

1	When existing RDPs have to be modified as a result of a modification derived from the omnibus regulation, we understand that the provision of art. 4.2.b) of Implementing Regulation EU n° 808/2014 applies and this modification does not count as regards the number of programme amendments to be submitted per calendar year. We invite the Commission to confirm our understanding.	Confirmed
2	To ease and streamline the modification procedure, would it be possible for a single amendment proposal of the RDP, with the sole purpose of incorporating a provision of the omnibus regulation, to fall under the scope of art. 11.c) of Regulation EU n° 1305/2013?	Most omnibus provisions are new options for the programming of measures or the implementation of the RDPs. These options often are more complex than a sole technical clarification and they have impact on the delivery of the RDP. Therefore they need to be introduced via an amendment with full assessment procedure.
3	Regarding measure 1 (art. 14), the option of using an infrastructure installed as a result of a demonstration project , once the operation is fully completed, would it enable to use this infrastructure with productive purposes?	Yes, it is possible. What has to be taken into account is that only the relevant costs of the investment are eligible for support under the measure. That means, that only the use (depreciation or amortization cost) of the investments used for the demonstration project is eligible for support under the measure.
4	With the new wording of art. 15.3 (measure 2), providers under this support shall be chosen through a selection procedure open to both public and private bodies. We understand that a grant procedure would fall under this scheme, which it would require a modification of the RDP. In this context, would it be possible to launch the call for proposals for this support before the Commission's decision on the approval of such modification?	In principle, changes introduced in a RDP amendment can be implemented once it has been approved by the COM. However, MS might decide to start implementing the changes after the submission of the modification but before the formal approval at their own risk. In this case the risk is very limited.
5	With regard to measure 3 (art. 16), since when is to be counted the number of five years, within which the participation of a farmer in the quality scheme is to be eligible? (e.g. since the omnibus regulation took into effect?, since the first approval of the RDP 2014-2020?, since the first call for proposals under this measure in the current programming period?, when the potential	Omnibus provisions are applicable as of 1 January 2018. The potential beneficiary will be able to submit its application after the next call and in between the deadline set; EAFRD support cannot be provided retroactively.

	beneficiary submits their aid application? Or even, could this support be granted to a farmer with retroactive effects, for whom the aid support was rejected because they were already within a quality scheme for agricultural products?)	
6	We kindly invite the Commission to confirm that new provisions deriving from the omnibus regulation affecting measure 3 does not alter the link between support under sub-measure 3.2 and 3.1 (see art. 16.2).	Omnibus is not altering the link between sub-measure 3.1 and sub-measure 3.2.
7	With regard to the support for processing, marketing and development of agricultural products through the use of financial instruments (new wording of art. 17.1.b)), how is to be assessed that the investment contributes to one or more of the EU Rural development's priorities? (direct contribution or also potential contribution?).	<p>FIs support the implementation of the measure under which they are established. In this way they contribute to the rural development's priorities. The ex-ante assessment of the FI and subsequent programming of the RDP should demonstrate to which priorities the FI would contribute, hence the alignment is ensured at the programme level.</p> <p>The modification introduced by the Omnibus does not require an assessment at the level of an individual investment .However, any investment under Article 17(1)b needs to be in line with rural development priorities, as foreseen in the funding agreement between the Managing Authority and the implementing body.</p>
8	Support for young farmers (sub-measure 6.1) is modified by the omnibus regulation. Since when is to be counted the time-frame of five years of the business plan? (since the aid application is submitted by the potential beneficiary or since the aid is granted to the young farmer by the competent authority?)	Art. 19(4) says that support shall be conditional on the submission of a business plan and the implementation of the business plan shall start at the latest within nine months from the date of the decision granting the aid. The business plan shall have a maximum duration of five years. The five years duration should be counted from the start of the implementation of a business plan, i.e. each business plan can only provide planning for the five consecutive years. It is however on the MS whether they want to define what they consider the start of the implementation of a business plan, since the EU legislative framework does not provide any definition in this regard.
9	When an operation is supported by a combined aid (grant	Conditions established for FIs apply only to the part of the project

	<p>support plus a financial instrument), is the flexibility provided by the omnibus proposal for the use of financial instruments only to be applied for that part of the operation that is supported with financial instruments or for the whole operation?. As follow-up questions: i) is the threshold of € 70,000 in Annex II applicable to sub-measure 6.1 when the support is channelled through a financial instrument?; ii) when operations are supported with a combined aid, should the Managing Authority apply selection criteria for those operations?</p>	<p>supported by FI (including lifting detailed eligibility conditions, working capital possibilities etc). Practically, a project selected for grant support has to comply with all eligibility rules under EAFRD and, in case the project receives FI support for the own-part of the expenditures, the Omnibus brought some simplifications for the financial intermediaries in order to attract them to finance the sector. Significant simplifications for the final recipients – including all the lifted detailed eligibility requirements - can be reached only when FI support is obtained.</p> <p>The ceilings established in the Annex II refer to the maximum aid intensity of the project. Thus in the case of a project supported by FI and grants, the ceiling applies to the sum of the aid elements of both forms of support. This sum is calculated in the following way: for grants, it is the entire grant amount; for FI loans and guarantees, it is only the Gross Grant Equivalent of the FI support which is calculated by taking into account the potential interest rate/guarantee fee benefits.</p> <p>In the case of financial instruments, only the selection of the implementing bodies is the responsibility of the MA, while the selection of final recipients of FI support is solely done by the bodies implementing the FI (financial intermediaries), in line with the policy strategy and selection criteria as established in the Funding Agreement with the MA. The EAFRD was adapted to this condition in the Omnibus regulation (modifying Art.49). This is irrespective if FIs are combined with grant or not. However, the MA can also directly implement the FI in which case the selection is made by the MA or by its selected intermediate body.</p>
10	<p>The option, in exceptional and duly justified cases, of defining another selection criterion for operations (new para of art. 49.1) is provided for by the omnibus regulation. In this context, could this possibility be used for selecting those projects/operations by a Local Action Group in</p>	<p>The derogation introduced in article 49(a) refers to exceptional and duly justified cases where it is not possible to establish selection criteria due to the nature of the type of operations concerned. This is for example the case for “restoration operations” (i.e. support for restoring agricultural production</p>

	accordance with their CLLD strategy?	potential or damage to forests damaged by natural disasters (under measure 5 or sub-measure 8.4)), or certain non-productive investments, which are usually granted to all eligible applicants. Therefore, this derogation would normally not be relevant for the operations which a LAG selects in accordance with its local development strategies, unless a LAG implements restoration projects or non-productive investments, or any other projects for which it is not possible to establish selection criteria
11	Considering the new wording of the three paras of art. 49, can social criteria be used to prioritize a set of beneficiaries under IACS measures? (e.g. to prioritize young farmers in the ANC support or within the agro-environment climate measure).	The new wording in Art. 49 is meant to give more flexibility to MS/regions in handling cases where the application of selection criteria is not applicable, for example, eligibility conditions already determine the selection of beneficiaries. This could be the case in for the measure "restoration of the agricultural production potential" where all affected farmers are eligible. However, this does not change the fact that, where selection criteria are used, they should be in line with the objectives of the measure. Therefore, if a measure has an agri-environmental objective, the selection should target those beneficiaries delivering a better agri-environmental result. According to WTO rules, ANC support must not be linked to specific products, volume of production (such as livestock density), or certain types of farmers. Payments levels can however be differentiated in duly justified cases based on the severity of natural constraint or by farming system. Prioritizing specific groups of beneficiaries in ANC support is, therefore, not possible.
12	Related to the modification of the omnibus regulation in art. 60.2, we kindly request the Commission more clarification concerning the term "a significant and sudden change in the socio-economic conditions of the Member state or region".	A "sudden change" is understood as an unexpected event that has serious impact in the MS/regions and might request specific help to deal with it.
13	Concerning the reductions of requirements on verifiability and controllability on RDP measures introduced by the	The new Article 62 reduces the administrative burden in the use of SCO as the requirement to have an external certificate on the

	omnibus regulation (see new art. 62), is this reduction also extended to those measures implemented by the use of simplified cost options?	adequacy and accuracy of the calculations provided by a functionally independent body is only kept for the IACS measures.
14	It is our understanding that it is no longer necessary for the RDP's Managing Authorities to submit by 31 January and 31 October the so-called Bi-Annual indicator data provision (BAIDP) through SFC. This information (table A) will be collected by the Commission through Annual Implementing Reports to be submitted by 30 June. We kindly invite the Commission to confirm this interpretation.	The requirement to submit bi-annual reports is removed (art 66.1 of R1305/2013) and consequently only table A of the AIR will provide information on commitments.
15	According to the new wording of art. 74.a) set out by the omnibus regulation, the Monitoring Committee (MC) will be consulted and shall issue an opinion, before publication of the relevant call for proposals, on the selection criteria for financed operations. We understand that it is not necessary for the Monitoring Committee to issue an specific opinion for each call for proposals to be launched; it would be sufficient for the MC to issue a general opinion for the whole set of selection criteria for operations of the RDP. An opinion of the MC will be requested each time this document of selection criteria is modified. Please confirm this understanding.	The MC has to issue an opinion on the selection criteria. The modification introduced in the omnibus withdraws the obligation of consulting the MC within 4 months from the adoption of the programme which was considered a very tight deadline. Nothing else has changed. Therefore the working procedure of the MC is not affected.
16	Some errors in the Spanish translation of the omnibus regulation have been detected. These may lead to a reinterpretation of some of the provisions agreed by EU legislators. In art. 14.4 of the consolidated version of Regulation EU nº 1305/2013 it is used the term "serán admisibles" instead of "serán subvencionables" from the original text, adopted in 2013. Furthermore, with the modification of the omnibus regulation of art. 17.1.b) it is stated "el rendimiento del proceso" against the reference to "el resultado del proceso" from the first version of the	It is the Council that will be responsible for the possible corrections in the linguistic versions of Omnibus Regulation.

	regulation. Finally, throughout the text of the Spanish version of Regulation EU n° 1305/2013, modified by the omnibus regulation, the term “call for proposal” is translated interchangeably into Spanish by “convocatorias de ayudas” or “convocatorias de propuestas”. In this latter example, we assume both concepts refer to the English term “call for proposals”. Please confirm this is correct.	
17	Is there any section of Reg. (EU) 2017/2393 which imply an immediate and compulsory (request of) amendment to current RDP text?	No

Disclaimer:

The present opinion is provided on the basis of the facts as set out above and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.