

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/744

of 2 February 2023

correcting Delegated Regulation (EU) 2022/1172 as regards transitional provisions to facilitate conditionality and cross-compliance checks for certain area-based payments under the common agricultural policy

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 105 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2022/1172 ⁽²⁾ aims at ensuring the smooth transition from the arrangements provided for in Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽³⁾. Article 12 of Delegated Regulation (EU) 2022/1172 therefore lays down transitional rules regarding the application of Article 104(1), second subparagraph, point (a)(iv), of Regulation (EU) 2021/2116, in order to avoid excessive administrative costs and burdens related to conditionality and cross-compliance checks applied to beneficiaries who receive area-based payments under both a CAP Strategic Plan pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council ⁽⁴⁾ and a rural development programme implemented under Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽⁵⁾ until 31 December 2025.

⁽¹⁾ OJ L 435, 6.12.2021, p. 187.

⁽²⁾ Commission Delegated Regulation (EU) 2022/1172 of 4 May 2022 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy and the application and calculation of administrative penalties for conditionality (OJ L 183, 8.7.2022, p. 12).

⁽³⁾ 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 (OJ L 347, 20.12.2013, p. 549).

⁽⁴⁾ 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).

⁽⁵⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

- (2) However, by omission, references to the provisions on area-based payments for afforestation, the creation of woodland, the establishment of agroforestry systems, payments to areas facing natural or other specific constraints, forest-environmental-climate services and forest conservation are missing in Article 12 of Delegated Regulation (EU) 2022/1172. That error should be corrected in order to avoid unnecessary administrative costs because of overlapping conditionality and cross-compliance checks. References to Article 21(1), points (a) and (b), and Articles 31 and 34 of Regulation (EU) No 1305/2013 should therefore be included in Article 12 of Delegated Regulation (EU) 2022/1172.
- (3) Delegated Regulation (EU) 2022/1172 should therefore be corrected accordingly.
- (4) With a view to ensuring continuity in the provision of checks on compliance with the rules on conditionality, as referred to in Article 83 of Regulation (EU) 2021/2116, this Regulation should enter into force as a matter of urgency and should apply retroactively from the date of application of Delegated Regulation (EU) 2022/1172,

HAS ADOPTED THIS REGULATION:

Article 1

Correction of Delegated Regulation (EU) 2022/1172

In Article 12 of Delegated Regulation (EU) 2022/1172, the first paragraph is replaced by the following:

'By way of derogation from Article 104(1), second subparagraph, point (a)(iv), of Regulation (EU) 2021/2116, checks on compliance with the rules on conditionality, as referred to in Article 83 of that Regulation, shall be carried out on areas supported on the basis of Article 21(1), points (a) and (b), and Articles 28, 29, 30, 31 and 34 of Regulation (EU) No 1305/2013 through rural development programmes implemented until 31 December 2025 under that Regulation, when the beneficiary concerned receives area-based payments also under the CAP Strategic Plan pursuant to Regulation (EU) 2021/2115.'

Article 2

Entry into force and application

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2023.

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

Done at Brussels, 2 February 2023.

For the Commission
The President
Ursula VON DER LEYEN