

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2022/1408

of 16 June 2022

**amending Regulation (EU) 2021/2116 of the European Parliament and of the Council as regards the payment of advances for certain interventions and support measures provided for in Regulations (EU) 2021/2115 and (EU) No 1308/2013 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) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 <sup>(1)</sup>, and in particular Article 44(4) thereof,

Whereas:

- (1) Article 44 of Regulation (EU) 2021/2116 provides for the possibility for Member States to pay advances to beneficiaries of certain interventions and other support measures. Regulation (EU) No 1308/2013 of the European Parliament and of the Council <sup>(2)</sup> already provides for that possibility but only for interventions in the sectors of fruit and vegetables, wine, olive oil and table olive.
- (2) In order to ensure the coherent and non-discriminatory payment of advances, the possibility to pay advances should be extended to all the interventions referred to in Title III, Chapter III, of Regulation (EU) 2021/2115 of the European Parliament and of the Council <sup>(3)</sup>.
- (3) For that same reason, the possibility for Member States to pay advances should be extended to the aid scheme for the supply of fruit and vegetables and of milk and milk products in educational establishments laid down in Part II, Title I, Chapter II, Section 1, of Regulation (EU) No 1308/2013. The payment of those advances should be subject to the specific conditions laid down pursuant to Article 44(5) of Regulation (EU) 2021/2116. Considering that the administration and implementation of that aid scheme is based on school years, as defined in Article 1(2) of Commission Implementing Regulation (EU) 2017/39 <sup>(4)</sup>, the system of advance payments should apply to aid for school year 2023/2024 and subsequent school years.

<sup>(1)</sup> OJ L 435, 6.12.2021, p. 187.

<sup>(2)</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

<sup>(3)</sup> 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 (OJ L 435, 6.12.2021, p. 1).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2017/39 of 3 November 2016 on rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments (OJ L 5, 10.1.2017, p. 1).

- (4) Exceptional measures supporting agricultural markets in accordance with Articles 219 to 221 of Regulation (EU) No 1308/2013 aim at solving specific market problems or disturbances. Those exceptional measures can take the form of extraordinary and temporary Union financial support to the impacted sectors. The current rules do not allow Member States to pay advances of such support. However, experience shows that exceptional market support measures must take immediate effect in order to avoid irremediable market deterioration. It is therefore appropriate to allow Member States to pay advances to beneficiaries of those exceptional market support measures, subject to the specific conditions laid down pursuant to Article 44(5) of Regulation (EU) 2021/2116.
- (5) Regulation (EU) 2021/2116 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 44 of Regulation (EU) 2021/2116, the following paragraphs 3a, 3b and 3c are inserted:

3a. Member States may decide to pay advances to beneficiaries of the interventions referred to in Title III, Chapter III, of Regulation (EU) 2021/2115, subject to the specific conditions laid down pursuant to paragraph 5.

3b. Member States may decide to pay advances under the aid scheme laid down in Part II, Title I, Chapter II, Section 1, of Regulation (EU) No 1308/2013 in respect of aid for school year 2023/2024 and subsequent school years, subject to the specific conditions laid down pursuant to paragraph 5.

3c. Member States may decide to pay advances to beneficiaries of measures supporting agricultural markets adopted under Articles 219, 220 and 221 of Regulation (EU) No 1308/2013, subject to the specific conditions laid down pursuant to paragraph 5.

*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*.

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

Done at Brussels, 16 June 2022.

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

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