Commission Delegated Regulation (EU) 2020/1314 of 10 July 2020 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 2020

COMMISSION DELEGATED REGULATION (EU) 2020/1314

of 10 July 2020

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 2020

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payment 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[(1)], and in particular Articles 6(3) and 7(3) thereof,

Whereas:

(1) In accordance with the third subparagraph of Article 11(6) of Regulation (EU) No 1307/2013, several Member States had notified the Commission by 31 December 2019 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 2020.

(2) In accordance with the sixth subparagraph of Article 14(1) of Regulation (EU) No 1307/2013, several Member States had notified the Commission by 31 December 2019 of their decision to make available as additional support under the European Agricultural Fund for Rural Development (EAFRD) in 2021 a certain percentage of their annual national ceiling for direct payments for calendar year 2020.

(3) In accordance with the sixth subparagraph of Article 14(2) of Regulation (EU) No 1307/2013, several Member States had notified the Commission by 8 February 2020 of their decision to make available as direct payments for calendar year 2020 a certain amount of the support to be financed under the EAFRD in financial year 2021.

(4) Based on those notifications, Commission Delegated Regulation (EU) 2020/756[(2)] adapted the national ceilings and net ceilings for direct payments set out in Annexes II and III to Regulation (EU) No 1307/2013, respectively, for calendar year 2020.

(5) However, the exceptional circumstances caused by the COVID-19 pandemic and the ensuing containment measures adopted by Member States expose farmers to severe difficulties. In order to mitigate the consequences of those difficulties, certain Member States have requested to review their decisions as regards the transfers between pillars.

In view of the unprecedented nature of the current circumstances, it appears appropriate to accept those requests under the condition that the reviewed amounts and decisions do not entail a breach of the applicants' legitimate expectations.

(6) In particular, Denmark notified the Commission of a review of its previous decision notified pursuant to the sixth subparagraph of Article 14(1) of Regulation (EU) No 1307/2013. Belgium cancelled its previous transfer decision.

(7) In addition, Bulgaria, Denmark, Croatia, Luxembourg and Portugal notified the Commission of a review of their previous decision notified pursuant to the sixth subparagraph of Article 14(2) of Regulation (EU) No 1307/2013.

(8) It is therefore necessary to adapt the ceilings set out in Annexes II and III to Regulation (EU) No 1307/2013 again for calendar year 2020 in order to incorporate the notified reviewed amounts and decisions.

(9) As a result of the reviewed decisions notified by Denmark, its national and net ceilings for direct payments in the year 2020 remain unchanged. Therefore, it is not necessary to adapt the ceilings set out in Delegated Regulation (EU) 2020/756 in respect of Denmark.

(10) In accordance with the second subparagraph of Article 137(1) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, Regulation (EU) No 1307/2013 as applicable in the year 2020 does not apply in the United Kingdom for claim year 2020. Therefore, there is no need to set new ceilings for the year 2020 in respect of the United Kingdom.

(11) Annexes II and III to Regulation (EU) No 1307/2013 should therefore be amended accordingly.

(12) As the amendments made by this Regulation affect the application of Regulation (EU) No 1307/2013 for the year 2020, this Regulation should enter into force on the day following that of its publication and should apply from 1 January 2020,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EU) No 1307/2013 are amended in accordance with the Annex 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*.

It shall apply from 1 January 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 July 2020.

For the Commission

The President

Ursula VON DER LEYEN