COMMISSION IMPLEMENTING REGULATION (EU) 2022/2532

of 1 December 2022

amending Implementing Regulation (EU) 2017/892 and repealing Regulation (EU) No 738/2010 and Implementing Regulations (EU) No 615/2014, (EU) 2015/1368 and (EU) 2016/1150 applicable to aid schemes in certain agricultural sectors

THE EUROPEAN COMMISSION,

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

Having regard to 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 ([1]), and in particular Articles 31, 38, 54, Article 57, first subparagraph, points (a) and (c), Article 60, and Article 174(1), point (d), and Article 223(3) thereof,

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 ([2]), and in particular Articles 58(4), points (a) and (b), 62(2), points (a) to (d) and (h), and Articles 63(5), 64(7), 66(4) and 106(5) thereof,

Whereas:

(1) Regulation (EU) 2021/2115 of the European Parliament and of the Council ([3]) lays down a new legal framework for the common agricultural policy (CAP) to improve its delivery on the Union's objectives set out in the Treaty on the Functioning of the European Union. That Regulation further specifies these Union objectives to be achieved by the CAP and defines the types of intervention as well as the common Union requirements applicable to Member States, while leaving flexibility for Member States in the design of the interventions to be provided in their CAP Strategic Plans for the period 1 January 2023 to 31 December 2027.

(2) Regulation (EU) 2021/2115 sets out all types of intervention in certain agricultural sectors referred to in Regulation (EU) No 1308/2013. As a consequence, Regulation (EU) 2021/2117 of the European Parliament and of the Council ([4]) deletes the provisions on aid in the olive oil and table olive sector, in the fruit and vegetables sector, in the wine sector, in the apiculture sector and in the hops sector laid down in Regulation (EU) No 1308/2013 with effect from 1 January 2023.

([1]) OJ L 347, 20.12.2013, p. 671.

([2]) OJ L 347, 20.12.2013, p. 549.

([3]) 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).

([4]) Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262).

(3) In that context, the Commission has adopted additional requirements pursuant to Regulation (EU) 2021/2115 for the design of the interventions to be specified in the CAP Strategic Plans, namely by Commission Delegated Regulation (EU) 2022/126 ([5]). That Delegated Regulation replaces the rules currently laid down in Commission Regulation (EU) No 738/2010 ([6]), as well as in Commission Implementing Regulations (EU) No 615/2014 ([7]), (EU) 2015/1368 ([8]), (EU) 2016/1150 ([9]) and (EU) 2017/892 ([10]).

(4) Those Regulations contain certain provisions related to checks, controls, penalties, securities as regards aid in the olive oil and table olives sector, the fruit and vegetables sector, in the apiculture sector, in the wine sector and in the hops sector that were adopted on the basis of Regulation (EU) No 1306/2013.

(5) Regulation (EU) 2021/2116 of the European Parliament and of the Council ([11]) lays down rules on the financing, management and monitoring of the common agricultural policy and repeals Regulation (EU) No 1306/2013. In accordance with the approach introduced by Regulation (EU) 2021/2115 for the delivery of the Union objectives, that Regulation also leaves more flexibility to Member States, in particular as regards the checks and controls to be carried out and the penalties to be imposed.

(6) Consequently, the relevant Articles of, and Annexes to, Implementing Regulation (EU) 2017/892 should be deleted with effect from 1 January 2023. However, in accordance with Article 5(4) and (6), point (c), of Regulation (EU) 2021/2117 and in accordance with Article 104(1), point (a)(ii) and (iii), of Regulation (EU) 2021/2116, they should continue to apply as regards expenditure incurred and payments made for operations implemented before 1 January 2023 within the aid scheme in the fruit and vegetables sector and as regards operational programmes that continue to operate until their end, including those operational programmes which Member States have approved in 2022 in accordance with Regulation (EU) No 1308/2013 and Commission Delegated Regulation (EU) 2017/891 ([12]) before 1 January 2023.

(7) Implementing Regulations (EU) No 615/2014 and (EU) 2015/1368 should be repealed with effect from 1 January 2023. However, in accordance with Article 5(4) of Regulation (EU) 2021/2117, they should continue to apply as regards expenditure incurred and payments made for operations implemented before 1 January 2023 within the aid schemes in the olive oil and table olives sector and the apiculture sector, respectively.

([5]) 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).

([6]) Commission Regulation (EU) No 738/2010 of 16 August 2010 laying down detailed rules on payments to German producer organisations in the hops sector (OJ L 216, 17.8.2010, p. 11).

([7]) Commission Implementing Regulation (EU) No 615/2014 of 6 June 2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors (OJ L 168, 7.6.2014, p. 95).

([8]) Commission Implementing Regulation (EU) 2015/1368 of 6 August 2015 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to aid in the apiculture sector (OJ L 211, 8.8.2015, p. 9).

([9]) Commission Implementing Regulation (EU) 2016/1150 of 15 April 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector (OJ L 190, 15.7.2016, p. 23).

([10]) Commission Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of 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 (OJ L 138, 25.5.2017, p. 57).

([11]) 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 (OJ L 435, 6.12.2021, p. 187).

([12]) 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).

(8) In accordance with Article 5(7) of Regulation (EU) 2021/2117, Implementing Regulation (EU) 2016/1150 should be repealed with effect from 16 October 2023 and continue to apply as regards expenditure incurred and payments made for operations implemented before 16 October 2023 within the support programmes in the wine sector and as regards expenditure incurred and payments made for operations implemented pursuant to Articles 46 and 50 of Regulation (EU) No 1308/2013 before 16 October 2025, provided that the conditions set out in Article 5(7) of Regulation (EU) 2021/2117 have been fulfilled.

(9) Regulation (EU) No 738/2010 should be repealed with effect from 1 January 2023. However, in accordance with Article 5(5) of Regulation (EU) 2021/2117, it should continue to apply as regards expenditure incurred and payments made before 1 January 2023 within the aid scheme in the hops sector.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2017/892 and transitional provisions

Articles 2 to 21 and Articles 25 to 35 of Implementing Regulation (EU) 2017/892 and Annexes I to VI to that Regulation are deleted with effect from 1 January 2023.

However, those deleted Articles and Annexes shall continue to apply:

(a) as regards expenditure incurred and payments made for operations implemented before 1 January 2023 within the aid scheme referred to Articles 32 to 38 of Regulation (EU) No 1308/2013;

(b) as regards operational programmes that continue to operate until their end under the conditions applicable under Regulation (EU) No 1308/2013 in accordance with Article 5(6), point (c), of Regulation (EU) 2021/2117 or that Member States have approved in accordance with Regulation (EU) No 1308/2013 and Regulation (EU) 2017/891 before 1 January 2023.

Article 2

Repeal of Implementing Regulations (EU) No 615/2014, (EU) 2015/1368, (EU) 2016/1150 and Regulation (EU) No 738/2010 and transitional provisions

1. Implementing Regulation (EU) No 615/2014 is repealed with effect from 1 January 2023.

However, it shall continue to apply as regards expenditure incurred and payments made for operations implemented before 1 January 2023 within the aid scheme referred to in Articles 29, 30 and 31 of Regulation (EU) No 1308/2013.

2. Implementing Regulation (EU) 2015/1368 is repealed with effect from 1 January 2023.

However, it shall continue to apply as regards expenditure incurred and payments made for operations implemented before 1 January 2023 within the aid scheme referred to in Articles 55, 56 and 57 of Regulation (EU) No 1308/2013.

3. Implementing Regulation (EU) 2016/1150 is repealed with effect from 16 October 2023.

However, it shall continue to apply as regards:

(a) expenditure incurred and payments made for operations implemented pursuant to Regulation (EU) No 1308/2013 before 16 October 2023 within the aid scheme referred to in Articles 39 to 52 of that Regulation;

(b) expenditure incurred and payments made for operations implemented pursuant to Articles 46 and 50 of Regulation (EU) No 1308/2013 before 16 October 2025, provided that by 15 October 2023 such operations have been partially implemented and the expenditure incurred amounts to at least 30 % of the total planned expenditure and that such operations are fully implemented by 15 October 2025.

4. Regulation (EU) No 738/2010 is repealed with effect from 1 January 2023.

However, it shall continue to apply as regards expenditure incurred and payments made before 1 January 2023 within the aid scheme referred to in Articles 58, 59 and 60 of Regulation (EU) No 1308/2013.

Article 3

Entry into force

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, 1 December 2022.

For the Commission
The President
Ursula VON DER LEYEN