

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1295**of 4 August 2021****derogating in respect of the year 2021 from Article 75(1), third subparagraph, of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the level of advance payments for direct payments and area-related and animal-related rural development measures**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 75(3) thereof,

Whereas:

- (1) Pursuant to Article 75(1), third subparagraph, of Regulation (EU) No 1306/2013, from 16 October to 30 November Member States may pay advances of up to 50 % for direct payments under Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽²⁾ and prior to 1 December they may pay advances of up to 75 % for area-related and animal-related support measures under Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽³⁾.
- (2) Due to the crisis resulting from the COVID-19 pandemic in the Member States, farmers have encountered exceptional economic and financial difficulties. Considering the specific vulnerability of those economic operators and in order to mitigate financial and cash flow consequences of that crisis, Commission Implementing Regulation (EU) 2020/531 ⁽⁴⁾ provided for a derogation from Article 75(1), third subparagraph, of Regulation (EU) No 1306/2013 by allowing Member States to pay a higher level of advances to beneficiaries for the year 2020. As the COVID-19 pandemic still persists in 2021 and farmers are still facing economic disruptions, Member States should be allowed to continue paying increased advance payments in respect of claim year 2021.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds, the Committee for Direct Payments and the Rural Development Committee,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 75(1), third subparagraph, of Regulation (EU) No 1306/2013, in respect of claim year 2021 Member States may pay advances of up to 70 % for the direct payments listed in Annex I to Regulation (EU) No 1307/2013 and of up to 85 % for the support granted under rural development as referred to in Article 67(2) of Regulation (EU) No 1306/2013.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ 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 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽³⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/531 of 16 April 2020 derogating in respect of the year 2020 from the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the level of advance payments for direct payments and area-related and animal-related rural development measures and from the first subparagraph of Article 75(2) of that Regulation as regards direct payments (OJ L 119, 17.4.2020, p. 1).

Article 2

This Regulation shall enter into force on the third 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, 4 August 2021.

For the Commission
The President
Ursula VON DER LEYEN
