

COMMISSION IMPLEMENTING REGULATION (EU) 2021/73**of 26 January 2021****amending Implementing Regulation (EU) No 808/2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 8(3), Article 12 and Article 75(5) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 808/2014 ⁽²⁾ lays down rules for the application of Regulation (EU) No 1305/2013. Regulation (EU) 2020/2220 of the European Parliament and of the Council ⁽³⁾ amended Regulation (EU) No 1305/2013 and extended the period of duration of rural development programmes supported by the European Agricultural Fund for Rural Development ('EAFRD') until 31 December 2022 and provided Member States with the possibility to finance their extended programmes from the corresponding budget allocation for the years 2021 and 2022. Moreover, Regulation (EU) 2020/2220 made the additional resources from the European Union Recovery Instrument established by Council Regulation (EU) 2020/2094 ⁽⁴⁾ ('EURI') available in the extended programmes in the years 2021 and 2022 to fund measures under Regulation (EU) No 1305/2013 with the objective to address the impact of the COVID-19 crisis and its consequences for the Union agricultural sector and rural areas. Therefore, the respective rules for the implementation of Regulation (EU) No 1305/2013 should be amended.
- (2) Article 4(2) of Implementing Regulation (EU) No 808/2014 sets the maximum number of amendments to rural development programmes that Member States may submit to the Commission. In order to increase the flexibility for Member States to use their budget allocation for the years 2021 and 2022 in the extended programmes and integrate the additional resources from the EURI, the maximum number of amendments referred to in that Article should be increased and the deadlines for submitting requests for last programme amendments postponed. Moreover, it needs to be clarified that the maximum number of amendments should not apply to requests to amend rural development programmes in case amendments are necessary following the entry into force of Regulation (EU) 2020/2220 in order to extend the duration of the rural development programmes and integrate the additional resources from the EURI.

⁽¹⁾ 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).

⁽²⁾ Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 227, 31.7.2014, p. 18).

⁽³⁾ Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022 (OJ L 437, 28.12.2020, p. 1).

⁽⁴⁾ Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433 I, 22.12.2020, p. 23).

- (3) Regulation (EU) 2020/2220 provides that for the extended rural development programmes, targets established in the context of the performance framework are to be set for the year 2025. Thus, it is necessary to specify that the performance framework indicator targets refer to the planned achievements by 31 December 2025. Furthermore, Regulation (EU) 2020/2220 excludes the application of the performance framework to the additional resources from the EURI. Therefore, outputs financed by the additional resources from the EURI should be excluded from the performance framework targets.
- (4) Regulation (EU) 2020/2220 provides that the additional resources from the EURI are to be programmed and monitored separately from the Union support for rural development, while applying in principle, the rules set out in Regulation (EU) No 1305/2013. Thus, separate specifications in the relevant measure descriptions in the rural development programmes and the national framework programmes will be required where operations are supported by the additional resources from the EURI. Financing plans of the rural development programmes, national frameworks and national rural networks should also indicate separately the additional resources from the EURI.
- (5) Moreover, in the indicator plan for the selected measures, the sub-total of the planned outputs and planned total public expenditure which is financed by the additional resources from the EURI should be indicated separately. In the annual implementation reports, the reporting on committed expenditure by measure and focus area should indicate the part of the commitments which are financed by the additional resources from the EURI.
- (6) Article 8(h)(ii) of Regulation (EU) No 1305/2013 requires that for each measure, for each type of operation with a specific EAFRD contribution rate, for the type of operation referred to in Articles 37(1), 38(3), 39(1) and Article 39a of Regulation (EU) No 1305/2013, when a Member State applies a minimum loss threshold set below 30 %; and for technical assistance, the financing plan is to contain a table indicating the total Union contribution planned and the applicable EAFRD contribution rate. Since the same rules apply to the contribution from the additional resources from the EURI, the financing plan should indicate, if applicable, for each such measure for each type of operation, the planned EURI contribution and the EURI contribution rate.
- (7) Regulation (EU) 2020/2220 has amended Articles 38 and 39 of Regulation (EU) No 1305/2013 as to the minimum loss threshold Member States can define in their rural development programmes based on which farmers may be compensated for losses under the mutual funds for adverse climatic events, animal and plant diseases, pest infestations and environmental incidents and the income stabilisation tool for farmers of all sectors. As a consequence and for the WTO reporting purposes, expenditure for all risk management tools governed by Article 36 of Regulation (EU) No 1305/2013 and where the minimum loss threshold is below 30 % need to be planned and reported separately. The indicator plan needs to specify these new programming and planning requirements accordingly.
- (8) Implementing Regulation (EU) No 808/2014 should therefore be amended accordingly.
- (9) Given the urgency related to the COVID-19 crisis, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Rural Development Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 808/2014 is amended as follows:

(1) Article 4 is amended as follows:

(a) in paragraph 1, point (e) is deleted;

(b) paragraph 2 is amended as follows:

(i) the first subparagraph is replaced by the following:

‘Programme amendments of the type referred to in Article 11(a)(i) of Regulation (EU) No 1305/2013 may be proposed no more than four times during the duration of the programming period.’;

(ii) the second subparagraph is replaced by the following:

‘For all other types of amendments combined:

- (a) a single amendment proposal may be submitted per calendar year and per programme, with the exception of the year 2025 in which year more than a single amendment proposal may be submitted for amendments concerning exclusively the adaptation of the financing plan, including any resulting changes to the indicator plan;
- (b) four additional amendment proposals per programme may be submitted during the duration of the programming period.’;

(iii) in the third subparagraph, point (b) is replaced by the following:

‘(b) in case an amendment is necessary following a change to the Union legal framework, including a change related to the extension of duration of rural development programmes or a change related to the availability of the additional resources for the recovery of the Union agricultural sector and rural areas pursuant to Regulation (EU) 2020/2220 of the European Parliament and of the Council (*);

(*) Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022 (OJ L 437, 28.12.2020, p. 1).’;

(c) paragraph 3 is replaced by the following:

‘3. Member States shall submit their last programme amendment of the type referred to in Article 11(a)(iii) of Regulation (EU) No 1305/2013 to the Commission by 30 September 2022.

Other types of programme amendments shall be submitted to the Commission by 30 September 2025.’;

(2) Annex I is amended as set out in Annex I to this Regulation;

(3) Annex VII is amended as set out in Annex II to this Regulation.

Article 2

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.

Done at Brussels, 26 January 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex I to Implementing Regulation (EU) No 808/2014 is amended as follows:

(1) Part 1 is amended as follows:

(a) in point 7(b), point (i) is replaced by the following:

‘(i) targets for 2025. Targets shall not take into account additional national financing as referred to in point 12, and state aid in the form of additional funding as referred to in point 13, and the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013.’;

(b) in point 8(2), point (c) is replaced by the following:

‘(c) scope, level of support, eligible beneficiaries, and where relevant, methodology for calculation of the amount or support rate broken down by sub-measure and/or type of operation where necessary. For each type of operation specification of eligible costs, eligibility conditions, applicable amounts and support rates and principles with regard to the setting of selection criteria. Where support is provided to a financial instrument implemented under points (a) and (b) of the first subparagraph of Article 38(4) of Regulation (EU) No 1303/2013, description of the type of financial instrument, general categories of final recipients, general categories of eligible costs and the maximum level of support. A separate description shall be provided for measures or parts of measures financed by the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013.’;

(c) point 10 is amended as follows:

(i) the title is replaced by the following:

‘Financing plan, comprising separate structured tables for points (a) to (d), indicating separately for the European Union Recovery Instrument the information referred to in point (e)’;

(ii) in point (c), point (v) is replaced by the following:

‘(v) for the operations implemented in accordance with Articles 38 and 39 of Regulation (EU) No 1305/2013, where the Member State decides to set the minimum loss threshold between 20 and 30 %, and for operations implemented in accordance with Article 37(1) and Article 39a of Regulation (EU) No 1305/2013, the applicable EAFRD contribution and the indicative contribution rate.’;

(iii) the following point (e) is added:

‘(e) For the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013:

(i) the annual contribution;

(ii) the contribution rate applicable to the supported measures;

(iii) the breakdown by measure and focus area;

(iv) contribution for technical assistance;

(v) when a measure or a type of operation is implemented with the contribution of financial instruments, referred to in Article 38(1)(b) and (c) of Regulation (EU) No 1303/2013, the table shall indicate separately the contribution rates for financial instruments and an indicative support from the European Union Recovery Instrument corresponding to the planned contribution to the financial instrument;

(vi) for the operations implemented in accordance with Articles 38 and 39 of Regulation (EU) No 1305/2013, where the Member State decides to set minimum loss threshold between 20 and 30 % and for operations implemented in accordance with Article 37(1) and Article 39a of Regulation (EU) No 1305/2013, the applicable European Union Recovery Instrument contribution and the indicative contribution rate.’;

- (d) point 11 is amended as follows:
- (i) point (a) is replaced by the following:
 - '(a) by focus area, the quantified targets accompanied by planned outputs and planned total public expenditure of the measures selected to address the focus area, including sub-totals of these planned outputs and planned total expenditure financed by the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013;';
 - (ii) the following point (d) is added:
 - '(d) the planned total public expenditure related to support pursuant to Article 36 of Regulation (EU) No 1305/2013, where the minimum loss threshold is below 30 %.';
- (2) Part 2 is amended as follows:
- (a) point 4 is replaced by the following:
 - '4. Table summarising, by region and by year, the total EAFRD contribution to the Member State for the whole programming period, without the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013, and separately the contribution of those additional resources to the Member State for the years 2021 and 2022';
 - (b) in point 5(2), point (c) is replaced by the following:
 - '(c) Scope, level of support, eligible beneficiaries, and where relevant, methodology for calculation of the amount or support rate broken down by sub-measure and/or type of operation where necessary. For each type of operation specification of eligible costs, eligibility conditions, applicable amounts and support rates and principles with regard to the setting of selection criteria. Where support is provided to a financial instrument implemented under points (a) and (b) of the first subparagraph of Article 38(4) of Regulation (EU) No 1303/2013, description of the type of financial instrument, general categories of final recipients, general categories of eligible costs and the maximum level of support. A separate description shall be provided for measures or parts of measures financed by the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013.';
- (3) in Part 3, point 5 is replaced by the following:
- '5. Financing plan, setting out:
 - (a) the annual EAFRD contribution, without the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013;
 - (b) the total Union contribution and the EAFRD contribution rate;
 - (c) for the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013:
 - (i) the annual contribution;
 - (ii) the total contribution and the contribution rate.'.
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ANNEX II

Point (b) of point 1 of Annex VII to Implementing Regulation (EU) No 808/2014 is amended as follows:

(1) the first subparagraph is replaced by the following:

‘Information on RDP implementation as measured by common and specific indicators, including the progress achieved in relation to the targets set for each focus area and on realised output compared to planned output as set out in the indicator plan. Beginning from the annual implementation report to be submitted in 2017, the achievements towards the milestones and targets set in the performance framework (Table F). Additional information on the stage of RDP implementation is provided through data on financial commitments by measure and focus area, and the related expected progress towards targets’;

(2) in the second subparagraph, the first indent is replaced by the following:

‘— Table A: Committed expenditure by measure and focus area, indicating this information separately for the additional resources referred to in Article 58a of Regulation (EU) No 1305/2013’.
