



2026/163

22.1.2026

COMMISSION IMPLEMENTING REGULATION (EU) 2026/163

of 21 January 2026

amending Implementing Regulation (EU) 2021/2289 as regards the content of the CAP Strategic Plans

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 thereof,

Whereas:

- (1) Regulation (EU) 2025/2649 of the European Parliament and of the Council ⁽²⁾ amended Regulation (EU) 2021/2115, among others, as regards certain requirements relating to definitions, Good Agricultural and Environmental Condition ("GAEC") standards and certain types of intervention, and introduced a new type of intervention under rural development. That Regulation amended also Regulation (EU) 2021/2116 of the European Parliament and of the Council ⁽³⁾, in particular as regards certain requirements relating to the control system for conditionality.
- (2) Commission Implementing Regulation (EU) 2021/2289 ⁽⁴⁾ lays down detailed rules on the presentation of the content of the CAP Strategic Plans.
- (3) Article 31(5) and Article 70(3) of Regulation (EU) 2021/2115, as amended by Regulation (EU) 2025/2649, enable Member States to provide payments for commitments which comply with GAEC standards 2 and 9 as they no longer require that those commitments go beyond those standards. For reasons of completeness and comparability it is therefore appropriate to require Member States, where they decide to provide payments for commitments complying with the requirements of those GAEC standards, to specify in their CAP Strategic Plans for which requirements they may provide payments. In addition, since those Articles, as amended by Regulation (EU) 2025/2649, no longer provide that support is to be granted for new requirements of national law going beyond the requirements of Union law for a maximum period of 24-months, those elements should also be deleted from Annex I to Implementing Regulation (EU) 2021/2289.
- (4) Article 4(3) of Regulation (EU) 2021/2115, as amended by Regulation (EU) 2025/2649, allows Member States to extend, as part of the definition of permanent grassland, the period during which an area is to be under continuous use to grow grasses or other herbaceous forage from five years to seven years. It further allows Member States to decide that areas used to grow grasses or other herbaceous forage, which were classified as arable land on 1 January 2026 and have not been ploughed, or tilled, or reseeded with different grasses for a period of five or seven years, are not to be classified as permanent grassland. In order to ensure that the CAP Strategic Plans contain all decisions taken by Member States as regards the definition of permanent grassland, it is appropriate to amend Annex I to Implementing Regulation (EU) 2021/2289 to require Member States to provide information on those decisions regarding the definition of permanent grassland in the CAP Strategic Plans.

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

⁽²⁾ Regulation (EU) 2025/2649 of the European Parliament and of the Council of 19 December 2025 amending Regulation (EU) 2021/2115 as regards the conditionality system, types of intervention in the form of direct payment, types of intervention in certain sectors and rural development and annual performance reports and Regulation (EU) 2021/2116 as regards suspensions of payments, annual performance clearance and controls and penalties (OJ L 2025/2649, 31.12.2025, ELI: <http://data.europa.eu/eli/reg/2025/2649/oj>).

⁽³⁾ Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187, ELI: <http://data.europa.eu/eli/reg/2021/2116/oj>).

⁽⁴⁾ 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).

- (5) Regulation (EU) 2025/2649 inserted a new Article 78a in Regulation (EU) 2021/2115 introducing a new type of intervention for crisis payments to farmers following natural disasters, adverse climatic events or catastrophic events. Point 5 of Annex I to Implementing Regulation (EU) 2021/2289 should therefore be amended to include the information specific to this type of intervention in the CAP Strategic Plans.
- (6) Regulation (EU) 2021/2115, as amended by Regulation (EU) 2025/2649, exempts the beneficiaries of payments under Article 28 of that Regulation from the system of conditionality. The requirement to describe the simplified controls for conditionality requirements for small farmers in the CAP Strategic Plans should therefore be deleted from Annex I to Implementing Regulation (EU) 2021/2289.
- (7) Implementing Regulation (EU) 2021/2289 should therefore be amended accordingly.
- (8) To enable Member States to submit requests for strategic amendment and notifications of other amendments of CAP Strategic Plans containing all the necessary information as soon as possible after the entry into force of Regulation (EU) 2025/2649 and to ensure that the CAP Strategic Plans contain all the information necessary to enable the Commission to assess and process such requests for strategic amendment and notifications of other amendments effectively within the time limits laid down in Article 119 of Regulation (EU) 2021/2115, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (9) Considering that this Regulation lays down rules concerning the content of the CAP Strategic Plans, this Regulation should apply from 1 January 2026 to ensure a level playing field and legal certainty for the Member States, farmers and stakeholders concerned.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Common Agricultural Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Implementing Regulation (EU) 2021/2289 is 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 the 1 January 2026.

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

Done at Brussels, 21 January 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Implementing Regulation (EU) 2021/2289 is amended as follows:

- (1) section 3.1, point (e), second subparagraph is amended as follows:
 - (a) in point (ii), the following indent is added:
 - ‘— the requirements of this GAEC standard for which payments are provided as part of interventions under Articles 31, 70 or 72 of Regulation (EU) 2021/2115;’;
 - (b) point (ix) is replaced by the following:
 - ‘for GAEC 9:
 - elements to designate environmentally-sensitive permanent grassland and the corresponding indicative number of hectares;
 - the requirements of this GAEC standard for which payments are provided as part of interventions under Articles 31 or 70 of Regulation (EU) 2021/2115;’;
- (2) in section 4.1, point (b), second subparagraph, point (iv) is replaced by the following:
 - ‘(iv) for permanent grassland:
 - a description of each individual element used for its definition, such as the minimum period during which the land used to grow grasses or other herbaceous forage has not been included in the crop rotation of the holding, tilling, ploughing, reseeding with different types of grasses, or established local practices, or
 - a reference to the decision referred to in Article 4(3), point (c), of Regulation (EU) 2021/2115, to retain the classification of land as arable land where that land was classified as arable land on 1 January 2026’;
- (3) section 5, point (f) is amended as follows:
 - (a) in point (i), the fourth indent is replaced by the following:
 - ‘— for schemes for the climate, the environment and animal welfare, an indication of the areas of actions referred to in Article 31(4) of Regulation (EU) 2021/2115 which are covered by the intervention; an indication whether the schemes contribute to compliance with national mandatory requirements which go beyond Union law;’;
 - (b) point (ii) is amended as follows:
 - (i) the first indent is replaced by the following:
 - ‘— for interventions referred to in Article 70 of Regulation (EU) 2021/2115:
 - a description of the type of area eligible;
 - an indication of the type of commitments (result based, management based or hybrid) and the implementation mechanism;
 - an indication of the duration of the contracts;
 - an indication whether the intervention contributes to compliance with national mandatory requirements which go beyond Union law;’;
 - (ii) the following indent is added:
 - ‘— for interventions referred to in Article 78a of Regulation (EU) 2021/2115:
 - an indication of the methodology for the calculation of losses and triggering factors for compensation;
 - a description of the losses coverage as well as the provisions to avoid overcompensation;’;
- (4) in section 7.3, point (c), point (v) is deleted.