Commission Implementing Regulation (EU) 2016/1150 of 15 April 2016 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) 2016/1150

of 15 April 2016

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 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 Articles 62(2)(a) to (d) and 63(5)(a) thereof,

Whereas:

(1) Regulation (EU) No 1308/2013 has repealed and replaced Council Regulation (EC) No 1234/2007[(3)]. Section 4 of Chapter II of Title I of Part II of Regulation (EU) No 1308/2013 contains rules on national support programmes in the wine sector and empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the wine support programmes in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace the relevant implementing rules of Commission Regulation (EC) No 555/2008[(4)], which are deleted by Commission Delegated Regulation (EU) 2016/1149[(5)].

(2) There should be a procedure for the submission of national support programmes. There should also be a procedure for making changes to support programmes, so that the Commission can be notified of adjusted programmes that take account of any new circumstances which could not have been foreseen previously. All such changes should be subject to certain limits and conditions to ensure that the support programmes maintain their overall objectives and comply with Union legislation.

(3) For the sake of consistency and the smooth management of the different support measures, rules on the minimum content and format of the support programme should be provided. Pursuant to Article 41(2) of Regulation (EU) No 1308/2013, Member

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States may choose the most appropriate geographical level to draw up the support programme. Since Member States are responsible for the submission of the programme and changes to that programme, they should ensure that national programmes comply with the minimum content and can be submitted within the given deadlines.

(4) Criteria governing the application procedure in the Member States should be established with a view to ensuring a uniform application of the measures and of the scrutiny of each application for support within each support programme and across the Union.

(5) In order to build synergies, Member States should be allowed to set up joint promotion and information campaigns.

(6) Member States need to adopt rules on the implementation of the green harvesting measure and on the calculation of the compensation for the beneficiaries in such a way as to ensure that support does not become a permanent alternative outlet for products compared to placing them on the market. In particular Member States should be free to determine the date until which they request producers to complete the operations, in such a way as to have sufficient time, in view of the time constraints and proximity of harvesting period, for the necessary checks to be carried out before payment and to ensure the total destruction or removal of grape bunches while still in their immature stage, thereby fully eliminating the yield of the relevant area.

(7) For the purpose of monitoring the implementation of Section 4 of Chapter II of Title I of Part II of Regulation (EU) No 1308/2013, the appropriate data concerning the forecast and the execution of the support programmes need to be made available to the Commission every year. In this context, it is necessary to lay down the details of the information to be provided for the reporting and evaluation of support programmes in order to assess their efficiency and effectiveness.

(8) In order to allow the Commission to monitor possible State aid and advances granted to beneficiaries for operations implemented under certain measures of the support programmes, it is necessary to lay down the details of the information that Member States are to notify the Commission of in this respect. However, for cost-efficiency reasons, it is appropriate to establish a threshold under which Member States may exempt beneficiaries from the obligation to notify annually information on the use and the balance of the advance payments received.

(9) For the proper functioning of the support measures it is appropriate to provide that all notifications from the Member States to the Commission are to be made in accordance with Commission Regulation (EC) No 792/2009[(6)]. To ensure a fair and verifiable use of the Union budget, non-compliance with the notification obligations should have financial consequences. The general rules concerning budgetary discipline, and in particular those relating to incomplete or incorrect declarations on the part of Member States, should apply in addition to the specific rules established by this Regulation.

(10) With a view to ensuring uniform conditions for the implementation of all measures in all Member States, provisions should be laid down concerning the selection procedure, including the application of eligibility and priority criteria as well as the methodology for excluding non eligible applications or applications that do not reach a certain

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threshold, especially in case of budgetary limitations. Member States should be free to determine the weighting to be attributed to each priority criterion and whether it is appropriate to establish a threshold even if there are sufficient budgetary resources.

(11) In the interest of legal certainty, this Regulation should provide Member States with a framework for applying simplified cost reimbursements. That framework should include rules on the calculation of standard scales of unit costs and of contributions in kind, and on the periodic re-examination and possible adjustment of those standard scales. These rules should ensure that the standard scales of unit costs are objectively calculated and remain updated.

(12) In order to protect the interests of the beneficiaries, in particular where they pay fees for maintaining a security, and in view of sound financial management, a reasonable deadline should be set for the verification of the payment claims and for the determination of the actual amount of support, which is a pre-condition for the release of the security in case of payment of an advance.

(13) For an effective implementation of the prohibition on double funding, an efficient control system should be in place to ensure that any action or operation that is financed for any given beneficiary by the support programmes is not financed also under any other Fund.

(14) Provisions should be laid down for resolving cases of obvious error to ensure fair treatment of producers.

(15) Rules should be laid down on the checks necessary to ensure the proper application of the support programmes and on appropriate penalties applicable to any irregularities found. Those rules should cover both specific checks and penalties at Union level as well as additional national checks and penalties. The checks and penalties should be dissuasive, effective and proportionate.

(16) Member States should ensure the effectiveness of the work of the bodies responsible for the checks relating to the support measures in the wine sector. To that end, they should coordinate the relevant activities where several bodies are competent and designate a body responsible for liaison between them and with the Commission.

(17) In order to make the required checks effective, Member States should take the necessary steps to ensure that the staff of the competent bodies has adequate powers of investigation to guarantee compliance with the rules and that the persons subject to checks do not obstruct the carrying out of those checks.

(18) Provisions should be laid down to ensure that undue payments are recovered with interests and that irregularities are notified to the Commission.

(19) As regards the information and promotion measure, experience has shown that the number of operations selected and to be checked by the competent authorities is considerably increasing, leading to an important administrative burden. In order to simplify those checks, Member States should be able to opt for a system that allows the submission of audit certificates supporting the payment claims for bigger projects, so that the administrative and on-the-spot checks to be carried out may be based on such

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certificates. Moreover, it should be clarified that on-the-spot checks do not need to be carried out abroad and that they may be limited to the verification of samples of the documents submitted or listed in the audit certificates against the accounting registers and, where possible, other supporting documents.

(20) As regards operations for the restructuring and conversion of vineyards, it is appropriate to provide for systematic checks before and after the implementation of each single operation and to establish when and under which conditions such checks may be carried out by remote sensing or on a sample basis.

(21) As regards green harvesting operations, systematic on-the-spot verification of the areas concerned after the execution should be provided for, in order to ensure that total destruction or removal of grapes has been carried out when they are still in their immature stage, thereby fully eliminating the yield of the relevant area. Such verification should also ensure that phytosanitary and environmental requirements are duly respected. In the interests of an effective implementation, the payment of the compensation should be made after having checked that green harvesting took place and no advances should be granted.

(22) To create a more uniform basis for payments of the support under the restructuring and green harvesting measures, it is appropriate to lay down rules on the measurement of areas, in particular to determine what corresponds to the area planted with vines where support is paid on the basis of standard scales of unit costs based on the surface.

(23) Finally, as regards the by-product distillation measure, Member States should take all necessary measures to verify the respect of the conditions and limits for the payment of support.

(24) 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:

CHAPTER I

PROCEDURE FOR THE SUBMISSION AND MODIFICATION OF THE SUPPORT PROGRAMMES

Article 1

Programming period and notification of relevant national legislation

[F1 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

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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 Member States shall notify the Commission of their legislation related to the support programmes referred to in paragraph 1 once adopted or amended.

Textual Amendments

F1 Substituted by 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.

Article 2

Changes to support programmes

1 Changes in respect of applicable support programmes as referred to in Article 41(5) of Regulation (EU) No 1308/2013 shall not be submitted more than twice per financial year, by 1 March and 30 June of each year respectively.

However, those deadlines shall not apply in case of emergency measures due to natural disasters within the meaning of Article 2(9) of Commission Regulation (EU) No 702/2014[7] or an adverse climatic event which can be assimilated to a natural disaster within the meaning of Article 2(16) of that Regulation or other exceptional circumstances.

[[F1]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.**]**

Textual Amendments

F1 Substituted by 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.