibility into the provision relating to the identification and registration requirements applicable in the case where the voluntary coupled support provided for in Article 52 of Regulation (EU) No 1307/2013 is implemented for animals. That flexibility is introduced for both bovines and sheep and goats for the sake of consistency.

In view of the fact that the voluntary coupled support is applicable since 1 January 2015, this change applies retroactively.

The purpose of the proposal is to solve a purely technical problem which is consistent with the Commission's role of providing technical assistance to the Member States for the management of the scheme.

The granting of animal coupled direct support is conditioned upon the respect of identification and registration (I&R) requirements provided for in Regulations (EC) No 1760/2000 and (EC) No 21/2004. As confirmed by the Court of Justice in Case C-45/05¹ in 2007, any animal not identified and registered according to those regulations should be excluded from the payment of coupled support for its lifetime, irrespective of who is responsible of the non-compliance with I&R requirements or if the failure has been corrected afterwards.

In view of the need to ensure proportionality, up to 2014, the rules on direct support provided for a flexibility in the context of EU beef and veal payments allowing considering eligible for payments animals identified and registered correctly from the first day of the retention period (i.e. period during which the farmer must keep the animal on the holding in order to be granted the premium). This flexibility has not been transposed into the relevant provision of Regulation (EU) No 639/2014 by omission in the context of the abolition of those payments.

It is worth noting that 20 Member States (of 23 having notified VCS-animal schemes) have asked the Commission to amend Delegated Regulation (EU) No 639/2014 in order to introduce the flexibility formerly applicable.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The draft Delegated Regulation has been presented to the Member States in the framework of the expert group for direct payments held on 25.03.2015. The discussion raised comments from the Member States in particular in respect of the fact that the draft presented provided for two dates: the deadline for lodging the aid applications or, in those Member States where the retention period started before that deadline, the first day of the retention period. Member States highlighted that the existing flexibility fixed the date by which the identification and registration requirements needed to be fulfilled on the first day of the retention period even where such period started after the deadline for lodging the aid application. The final draft that was circulated on 09.04.2015 re-established the existing flexibility. It raised no further substantial comments.

¹ Judgement of 24 May 2007, Maatschap Schonewille-Prins (ECR [2007], p. I-3997).

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Pursuant to Article 52(9) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council, the Commission shall be empowered to adopt delegated acts laying down in particular the conditions for granting coupled support.

On this basis, Article 53(4) of Commission Delegated Regulation (EU) No 639/2014 provides that where the coupled support measure concerns bovine animals and/or sheep and goats, Member States shall define as eligibility condition for the support the requirements to identify and register animals provided for in Regulations (EC) No 1760/2000 or No 21/2004 respectively.

The proposed Delegated Regulation amends Article 53(4) of Commission Delegated Regulation (EU) No 639/2014.

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amending Delegated Regulation (EU) No 639/2014 as regards the eligibility conditions in relation to the identification and registration requirements for animals for coupled support under Regulation (EU) No 1307/2013 of the European Parliament and of the Council

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 73/2009², and in particular Article 52(9)(a) thereof,

Whereas:

- (1) Pursuant to Article 52 of Regulation (EU) No 1307/2013 Member States may grant coupled support to farmers under the conditions laid down in Chapter 1 of Title IV of that Regulation and in a delegated act to be adopted by the Commission.
- (2) In accordance with Article 53(4) of Commission Delegated Regulation (EU) No 639/2014³, where the coupled support measure concerns bovine animals and/or sheep and goats, Member States have to define as an eligibility condition for the support, the requirements to identify and register animals provided for in Regulation (EC) No 1760/2000 of the European Parliament and of the Council⁴ or Council Regulation (EC) No 21/2004⁵ respectively. As a consequence, an animal not complying with those identification and registration requirements once will remain ineligible for voluntary coupled support for its whole life, regardless the correction of the failure afterwards.

² OJ L 347, 20.12.2013, p. 608.

³ 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, 20.6.2014, p. 1).

⁴ Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1).

⁵ Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8).

- (3) In order to remedy such situations, Article 117 of Council Regulation (EC) No 73/2009⁶ provided that in the case of beef and veal payments an animal was to be considered as eligible if the information required was made available to the competent authority on the first day of the retention period of the animal.
- (4) Due to the fact that beef and veal payments have been abolished and given that the retention period is no longer an eligibility condition for voluntary coupled support, Article 53(4) of Delegated Regulation (EU) No 639/2014 does not contain a similar provision.
- (5) However, in order to ensure proportionality and without prejudice to other applicable eligibility conditions fixed by the Member State, bovine animals should be considered as eligible for support as long as the identification and registration requirements are complied with by a certain date. For the sake of consistency, that rule should also apply in the case of sheep and goats.
- (6) This Regulation should apply with respect to livestock aid applications relating to calendar year 2015 and subsequent years,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 53(4) of Delegated Regulation (EU) No 639/2014, the following subparagraphs are added:

"However, without prejudice to other eligibility conditions, an animal shall also be deemed eligible for support where the identification and registration requirements referred to in the first subparagraph are met by a date to be fixed by the Member State which shall not be later than:

- (a) the first day of the retention period of the animal, where a retention period is applied;
- (b) a date chosen on the basis of objective criteria and consistent with the corresponding measure notified in accordance with Annex I, where no retention period is applied.

By 15 September 2015, Member States shall notify the Commission of the dates referred to in the second subparagraph.

⁶ 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 1782/2003 (OJ L 30, 31.1.2009, p. 16).

Article 2

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 from 1 January 2015.

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

Done at Brussels, 28.5.2015

For the Commission
The President
Jean-Claude JUNCKER