II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/400

of 7 March 2022

amending Implementing Regulation (EU) 2021/128 setting the net balance available for EAGF expenditure

THE EUROPEAN COMMISSION,

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

Having regard 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 16(2) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2021/128 ([2]) sets the net balance available for the European Agricultural Guarantee Fund (EAGF) expenditure, as well as the amounts available to the European Agricultural Fund for Rural Development (EAFRD) for the budget years 2021 to 2027, pursuant to Article 7(2) and Article 14 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ([3]).

(2) In accordance with Article 16(1) of Regulation (EU) No 1306/2013, the annual ceiling for the EAGF expenditure for the years 2021 to 2027 is to be constituted by the maximum amounts for the sub-ceiling for market related expenditure and direct payments set out in Annex I to Council Regulation (EU, Euratom) 2020/2093 ([4]).

(3) In accordance with Article 11(6), fourth subparagraph, of Regulation (EU) No 1307/2013, several Member States notified the Commission of their decision with regard to the reduction of the amount of direct payments pursuant to Article 11(1) of that Regulation and of the resulting estimated product of reduction for calendar year 2022. In accordance with Article 7(2) of that Regulation, the estimated product of the reduction of payments is to be made available as Union support financed under the EAFRD.

(4) In accordance with Article 14(1), seventh subparagraph, of Regulation (EU) No 1307/2013, several Member States notified the Commission of their decision to make available as additional support under the EAFRD in financial year 2023 a certain percentage of their annual national ceiling for direct payments for calendar year 2022.

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

([2]) Commission Implementing Regulation (EU) 2021/128 of 3 February 2021 setting the net balance available for EAGF expenditure (OJ L 40, 4.2.2021, p. 8).

([3]) 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).

([4]) Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433I, 22.12.2020, p. 11).

(5) In accordance with Article 14(2), seventh subparagraph, of Regulation (EU) No 1307/2013, several Member States notified the Commission of their decision to make available as direct payments for calendar year 2022 a certain percentage of the support to be financed under the EAFRD in financial year 2023.

(6) The relevant national ceilings set out in Annexes II and III to Regulation (EU) No 1307/2013 were adapted consequently through Commission Delegated Regulation (EU) 2022/42 ([5]).

(7) In accordance with Article 2(1) of Regulation (EU, Euratom) 2020/2093, the sub-ceiling for market related expenditure and direct payments of the multiannual financial framework set out in Annex I to that Regulation is to be adjusted under the technical adjustment provided for in Article 4 of that Regulation following the transfers between the EAFRD and direct payments.

(8) It is therefore necessary to adjust the net balance available for EAGF expenditure as set by Implementing Regulation (EU) 2021/128. For the sake of clarity, the amounts to be made available to the EAFRD should also be published.

(9) Implementing Regulation (EU) 2021/128 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2021/128 is replaced by the text in the Annex to this Regulation.

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, 7 March 2022.

For the Commission
The President
Ursula VON DER LEYEN

([5]) Commission Delegated Regulation (EU) 2022/42 of 8 November 2021 amending Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council as regards the national and net ceilings for direct payments for certain Member States for calendar year 2022 (OJ L 9, 14.1.2022, p. 3).

ANNEX

'*ANNEX*

Net balance available for EAGF expenditure

(EUR million)

Budget year	Amounts made available to EAFRD		Amounts transferred from EAFRD	Net balance available for EAGF expenditure
	Article 14(1) of Regulation (EU) No 1307/2013	Article 7(2) of Regulation (EU) No 1307/2013	Article 14(2) of Regulation (EU) No 1307/2013	
2021	1 099,539	58,165	600,658	40 367,954
2022	1 086,292	57,919	525,400	40 638,189
2023	1 277,253	55,858	507,322	40 692,211
2024				41 649,000
2025				41 782,000
2026				41 913,000
2027				42047,000'