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#### COVER NOTE

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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	21 January 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 21.1.2026 amending Delegated Regulation (EU) 2022/126 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 conditions (GAEC) standard 1
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Delegations will find attached document C(2026) 371 final.

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Encl.: C(2026) 371 final



EUROPEAN  
COMMISSION

Brussels, 21.1.2026  
C(2026) 371 final

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

**of 21.1.2026**

**amending Delegated Regulation (EU) 2022/126 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 conditions (GAEC) standard 1**

{SWD(2026) 4 final}

## **EXPLANATORY MEMORANDUM**

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

Commission Delegated Regulation (EU) 2022/126 was published on 31 January 2022 and entered into force on 1 February 2022. Following the insights gained by the Commission services through the assessment of the CAP Strategic Plans submitted by Member States and of their subsequent amendments, some simplifications of the provisions of this Regulation have appeared to be necessary in order to ensure a smooth implementation of the Plans.

Regulation (EU) 2025/2649 of the European Parliament and of the Council has amended Regulation (EU) 2021/2115 with regard to rules on permanent grassland, requiring adjustments in this Regulation.

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

Consultations, involving experts from all the 27 Member States, have been carried out within the Expert Group on the implementation of the CAP Strategic Plans established under Regulation (EU) 2021/2115, in particular during the meetings of 29th September, 10th October and 21st November 2025. These meetings allowed for a presentation of the Commission's ideas on the scope of the delegated act and on the necessary modifications of Articles 2, 3, 22, 25, 26, 27, 28, 29, 32a, 33 and 48 and Annexes I, V and VII of Delegated Regulation (EU) 2022/126, as well as an exchange of views with the experts. The delegated act was then refined taking into account the observations and comments of the experts.

Following the four-week public consultation on the European Commission portal 'Have your say', which started on 17 December 2025 and ended on 14 January 2026, the Commission received 11 contributions. Five comments related to hemp, in particular on controls. Further reduction or elimination of controls could lead to frauds and was therefore not included. Two comments related to market withdrawals underlying the under-compensation granted to producer organisations in case of market withdrawals. Market withdrawals are risk prevention and crisis management interventions, which shall neither over-compensate producer organisations nor create new outlets for producer organisations. One comment welcomed the simplification introduced for GAECs. Two comments were not directly related to the Delegated act, and one comment was incomplete. Finally, some comments were outside the scope of the simplification purposes of these legal modifications. No amendments were included following the consultation.

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

This delegated act amends Articles 2, 3, 22, 25, 26, 27, 28, 29, 32a, 33 and 48 and Annexes I, V and VII.

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

of 21.1.2026

## amending Delegated Regulation (EU) 2022/126 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 conditions (GAEC) standard 1

THE EUROPEAN COMMISSION,

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

Having regard to 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<sup>1</sup>, and in particular Article 4(8), Article 13(3) and Article 45, points (a), (c) and (d), thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2022/126<sup>2</sup> lays down rules making the granting of payments conditional upon the use of certified seeds of certain hemp varieties, as well as the verification of their tetrahydrocannabinol content. Experience has shown that control procedures can be simplified without compromising the reliability of the results. Therefore, Articles 2 and 3 and Annex I to that Delegated Regulation should be modified to give Member States more flexibility in terms of deadlines for verifying compliance with hemp-related legal requirements and to allow the control rates to be decreased for the purpose of reducing administrative costs. In addition, the requirements for records to be kept by the competent authorities of the Member States related to findings on the Tetrahydrocannabinol (THC) content should be clarified.
- (2) Delegated Regulation (EU) 2022/126 also provides for additional requirements for the design of types of interventions in certain agriculture sectors as referred to in Chapter III of Title III of Regulation (EU) 2021/2115. However, it has been found that some of those requirements could be simplified in order to strike a better balance between the need to regulate and harmonise the design of those types of interventions and the smooth implementation of the CAP Strategic Plans.
- (3) Article 50(7), point (d), of Regulation (EU) 2021/2115 limits the expenditure for interventions under the type of interventions ‘market withdrawals for free distribution or other destinations’, ‘green harvesting’ and ‘non-harvesting’ to one third of the total

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<sup>1</sup> OJ L 435, 6.12.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/2115/oj>.

<sup>2</sup> 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, ELI: [http://data.europa.eu/eli/reg\\_del/2022/126/oj](http://data.europa.eu/eli/reg_del/2022/126/oj)).

expenditure of each operational programme. In the context of market withdrawals, this limit aims at avoiding that producer organisations deliberately decide not to place on the market particular quantities of products during certain periods with a view to creating an alternative market outlet. In order to clarify how the limit should be calculated, Article 22 of Delegated Regulation (EU) 2022/126 should be amended.

- (4) Articles 25 to 29 and 33 and Annexes V and VII to Delegated Regulation (EU) 2022/126 contain specific rules applicable to the fruit and vegetables sector, to the olive oil and table olive sector, and to the other sectors referred to in Article 42, point (f), of Regulation (EU) 2021/2115, relating to market withdrawal for free distribution or other destinations. Those rules concern in particular the types of expenditure, transport costs, conditioning requirements, support for market withdrawals, destinations for withdrawn products, conditions for the recipients of withdrawn products and marketing standards of withdrawn products. Some of these conditions, such as the conditioning costs for market withdrawals in the fruit and vegetables sector, are outdated and do not account for the extraordinary high inflation surges that have affected all Member States in recent years. Therefore, and in order to alleviate the administrative burden for Member States, beneficiaries and recipients of withdrawn products, Articles 27, 28 and 33 and Annex VII to Delegated Regulation (EU) 2022/126 should be deleted, whereas Articles 25, 26 and 29 of that Delegated Regulation should be substantially simplified. The Title of Annex V to Delegated Regulation (EU) 2022/126 should be also modified to reflect the amendment to Article 26 thereof.
- (5) Article 32a of Delegated Regulation (EU) 2022/126 provides for rules applicable to types of interventions implemented by transnational producer organisations and transnational associations of producer organisations. However, that Article does not specify the Member State responsible for the approval of the operational programmes implemented by such organisations. Article 14(3), point (b), and Article 21(3), point (b), of Commission Delegated Regulation (EU) 2017/891<sup>3</sup>, respectively, provide that, for transnational producer organisations and transnational associations of producer organisations in the fruit and vegetables sector, the Member State in which the head office of the organisation is located is to be responsible for the approval of the respective operational programme. However, Commission Delegated Regulation (EU) 2025/2184<sup>4</sup> deletes Article 14(3), point (b), and Article 21(3), point (b), of Delegated Regulation (EU) 2017/891. In order to avoid a legal gap after the deletion of the rules applicable to transnational producer organisations and associations of producer organisation in the fruit and vegetable sector and to provide legal certainty for such organisations implementing operational programmes in other sectors, Article 32a of Delegated Regulation (EU) 2022/126 should be amended to provide for rules identical to those previously laid down in Article 14(3), point (b), and Article 21(3), point (b), of Delegated Regulation (EU) 2017/891.

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<sup>3</sup> Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4, ELI: [http://data.europa.eu/eli/reg\\_del/2017/891/oj](http://data.europa.eu/eli/reg_del/2017/891/oj)).

<sup>4</sup> Commission Delegated Regulation (EU) 2025/2184 of 10 September 2025 amending Delegated Regulations (EU) 2016/232 and (EU) 2017/891 as regards certain rules on producer organisations, notification obligations of producer prices and implementation of certain import mechanisms in the fruit and vegetables sector (OJ L, 2025/2184, 4.12.2025, ELI: [http://data.europa.eu/eli/reg\\_del/2025/2184/oj](http://data.europa.eu/eli/reg_del/2025/2184/oj)).

- (6) Regulation (EU) 2025/2649 of the European Parliament and of the Council<sup>5</sup> has amended Regulation (EU) 2021/2115 by replacing the limit of 5 % of the maximum decrease of the permanent grassland ratio compared to the reference year 2018 by a limit of 10 % and by excluding from the application of the conditionality system small farmers receiving payments under Article 28 of Regulation (EU) 2021/2115. Article 48 of Delegated Regulation (EU) 2022/126 should therefore be amended to reflect those amendments.
- (7) Article 4(3), point (c), of Regulation (EU) 2021/2115 lays down the definition of ‘permanent grassland’. Regulation (EU) 2025/2649 has amended that definition as regards the number of years following which land that is used to grow grasses or other herbaceous forage becomes permanent grassland for the purposes of that Regulation. Article 48(5) of Delegated Regulation (EU) 2022/126 lays down rules concerning areas reconverted to permanent grassland and areas newly established as permanent grassland and refers to the definition of ‘permanent grassland’. It should therefore be amended to reflect the definition of permanent grassland as amended by Regulation (EU) 2025/2649.
- (8) Delegated Regulation (EU) 2022/126 should therefore be amended accordingly.
- (9) In order to ensure the smooth implementation of the envisaged interventions and allow for appropriate planning by farmers and consideration by competent authorities, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (10) The amendments provided for in Article 1(3) to (8), (10), (13) and (14) of this Regulation should apply to operational programmes approved by Member States, which are implemented on the basis of calendar years, running from 1 January to 31 December. To ensure effective and consistent implementation of the operational programmes, including a timely approval of the necessary amendments of those operational programmes, those amendments to Delegated Regulation (EU) 2022/126 should apply as from 1 January 2027.
- (11) To avoid a legal gap concerning the rules applicable to the approval of operational programmes implemented by transnational producer organisations and transnational association of producer organisations, the amendment to Article 32a of Delegated Regulation (EU) 2022/126 should apply as from the date of application of Delegated Regulation (EU) 2025/2184,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

#### **Amendments to Delegated Regulation (EU) 2022/126**

Delegated Regulation (EU) 2022/126 is amended as follows:

- (1) Article 2 is replaced by the following:

#### *‘Article 2*

#### **Additional eligibility requirements**

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<sup>5</sup> Regulation (EU) 2025/2649 of the European Parliament and of the Council of 19 December 2025 amending Regulation (EU) 2021/2115 as regards the conditionality system, types of intervention in the form of direct payment, types of intervention in certain sectors and rural development and annual performance reports and Regulation (EU) 2021/2116 as regards suspensions of payments, annual performance clearance and controls and penalties (OJ L, 2025/2649, 31.12.2025, ELI <http://data.europa.eu/eli/reg/2025/2649/oj>).

Member States shall make the granting of payments for the production of hemp conditional upon the use of seeds of hemp varieties which fulfil the following requirements:

- (a) they are listed in the Common Catalogue of Varieties of Agricultural Plant Species on 15 March of the year in respect of which the payment is granted or, if a Member State so decides, before expiry of the deadline set by the Member State concerned pursuant to Article 3(2) of Commission Implementing Regulation (EU) 2022/1173\*, and published in accordance with Article 17 of Council Directive 2002/53/EC\*\*;
- (b) their  $\Delta$ 9-tetrahydrocannabinol content (hereinafter referred to as ‘THC content’) did not exceed for two consecutive years the limit as laid down in Article 4(4), second subparagraph, of Regulation (EU) 2021/2115;
- (c) they are certified in accordance with Council Directive 2002/57/EC\*\*\* or in accordance with Article 10 of Commission Directive 2008/62/EC\*\*\*\* in the case of conservation varieties.

\* Commission Implementing Regulation (EU) 2022/1173 of 31 May 2022 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy (OJ L 183, 8.7.2022, p. 23, ELI: [http://data.europa.eu/eli/reg\\_impl/2022/1173/oj](http://data.europa.eu/eli/reg_impl/2022/1173/oj)).

\*\* Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1, ELI: <http://data.europa.eu/eli/dir/2002/53/oj>).

\*\*\* Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74, ELI: <http://data.europa.eu/eli/dir/2002/57/oj>).

\*\*\*\* Commission Directive 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties (OJ L 162, 21.6.2008, p. 13, ELI: <http://data.europa.eu/eli/dir/2008/62/oj>);

(2) in Article 3, paragraph 2 is replaced by the following:

‘2. The competent authority of the Member State shall keep the records related to findings on the THC content. Such records shall comprise, for each variety, at least the results in terms of THC content from each sample expressed in percentage to two decimal places, the procedure used, the number of tests carried out, the percentage of area verified in respect of the area declared, an indication of the point at which the sample was taken and measures taken at national level.’;

(3) in Article 22, the following paragraph is added:

‘6. By way of derogation from paragraph 5, the limit of one third of the total expenditure for interventions as referred to in Article 50(7), point (d), of Regulation (EU) 2021/2115, shall be calculated taking into account the total expenditure in the given calendar year of implementation of the operational programme concerned.’;

(4) Article 25 is replaced by the following:

*‘Article 25*

## **Transport costs of products withdrawn from the market for free distribution or other destinations and conditioning requirement for free distribution**

1. When Member States include in their CAP Strategic Plans, interventions in the form of ‘market withdrawal for free-distribution or other destinations’ referred to in Article 47(2), point (f), of Regulation (EU) 2021/2115, they shall fix the costs of transport of all products withdrawn from the market for free distribution or other destinations under operational programmes on the basis of scale of unit costs set according to the distance between the place of withdrawal and the place of delivery for free distribution. Only transport costs up to a distance of 750 km can be reimbursed.
2. The transport costs shall be paid to the party that actually bears the financial cost of the transport operation in question.
3. Packages of products withdrawn from the market for free distribution under operational programmes shall display the Union emblem together with one or more of the statements set out in Annex IV.’;
- (5) in Title III, Chapter II, the title of Section 2 is replaced by the following:  
‘Specific rules applicable to market withdrawals for free distribution or other destinations’;
- (6) Article 26 is replaced by the following:

### *Article 26*

#### **Support**

1. For the type of intervention ‘market withdrawal for free distribution or other destinations’ referred to in Article 47(2), point (f), of Regulation (EU) 2021/2115, in relation to fruit and vegetables listed in Annex V to this Regulation, the transport costs as referred to in Article 25(1) of this Regulation and, in case of products withdrawn for free distribution, the conditioning costs, added to the amount of the maximum amount of support for market withdrawals set out in Annex V to this Regulation, comprising both the Union financial assistance and the contribution of the producer organisation, association of producer organisations, transnational producer organisation, transnational association of producer organisations or producer group, shall not exceed 90 % of the average ‘ex-producer organisation’ market price of the product concerned at fresh stage for the previous last three years.
2. For the type of intervention ‘market withdrawal for free distribution or other destinations’ referred to in Article 47(2), point (f), of Regulation (EU) 2021/2115, in relation to products other than those listed in Annex V to this Regulation, Member States shall set maximum amounts of support, comprising both the Union financial assistance and the contribution of the producer organisation, association of producer organisations, transnational producer organisation, transnational association of producer organisations or producer group, as follows:
  - (a) for free distribution: at a level not exceeding 40 % of the average ‘ex-producer organisation’ market price of the product concerned at fresh stage for the previous five years;
  - (b) for destinations other than free distribution: at a level not exceeding 30 % of the average ‘ex-producer organisation’ market price for the previous five years.

Expenditure incurred for transport costs as referred to in Article 25(1) and, in case of products withdrawn for free distribution, for conditioning costs, shall be reimbursed in addition to the support for market withdrawals.

3. Where the producer organisation, association of producer organisations, transnational producer organisation, transnational association of producer organisations or producer group has received compensation from third parties for withdrawn products, the support referred to in paragraphs 1 and 2 shall be reduced by an amount equivalent to the compensation received. In order to be eligible for support, the products concerned shall not enter again the commercial market.
4. Member States may authorise payment in kind by the beneficiaries of free distribution to processors of products withdrawn from the market and undergoing processing, where such payment only compensates for processing costs.’;
- (7) Articles 27 and 28 are deleted;
- (8) Article 29 is replaced by the following:

*‘Article 29*

### **Marketing standards of withdrawn products**

1. A product withdrawn from the market for destinations other than free distribution, in the sectors referred to in Article 42, points (a), (e) and (f), of Regulation (EU) 2021/2115, shall comply with the relevant standard and rules for the marketing of that product as referred to in Regulation (EU) No 1308/2013, except the rules on the presentation and marking of products.
2. If a specific marketing standard is not laid down for a given fruit or vegetable, the minimum requirements set out in Annex VI shall be met.’;
- (9) in Article 32a, the following subparagraph is added:  
‘The Member State in which the head office of the transnational producer organisation or the transnational association of producer organisations is located shall be responsible for the approval of the operational programmes implemented by the transnational producer organisation or the transnational association of producer organisations.’;
- (10) Article 33 is deleted;
- (11) Article 48 is amended as follows:
  - (a) in paragraph 1, the first subparagraph is replaced by the following:  
‘For the maintenance of permanent grassland in relation with GAEC standard 1 as listed in Annex III to Regulation (EU) 2021/2115, Member States shall ensure that the ratio of permanent grassland in relation to agricultural area does not decrease by more than 10 % compared to a reference ratio to be established by each Member State in its CAP Strategic Plan by dividing areas of permanent grassland by the total agricultural area.’;
  - (b) in paragraph 2, the following third subparagraph is added:  
‘The permanent grassland areas and the agricultural areas declared by farmers receiving payments under the small farmer scheme referred to in Article 28 of Regulation (EU) 2021/2115 shall not be taken into account in the calculation of the ratio of permanent grassland to the total agricultural area and in the calculation of the reference ratio.’;
  - (c) paragraph 3 is amended as follows:

(i) the first subparagraph is replaced by the following:

‘Where it is established that the ratio referred to in paragraph 2 has decreased by more than 10 % at the level at which the GAEC standard 1 is implemented, the Member State concerned shall impose obligations at holding level to reconvert land into permanent grassland or to establish an area of permanent grassland for some or all of the farmers who have land at their disposal which was converted from permanent grassland into land for other uses during a period in the past.’;

(ii) in the third subparagraph, point (b) is replaced by the following:

‘(b) where, and to the extent that, the decrease of the ratio of permanent grassland in a given year by more than 10 %, at the level at which GAEC standard 1 is implemented, is not caused by an increase in the total agricultural area declared in that same year.’;

(d) in paragraph 4, first subparagraph, the introductory sentence is replaced by the following:

‘Paragraph 3, first subparagraph shall not apply where the decrease below the threshold of 10 % is the result of.’;

(e) paragraph 5 is replaced by the following:

‘5. For the purpose of calculating the ratio referred to in paragraph 2, areas reconverted into permanent grassland or established as permanent grassland in accordance with paragraph 3, or established as permanent grassland as part of the Member States implementation of GAEC standard 1, shall be considered as permanent grassland as of the first day of the reconversion or establishment. Those areas shall be used to grow grasses or other herbaceous forage in compliance with the definition provided for in Article 4(3), point (c), of Regulation (EU) 2021/2115, at least for five consecutive years or more, or where Member States so decide in accordance with Article 4(3), point (c), of Regulation (EU) 2021/2115, for at least seven consecutive years or more, following the reconversion or establishment, or for areas already used to grow grasses or other herbaceous forage, for the remaining number of years to reach five consecutive years or more, or, as applicable, seven consecutive years or more.’;

(12) in Annex I, points 1.1 and 1.2 are replaced by the following:

#### *1.1 Procedure A*

Procedure A shall be used for checks on the production of hemp.

In accordance with Article 60 of Regulation (EU) 2021/2116, the Member State shall determine the minimum percentage of the on-the-spot checks, which shall cover at least 15 % of the areas declared for the production of hemp in accordance with Article 8 of Implementing Regulation (EU) 2022/1173.

#### *1.2 Procedure B*

Procedure B shall be used where a Member State introduces a system of prior approval for the cultivation of hemp.

In accordance with Article 60 of Regulation (EU) 2021/2116, the Member State shall determine the minimum percentage of the on-the-spot checks, which shall cover at least 10 % of the areas declared for the production of hemp in accordance with Article 8 of Implementing Regulation (EU) 2022/1173.’;

(13) the title of Annex V is replaced by the following:

‘Maximum amounts of support for market withdrawals referred to in Article 26(1)’;

(14) Annex VII is deleted.

*Article 2*

**Entry into force and application**

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

Article 1, points (3) to (8), (10), (13) and (14), shall apply as from 1 January 2027.

Article 1, point (9), shall apply as from 24 December 2025.

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

Done at Brussels, 21.1.2026

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*