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COMMISSION IMPLEMENTING REGULATION (EU) 2026/769

of 7 April 2026

amending Implementing Regulation (EU) No 180/2014 as regards the transfer of the amounts planned in the CAP Strategic Plan for rural development in the outermost regions to POSEI programmes for the year 2026 and the on-the-spot checks to be performed in the POSEI scheme and Implementing Regulation (EU) No 181/2014 as regards the on-the-spot checks to be performed in the smaller Aegean islands scheme

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 ([1]), and in particular Article 6(2) and Article 18(1) thereof,

Having regard to Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 ([2]), and in particular Article 14(1) thereof,

Whereas:

(1) Article 103(6) of Regulation (EU) 2021/2115 of the European Parliament and of the Council ([3]) allows Member States to amend their CAP Strategic Plans in order to transfer part of the amounts planned for their outermost regions for rural development to the Programme of Options Specifically Relating to Remoteness and Insularity (POSEI) programmes. In order to enable Member States to reflect such transfers in their POSEI programmes for the year 2026 in a timely manner, it is appropriate to provide for a specific procedure allowing amendments to those programmes without recourse to the procedure laid down in Article 40(1) of Commission Implementing Regulation (EU) No 180/2014 ([4]). Those amendments should aim at reinforcing the POSEI programmes, be duly explained and justified, and include the necessary updates to the general annual indicative financing table and to the list of aids constituting direct payments, in accordance with Regulation (EU) No 228/2013. It is also appropriate to lay down the deadlines for notification of those amendments and to determine the period during which the amended measures are to apply.

([1]) OJ L 78, 20.3.2013, p. 23, ELI: http://data.europa.eu/eli/reg/2013/228/oj.
([2]) OJ L 78, 20.3.2013, p. 41, ELI: http://data.europa.eu/eli/reg/2013/229/oj.
([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, ELI: http://data.europa.eu/eli/reg/2021/2115/oj).
([4]) Commission Implementing Regulation (EU) No 180/2014 of 20 February 2014 laying down rules for the application of Regulation (EU) No 228/2013 of the European Parliament and of the Council laying down specific measures for agriculture in the outermost regions of the Union (OJ L 63, 4.3.2014, p. 13, ELI: http://data.europa.eu/eli/reg_impl/2014/180/oj).

(2) It is necessary to take account of technological developments and to align with Articles 60 and 72 of Regulation (EU) 2021/2116 of the European Parliament and of the Council ([5]), which lay down that Member States are to ensure an appropriate level of checks and that the management and control systems set up by the Member States are to include systematic checks. It is therefore appropriate to clarify that on-the-spot checks of the POSEI programme laid down in Implementing Regulation (EU) No 180/2014 and on-the-spot checks of the smaller Aegean islands programme laid down in Commission Implementing Regulation (EU) No 181/2014 ([6]) may, where appropriate, be carried out remotely using suitable technologies, provided that such checks ensure an equivalent level of assurance as checks carried out on the spot.

(3) Implementing Regulations (EU) No 180/2014 and (EU) No 181/2014 should therefore be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Common Agricultural Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) No 180/2014

Implementing Regulation (EU) No 180/2014 is amended as follows:

(1) in Article 23, the following paragraph is added:

'4. On-the-spot checks may be executed remotely, with the use of suitable technology, provided that such checks ensure an equivalent level of assurance as checks carried out on the spot.';

(2) in Article 40, the following paragraph is inserted:

'4a. Member States may amend their POSEI programmes for the year 2026 without recourse to the procedure set out in paragraph 1 if they amend their CAP Strategic Plans to transfer part of the amount in their CAP Strategic Plans set aside for their outermost regions, which is part of the amount allocated for rural development financial year 2027 under Annex XI to Regulation (EU) 2021/2115 of the European Parliament and of the Council (*) to POSEI programmes in accordance with Article 103(6) of that Regulation.

These amendments shall be duly described and justified. They shall include an update of the general annual indicative financing table referred to in Article 5, point (a), of Regulation (EU) No 228/2013 as well as an updated list of the aid constituting direct payments referred to in Article 19(2), point (d), of that Regulation. Member States shall notify the amendment from the date of submission of the request for strategic amendment of the CAP Strategic Plan referred to in Article 103(6) of Regulation (EU) 2021/2115 and no later than 30 May 2026. The Commission shall inform the Member State within 30 days if it considers that the amendments do not comply with Union legislation, in particular with Article 4 of Regulation (EU) No 228/2013, without prejudice to Articles 53 and 55 of Regulation (EU) 2021/2116 of the European Parliament and of the Council (**). The amendment to the POSEI programme becomes applicable at the end of the 30 day deadline, or after the notified amendment is appropriately corrected if the Commission informed the Member States of non-compliance with Union legislation, provided that the amendment to the CAP Strategic Plan has been previously approved.

([5]) 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, ELI: http://data.europa.eu/eli/reg/2021/2116/oj).

([6]) Commission Implementing Regulation (EU) No 181/2014 of 20 February 2014 laying down rules for the application of Regulation (EU) No 229/2013 of the European Parliament and of the Council laying down specific measures for agriculture in favour of the smaller Aegean islands (OJ L 63, 4.3.2014, p. 53, ELI: http://data.europa.eu/eli/reg_impl/2014/181/oj).

The amendments concerning support to local production and specific supply arrangements shall apply to payments made to beneficiaries from 16 October 2026 to 15 October 2027.

(*) 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, ELI: http://data.europa.eu/eli/reg/2021/2115/oj).

(**) 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, ELI: http://data.europa.eu/eli/reg/2021/2116/oj).'.

Article 2

Amendment to Implementing Regulation (EU) No 181/2014

In Article 21 of Implementing Regulation (EU) No 181/2014, the following paragraph is added:

'4. On-the-spot checks may be executed remotely, with the use of suitable technology, provided that such checks ensure an equivalent level of assurance as checks carried out on the spot.'.

Article 3

Entry into force

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, 7 April 2026.

For the Commission
The President
Ursula VON DER LEYEN