COMMISSION DELEGATED REGULATION (EU) 2023/57

of 31 October 2022

amending and correcting Delegated Regulation (EU) 2022/127 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

Having regard to 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 [1], and in particular Article 44(5), Article 64(3), point (d), and Article 94(5) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) 2022/127 [2] supplements Regulation (EU) 2021/2116 with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro.

(2) In accordance with Article 44(3a) of Regulation (EU) 2021/2116, Member States may decide to pay advances to beneficiaries as regards the interventions referred to in Title III, Chapter III, of Regulation (EU) 2021/2115 of the European Parliament and of the Council [3] and as regards measures regulating or supporting agricultural markets. In order to ensure a coherent and non-discriminatory payment of advances and to guarantee the protection of Union funds, it is appropriate to set out specific conditions for the payment of advances in the form of maximum percentages of forecast expenditure and the requirement for beneficiaries to lodge a security.

(3) In addition, the provisions on securities laid down in Chapter IV of Delegated Regulation (EU) 2022/127 should be adapted to take into account those specific conditions.

(4) In Article 24(4) of Delegated Regulation (EU) 2022/127, the reference to Article 27 is incorrect and should be replaced by a reference to Article 26 of that Regulation.

(5) For aid payments under apiculture programmes made pursuant to Article 55 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council [4], it is appropriate to ensure continuity by maintaining the currently applicable operative event for the exchange rate.

(6) Delegated Regulation (EU) 2022/127 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2022/127

Delegated Regulation (EU) 2022/127 is amended as follows:

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(1) OJ L 435, 6.12.2021, p. 187.

(2) Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 20, 31.1.2022, p. 95).

(3) 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 (OJ L 435, 6.12.2021, p. 1).

(4) 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 (OJ L 347, 20.12.2013, p. 671).

(1) the following Chapter III*a* is inserted:

‘CHAPTER III*a*

Specific conditions for the payment of advances

Article 15a

Specific conditions for the payment of advances referred to in Article 44(3a) of Regulation (EU) 2021/2116

1. The payment of advances referred to in Article 44(3a) of Regulation (EU) 2021/2116 shall not exceed 80 % of the forecasted expenditure of the approved operational programme or, where relevant, of the interventions referred to in Articles 55 and 58 of Regulation (EU) 2021/2115.

2. The payment of advances referred to in paragraph 1 shall be subject to the lodging of a security at least equivalent to the amount of the advance.’;

(2) Article 27 is replaced by the following:

‘*Article 27*

Scope

This Section shall apply in cases where specific Union rules provide that a sum may be advanced before the obligation established to obtain any aid or advantage has been met.’;

(3) in Article 28, the following paragraph 1*a* is inserted:

‘1*a*. Applications for the release of the security relating to advance payments shall be accompanied by supporting documents proving final entitlement to the sum granted or that the sum granted, plus any addition provided for in the specific Union rules, has been repaid.’;

(4) the following Article 31*a* is inserted:

‘*Article 31a*

Apiculture programmes

For amounts paid as aid under apiculture programmes pursuant to Article 55 of Regulation (EU) No 1308/2013, the operative event for the exchange rate shall be 1 January of the year when the payment is made.’.

Article 2

Correction to Delegated Regulation (EU) 2022/127

In Article 24 of Delegated Regulation (EU) 2022/127, the first subparagraph of paragraph 4 is replaced by the following:

‘4. If an obligation is fulfilled timely, and the presentation of the proof of fulfilment is subject to a fixed time limit, the security covering that obligation shall be forfeited for each calendar day exceeding that time limit according to the formula 0,2/time limit in days set and taking account of Article 26.’.

Article 3

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, 31 October 2022.

For the Commission

The President

Ursula VON DER LEYEN