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► B **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)

Amended by:

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COMMISSION IMPLEMENTING REGULATION (EU) 2015/1368
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CHAPTER 1

INTRODUCTORY PROVISIONS

*Article 1***Subject matter**

This Regulation lays down the implementing rules governing Union aid for the national programmes for the apiculture sector as referred to in Article 55 of Regulation (EU) No 1308/2013 ('apiculture programmes').

*Article 2***Apiculture year**

For the purposes of the apiculture programmes, the 'apiculture year' shall mean the period of 12 consecutive months from 1 August until 31 July.

CHAPTER 2

APICULTURE PROGRAMMES

*Article 3***Notification of the apiculture programmes**

Each Member State shall notify to the Commission its proposal for a single apiculture programme for its entire territory at the latest on the 15 March which precedes the start of the first apiculture year of the programme.

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Member States shall, by 15 March 2021, notify the Commission of the amendment to their national programmes in accordance with the second subparagraph of Article 55(1) of Regulation (EU) No 1308/2013. This amendment shall take account of the increased Union contribution from 2021.

▼B*Article 4***Content of the apiculture programmes**

Apiculture programmes shall include the elements listed in the Annex.

▼ B*Article 5***Approval of the apiculture programmes**

1. Apiculture programmes shall be approved by the Commission pursuant to point (c) of the first paragraph of Article 57 of Regulation (EU) No 1308/2013, at the latest on the 15 June which precedes the start of the first apiculture year of the apiculture programme in question.

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Amendments of the apiculture programmes in accordance with the second paragraph of Article 3 shall be approved by the Commission pursuant to point (c) of the first paragraph of Article 57 of Regulation (EU) No 1308/2013, by 15 June 2021.

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2. Approved apiculture programmes shall be made available to the public by the Commission on its website.

*Article 6***Amendments to the apiculture programmes**

1. Without prejudice to paragraph 2, Member States may amend measures included in their apiculture programmes during the apiculture year, for example by introducing or withdrawing measures or types of actions, by introducing changes in the description of the measures or changes of eligibility conditions or by transferring funds between measures of the programme, provided that those measures continue to comply with Article 55(4) of Regulation (EU) No 1308/2013.

The financial limits for each measure may be amended provided that the overall ceiling on planned annual expenditure is not exceeded and that the Union contribution to the apiculture programmes remains equivalent to 50 % of the expenditure borne by the Member States for those programmes as approved.

2. Requests for amendments to the apiculture programmes entailing the introduction of a new measure or the withdrawal of a measure shall be notified to the Commission by the Member States and approved by the Commission before they are implemented.

3. Requests referred to in paragraph 2 shall be approved by the Commission in accordance with the following procedure:

- (a) the representative organisations which collaborated with the Member State in drawing up the apiculture programmes are consulted;
- (b) the amendment shall be deemed to be approved if the Commission has not made observations on the request after a period of 21 working days from the receipt of the request. If the Commission has made observations, the amendment shall be deemed to be approved as soon as the Member State is informed by the Commission that the observations have been fully addressed.

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CHAPTER 3
UNION CONTRIBUTION

Article 7

Eligibility of expenditure and payments

Only expenditure incurred in the implementation of the measures included in the apiculture programme of the Member State shall be eligible for a Union contribution.

Payments, by the Member States to the beneficiaries, related to measures implemented during each apiculture year shall be made within the 12-month period starting on 16 October of that apiculture year and ending on 15 October of the following year.

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By way of derogation from the second paragraph, payments related to measures implemented from 1 August 2022 to 31 December 2022 shall be made between 16 October 2022 and 15 October 2023.

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CHAPTER 4
MONITORING AND CHECKS

Article 8

Checks

1. Member States shall carry out checks to verify that the conditions for granting Union financing are met. Those checks shall consist of both administrative and on-the-spot checks and follow the general principles laid down in Article 59 of Regulation (EU) No 1306/2013.
2. Regarding on-the-spot checks Member States shall require verification of the following:
 - (a) the correct implementation of the measures included in the apiculture programmes, in particular investment and service measures;
 - (b) the expenditure actually incurred is at least equivalent to the financial support requested,
 - (c) where relevant, the number of beehives declared is consistent with the number of beehives found to be kept by the applicant taking into account additional data provided by the beekeeper on activity during the apiculture year concerned.
3. Member States shall ensure that at least 5 % of the applicants for aid within the framework of their apiculture programmes are subject to on-the spot checks.

The samples for checks shall be drawn from the entire population of applicants and shall include:

- (a) a number of applicants randomly selected in order to obtain a representative error rate;
- (b) a number of applicants selected on the basis of a risk analysis based on the following criteria:

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- (i) the amount of financing allocated to the beneficiaries;
- (ii) the nature of the actions financed under the apiculture measures;
- (iii) the conclusions of previous on-the-spot checks;
- (iv) other criteria to be defined by the Member States.

*Article 9***Undue payments and penalties**

1. Interest added to the amount of undue payments recovered in accordance with Article 54(1), 58(1)(e) or 63(3) of Regulation (EU) No 1306/2013 shall be calculated in accordance with Article 27 of Implementing Regulation (EU) No 908/2014.
2. In case of fraud or serious negligence for which they are responsible, beneficiaries shall, in addition to repaying undue payments received and interest thereon in accordance with Article 63(3) of Regulation (EU) No 1306/2013, pay an amount equal to the difference between the amount initially paid and the amount they are entitled to.

CHAPTER 5

RULES ON NOTIFICATIONS AND PUBLICATION*Article 10***Annual implementation report**

1. By 15 March each year starting from 2018, the participating Member States shall notify to the Commission an annual implementation report on the application of their apiculture programme during the previous apiculture year.
2. The annual implementation report shall include the following elements:
 - (a) a summary of the expenditure incurred in euros during the apiculture year, broken down by measure;
 - (b) results on the basis of the performance indicators selected for each implemented measure.

*Article 11***Date of notification of the number of beehives**

The notification referred to in Article 3 of Delegated Regulation (EU) 2015/1366 shall be made by 15 March each year starting from 2017.

*Article 12***Rules on notifications**

The notifications referred to Articles 3, 6, 10 and 11 of this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾.

⁽¹⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

*Article 13***Publication of aggregated data**

The Commission shall make publicly available on its website aggregated data on the following:

- (a) the number of beehives notified in accordance with Article 11;
- (b) the annual implementation reports notified in accordance with Article 10;
- (c) the study on the production and marketing structure in the beekeeping sector, as referred to in point (3) of the Annex, included in the apiculture programme notified in accordance with Article 3.

CHAPTER 6

FINAL PROVISION*Article 14***Entry into force**

This Regulation shall enter into force on the 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.

▼ B*ANNEX*

Apiculture programmes shall include at least the following elements:

- (1) an evaluation of the results achieved to date during the implementation of the previous apiculture programme, if such a programme was in place. As from the 2020-2022 apiculture programmes, that evaluation shall be based on the latest two annual implementation reports of the previous programme as referred to in Article 10;
- (2) a description of the method used to determine the number of beehives in accordance with Article 2 of Delegated Regulation (EU) 2015/1366;
- (3) a study carried out by the Member State on the production and marketing structure in the beekeeping sector in its territory. The study shall provide at least the following information, covering the last two calendar years preceding the notification of the apiculture programme for approval;
 - (i) the number of beekeepers;
 - (ii) the number of beekeepers managing more than 150 beehives;
 - (iii) the total number of beehives managed by beekeepers with more than 150 beehives;
 - (iv) the number of beekeepers organised in beekeepers' associations;
 - (v) the annual national production of honey in kg in the last two calendar years preceding the notification of the apiculture programme for approval;
 - (vi) the range of prices for multi-floral honey at the site of production;
 - (vii) the range of prices for multi-floral honey in bulk at wholesalers;
 - (viii) the estimated average yield in kg of honey per beehive and per year;
 - (ix) the estimated average production cost (fixed and variable) per kg of honey produced;
 - (x) the number of beehives determined in the last two calendar years preceding the notification of the apiculture programme for approval for those Member States who did not have such a programme in place for the preceding three-year period;
- (4) an evaluation of the needs of the apiculture sector in the Member State, based at least on the evaluation of the results of the previous apiculture programme if there was one, a study on the production and marketing structure in the beekeeping sector, and the outcomes of the cooperation with the representative organisations in the beekeeping field;
- (5) a description of the objectives of the apiculture programme and the link between those objectives and the apiculture measures selected in the list in Article 55(4) of Regulation (EU) No 1308/2013;
- (6) a detailed description of the actions which will be carried out under the apiculture measures selected in the list in Article 55(4) of Regulation (EU) No 1308/2013, including the estimated costs and a financing plan broken down by year and by measure;
- (7) the criteria established by the Member States to ensure that there is no double funding of apiculture programmes in accordance with Article 5 of Delegated Regulation (EU) 2015/1366;
- (8) the performance indicators used for each apiculture measure selected. Member States shall select at least one relevant performance indicator per measure;

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- (9) implementing arrangements for the apiculture programme, including:
- (i) the designation by the Member State of a contact point responsible for the management of the apiculture programmes;
 - (ii) a description of the procedure for monitoring checks;
 - (iii) a description of the actions to be taken in case of undue payments to the beneficiaries, including the penalties;
 - (iv) the provisions to ensure that the approved programme is publicised in the Member State;
 - (v) the actions taken to cooperate with representative organisations in the beekeeping field;
 - (vi) a description of the method used to evaluate the results of the measures of the apiculture programme for the apiculture sector of the Member State concerned.