



2024/1962

19.7.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1962

of 18 July 2024

amending Implementing Regulation (EU) 2021/2289 as regards the presentation of the content of the CAP Strategic Plans regarding GAEC standards 7 and 8 and amending Implementing Regulation (EU) 2022/1475 as regards the provision of certain data for monitoring and evaluation by Member States

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 ⁽¹⁾, and in particular Article 117 and Article 143(4) thereof,

Whereas:

- (1) Regulation (EU) 2024/1468 of the European Parliament and of the Council ⁽²⁾ amended Regulation (EU) 2021/2115, as regards among others the possibility for Member States to grant temporary derogations from Good agricultural and environmental conditions ("GAEC") standards and as regards the requirements of certain GAEC standards laid down in Annex III to that Regulation.
- (2) Commission Implementing Regulation (EU) 2021/2289 ⁽³⁾ lays down detailed rules on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information. Annex I to that Implementing Regulation should be amended to enable Member States to introduce the option in their CAP Strategic Plans allowing farmers to fulfil GAEC standard 7 by crop diversification.
- (3) Given that Regulation (EU) 2024/1468 deleted the first requirement of GAEC standard 8 from Annex III to Regulation (EU) 2021/2115, the provisions on the elements related to this requirement that are to be set in the CAP Strategic Plans should also be deleted from Annex I to Implementing Regulation (EU) 2021/2289.
- (4) Commission Implementing Regulation (EU) 2022/1475 ⁽⁴⁾ lays down detailed rules as regards the evaluation of the CAP Strategic Plans and the provision of information for monitoring and evaluation. To ensure the completeness of the information necessary for monitoring and evaluation of CAP Strategic Plans, Member States should report to the Commission for each year data on the implementation of temporary derogations from GAEC standards referred to in Article 13(2a) of Regulation (EU) 2021/2115, as amended by Regulation (EU) 2024/1468. These reports should include information on the territorial and material scope of these temporary derogations, on the duration and reasons for the temporary derogations, as well as on farmers and other beneficiaries concerned by the temporary derogations. Provisions necessary to ensure the transfer of these data to the Commission, such as the frequency, the timing and the responsible body for the data transfer should be laid down.

⁽¹⁾ OJ L 435, 6.12.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/2115/oj>.

⁽²⁾ Regulation (EU) 2024/1468 of the European Parliament and of the Council of 14 May 2024 amending Regulations (EU) 2021/2115 and (EU) No 2021/2116 as regards good agricultural and environmental condition standards, schemes for climate, environment and animal welfare, amendment of the CAP Strategic Plans, review of the CAP Strategic Plans and exemptions from controls and penalties (OJ L 2024/1468, 24.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1468/oj>).

⁽³⁾ Commission Implementing Regulation (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information (OJ L 458, 22.12.2021, p. 463, ELI: http://data.europa.eu/eli/reg_impl/2021/2289/oj).

⁽⁴⁾ Commission Implementing Regulation (EU) 2022/1475 of 6 September 2022 laying down detailed rules for implementation of Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the evaluation of the CAP Strategic Plans and the provision of information for monitoring and evaluation (OJ L 232, 7.9.2022, p. 8, ELI: http://data.europa.eu/eli/reg_impl/2022/1475/oj).

- (5) Regulation (EU) 2024/1468 introduced an obligation for Member States to establish and provide support for eco-schemes covering, on arable land, practices for the maintenance of non-productive areas, such as land lying fallow, and for the establishment of new landscape features, referred to in Article 31(1a) of Regulation (EU) 2021/2115. To enable the Commission to monitor and evaluate these eco-schemes, given the importance of the contribution of such practices to the specific objective related to biodiversity set out in Article 6(1), point (f), of Regulation (EU) 2021/2115, it should be provided that Member States are to report data on the number of eligible hectares paid for these practices. To facilitate an evaluation of the different practices covered by these eco-schemes, the data should be provided separately for eco-schemes covering non-productive areas and for eco-schemes establishing new landscape features, on arable land. For the Member States taking a decision referred to in Article 3(2) of Regulation (EU) 2024/1468 to amend GAEC standard 8 for claim year 2024, the obligation to report data for the relevant eco-schemes should apply as from claim year 2024.
- (6) As Regulation (EU) 2024/1468 deleted the first requirement of GAEC standard 8 from Annex III to Regulation (EU) 2021/2115, the obligation for Member States to report data on this requirement should be deleted from Annex IV to Implementing Regulation (EU) 2022/1475.
- (7) Transitional provisions should be laid down to enable Member States taking decisions referred to in Article 3(2) of Regulation (EU) 2024/1468 to apply the requirements on the presentation of the content of the CAP Strategic Plan in respect to the amendments of CAP Strategic Plans regarding GAEC standards 7 and 8 for claim year 2024 and to ensure that Member States continue reporting data on the implementation of GAEC standard 8 referred to in section 4, point (q), of Annex IV to Implementing Regulation (EU) 2022/1475 for claim years 2023 and 2024.
- (8) Implementing Regulations (EU) 2021/2289 and (EU) No 2022/1475 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Common Agriculture Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2021/2289

In section 3, subsection 3.1., point (e), of Annex I to Implementing Regulation (EU) 2021/2289, points (vii) and (viii) are replaced by the following:

‘(vii) for GAEC 7:

- a summary of the on-farm practice specifying the rotation practices and the definition of crop and secondary crop;
- where applicable, from claim year 2025, a summary of the on-farm practice for crop diversification;
- the type of farmers concerned including the exemptions applied referred to in Annex III to Regulation (EU) 2021/2115;
- where Member State authorise practices related to enhanced crop rotation with leguminous crops and crop diversification in specific regions of their territory as referred to in footnote 3 to GAEC 7 in Annex III to Regulation (EU) 2021/2115, an explanation of the contribution of the practices to preserve the soil potential in line with the objectives of the GAEC on the basis of the diversity of farming methods and agro-climatic conditions in the regions concerned and a justification of the choice made;

(viii) for GAEC 8, from claim year 2025:

- the list of landscape features concerned by the standard on retention of landscape features;
- the measures for avoiding invasive plant species where applicable;’.

Article 2

Amendments to Implementing Regulation (EU) 2022/1475

Implementing Regulation (EU) 2022/1475 is amended as follows:

- (1) in Article 8, the following point is inserted after point (b):

‘(ba) data on temporary derogations granted by Member States pursuant to Article 13(2a) of Regulation (EU) 2021/2115;’;

- (2) the following Article is inserted after Article 11:

‘Article 11a

Data on temporary derogations from requirements of GAEC standards

The data on temporary derogations from requirements of GAEC standards, granted by Member States pursuant to Article 13(2a) of Regulation (EU) 2021/2115, shall include the following information for each derogation granted:

- (a) the GAEC standard and requirement concerned by the temporary derogation;
 - (b) the reasons for the temporary derogation;
 - (c) the change to the on farm practice granted by the temporary derogation;
 - (d) the territorial scope of the temporary derogation;
 - (e) the area covered by the temporary derogation (in hectares);
 - (f) the number of farmers and other beneficiaries concerned by the temporary derogation;
 - (g) the types of farmers and other beneficiaries covered by the temporary derogation;
 - (h) the duration of the temporary derogation.’;
- (3) in Article 15, the following paragraph is inserted:
- ‘2a. Member States shall report annually the data on temporary derogations referred to in Article 8, point (ba), by 15 March of the year N in relation to temporary derogations granted in the calendar year N-1. The first year of reporting shall be 2025.’;
- (4) Article 16 is amended as follows:
- (a) paragraph 1 is replaced by the following:

‘1. The data referred to in Article 8, points (a), (b), (ba), (d) and (e), shall be transferred to the Commission by means of the electronic system for the secure exchange of information called “SFC2021”, for which the responsibilities of the Commission and the Member States are set out in Annex II to Commission Implementing Regulation (EU) 2021/2289 (*).

The data referred to in Article 8, point (c), shall be transferred to the Commission by means of the information-technology-based system made available by the Commission pursuant to Commission Implementing Regulation (EU) 2017/1185 (**).

(*) Commission Implementing Regulation (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for secure exchange of information (OJ L 458, 22.12.2021, p. 463, ELI: http://data.europa.eu/eli/reg_impl/2021/2289/oj).

(**) Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113, ELI: http://data.europa.eu/eli/reg_impl/2017/1185/oj);’;

- (b) paragraph 3 is replaced by the following:
 - ‘3. For the ratio on permanent grassland and the data on temporary derogations from requirements of GAEC standards, the data to be communicated pursuant to Article 8, points (b) and (ba), shall be transferred by the paying agency or coordinating body.’;
- (5) Annex IV is amended as follows:
 - (a) in section 2, point (d), the following points are inserted after point (i):
 - ‘(ia) M101: number of hectares of eligible arable land area paid for practices for maintenance of non-productive areas, such a land lying fallow as laid down in Article 31(1a) of Regulation (EU) 2021/2115;
 - (ib) M102: number of hectares of eligible arable land area paid for practices for the establishment of new landscape features as laid down in Article 31(1a) of Regulation (EU) 2021/2115’;
 - (b) in section 4, point (q) is deleted.

Article 3

Transitional provisions

1. Member States taking a decision referred to in Article 3(2) of Regulation (EU) 2024/1468 in respect to amendments of GAEC standards 7 or 8 shall apply Article 1 of this Regulation to amendments of their CAP Strategic Plans for claim year 2024.
2. Member States taking a decision referred to in Article 3(2) of Regulation (EU) 2024/1468 in respect to the amendment of GAEC standard 8 for claim year 2024 shall report the data referred to in Article 2(5), point (a), of this Regulation, to the Commission as from claim year 2024, if they apply any of those eco-schemes to comply with Article 3(2) of that Regulation.
3. Member States shall report the data referred to in section 4, point (q), of Annex IV to Implementing Regulation (EU) 2022/1475 for claim years 2023 and 2024.

Article 4

Entry into force

This Regulation shall enter into force on the seventh 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, 18 July 2024.

For the Commission
The President
Ursula VON DER LEYEN