Commission Implementing Regulation (EU) 2017/256 of 14 February 2017 amending Implementing Regulation (EU) 2016/1150 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector

COMMISSION IMPLEMENTING REGULATION (EU) 2017/256

of 14 February 2017

amending Implementing Regulation (EU) 2016/1150 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007[(1)], and in particular points (a), (c) and (e) of Article 54 thereof,

Having regard to 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[(2)], and in particular point (a) of Article 62(2) thereof,

Whereas:

(1) Article 1(1) of Commission Implementing Regulation (EU) 2016/1150[(3)] provides that the draft support programme referred to in Article 41(1) of Regulation (EU) No 1308/2013 has to refer to the five financial years 2014 to 2018. In order to ensure continuity between support programmes, a new five-year draft support programme for the financial years 2019 to 2023 should be established. Having regard to the fact that the current Multiannual Financial Framework provides for the financing of the Common Agricultural Policy until 2020, it is necessary to provide for a reservation on the availability of funds as of 2021. For the sake of consistency, it is necessary to set out models as regards the submission of national support programmes for the period 2019 to 2023.

(2) In Articles 4(3) and 5(3) of Implementing Regulation (EU) 2016/1150, it is appropriate to replace the term ‘beneficiary’ with the term ‘applicant’ since these provisions refer to the application procedure. Furthermore, the latter term should be added in Article 30(1) and (2)(a) since these provisions concern, among others, administrative checks on applications for support.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/256. (See end of Document for details)*

(3) Furthermore, it is appropriate to amend Annexes I to V to Implementing Regulation (EU) 2016/1150 to align the names of the measures to the wording used in the enacting terms of that Regulation and, on the promotion measure, to further detail the information requested to the Member States also for the programming period 2014 to 2018.

(4) Implementing Regulation (EU) 2016/1150 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2016/1150 is amended as follows:

(1) in Article 1, paragraph 1 is replaced by the following:

1. The draft support programme as referred to in Article 41(1) of Regulation (EU) No 1308/2013 shall refer to the following five year periods:
   a the financial years 2014 to 2018;
   b the financial years 2019 to 2023.

1a Member States shall submit their draft support programme for the financial years 2019 to 2023 to the Commission by 1 March 2018. If the national envelopes provided for the financial year 2021 onwards are modified after that date, the Member States shall adapt the support programmes accordingly.

Member States shall make their draft support programme for the financial years 2019 to 2023 available to the Commission by electronic means using the model set out in Annex Ia.

Member States shall make the financial allocation of the draft support programme for the financial years 2019 to 2023 available to the Commission by electronic means using the model set out in Annex IIa.;

(2) in Article 2, paragraph 2 is replaced by the following:

2. The changes referred to in paragraph 1 shall be indicated in the support programme that shall be submitted to the Commission using the model set out in Annex I or Annex Ia and shall comprise:
   a the reasons for the proposed changes;
   b an updated version of the financial table by using the model set out in Annex II or Annex IIa where the changes to the support programme entail a revision of the financial allocation.;

(3) in Article 3, point (f) is replaced by the following:

(f) a general financing table as set out in Annex II or Annex IIa to this Regulation;;

(4) in Article 4, paragraph 3 is replaced by the following:

3. The applicants who intend to produce certificates on the financial statements to accompany their payment claims in accordance with Article 41 shall communicate

their intention to the competent authority at the moment of the submission of their application.;

(5) in Article 5, paragraph 3 is replaced by the following:

3. The applicants who intend to produce certificates on the financial statements to accompany their payment claims in accordance with Article 41 shall communicate their intention to the competent authority at the moment of the submission of their application.;

(6) in Article 18(2), the first subparagraph is replaced by the following:

Member States shall fix the amount of support and the amount of compensation for the collection costs referred to in Article 52(3) of Regulation (EU) No 1308/2013 within the limits provided for in paragraph 1 of this Article and on the basis of objective and non-discriminatory criteria. They shall indicate both amounts in the relevant points when using the models set out in Annexes I, Ia, III, IV and IVa to this Regulation.;

(7) Article 19 is amended as follows:

(a) paragraph 2 is replaced by the following:

2. At the same time as the report referred to in paragraph 1, Member States shall notify the Commission of the financial and technical data related to the implementation of the measures provided for in their support programme, using the model set out in Annex IV or Annex IVa.

Those data shall for each financial year and in respect of each measure refer to the following:

a for the financial years of the five-year period for which expenditure was already incurred: actual technical data and a statement of expenditure, which shall in no case overshoot the budgetary limit for the Member State as laid down in Annex VI to Regulation (EU) No 1308/2013;

b for subsequent financial years until the end of the planned period of implementation of the support programme: foreseen technical data and forecast of expenditure, up to the budgetary limit for the Member State as laid down in Annex VI to Regulation (EU) No 1308/2013 and in coherence with the most recent version of the financial table submitted using the model set out in Annex II or Annex IIa to this Regulation in accordance with Article 2 of this Regulation.

(b) paragraph 4 is replaced by the following:

4. By 1 March 2017, 1 March 2019, 1 March 2022 and 1 March 2024, Member States shall notify the Commission of an evaluation of the cost effectiveness and benefits of their support programme as well as an indication of how to increase its efficiency.

Those evaluations shall be submitted using the model set out in Annex III, be accompanied by the financial and technical information in accordance with the model set out in Annex IV or Annex IVa and concern all the previous years of the relevant five-year period. In addition, the following items shall be inserted in the conclusions:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/256. (See end of Document for details)*

a C1: Evaluation of the cost-effectiveness and benefits of the support programme;
b C2: Ways to increase the efficiency of the support programme.;

(8) in Article 20, paragraph 3 is replaced by the following:

3. Member States shall indicate whether State aid will be granted and the corresponding amount in the relevant points when using the models set out in Annexes I, Ia, III, IV, IVa and V.;

(9) Article 30 is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

Administrative checks shall be carried out on all applications for support, payment claims or other declarations and requests of modification submitted by an applicant or a beneficiary or a third party, and shall cover all elements that can be checked and are appropriate to be checked by means of administrative checks.

(b) in paragraph 2, point (a) is replaced by the following:

(a) the eligibility of the applicant;;

(10) Annexes I to V are replaced by the text set out in the Annex to this Regulation.

Article 2

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, 14 February 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/256. (See end of Document for details)*

ANNEX

ANNEX I

National support programme 2014-2018

Financial years 2014-2018	**Member State[a]:**
Date of notification[b]:	**Revision number:**
Reason: modification requested by the Commission/modification requested by the Member State[c]	

a	Publications Office acronym to be used.
b	Notification deadline: 1 March and 30 June.
c	Strike through the element that is not applicable.

A. **Description of the measures proposed as well as their quantified objectives**

(1)

(2)

(3) **Green harvesting in accordance with Article 47 of Regulation (EU) No 1308/2013:**

Introduced in the support programme: yes/no — if yes:

Description of the measures proposed:

(i) *Proposed strategy and quantified objectives:*

(ii) *Beneficiaries:*

(iii) *Application procedure:*

(iv) *Eligibility criteria:*

(v) *Eligible/non eligible costs:*

(vi) *Application of standard scales of unit costs/contributions in kind: yes/no*
— *if yes: information on the method of calculation and annual adaptation:*

(vii) *Priority criteria and respective weighting:*

(viii) *Selection procedure:*

(ix) *Deadlines for the payments to beneficiaries:*

(4) **Mutual funds in accordance with Article 48 of Regulation (EU) No 1308/2013:**

Introduced in the support programme: yes/no — if yes:

Description of the measures proposed:

(i) *Proposed strategy and quantified objectives:*

(ii) *Beneficiaries:*