



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL
DEVELOPMENT

Directorate H. Horizontal aspects of rural development
H.1. Consistency of rural development

Brussels, 17 March 2013
H.1

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Subject: Working document by DG AGRI staff on proposed substance of the
empowerments given by the proposal for a Regulation of the European Parliament and
of the Council on support for rural development by the European Agricultural Fund for
Rural Development (EAFRD).

RDC on 19 March 2013

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facilitate the discussion in the Rural Development Committee. It has not yet been subject
to an inter-service consultation nor revised by the Legal Service.

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COMMISSION IMPLEMENTING REGULATION (EU) No .../..

of XXX

amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005

THE EUROPEAN COMMISSION,

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

Having regard to 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 1698/2005¹, and in particular ...,

Whereas:

- (1) Regulation (EU) No 1305/2013 lays down general rules governing Union support for rural development financed by the European Agricultural Fund for Rural Development (EAFRD), complementing the common provisions for the European Structural and Investment Funds laid down in Part Two of Regulation (EU) No 1303/2013 of the European Parliament and the Council². Uniform conditions for the implementation of Regulation (EU) No 1305/2013 should be laid down.
- (2) In order to facilitate the establishment of rural development programmes and their examination and approval by the Commission, common rules for the structure and content of those programmes, based in particular on the requirements of Article 8 of Regulation (EU) No 1305/2013 and Article 27 of Regulation (EU) No 1303/2013 should be laid down. It should also be established which of those rules on content and structure also apply to programmes dedicated to joint instruments for uncapped guarantees and securitisation providing capital relief implemented by the EIB. Finally, rules on the content and structure of national frameworks should also be laid down.
- (3) The procedures for the adoption of national rural network programmes and national frameworks should be established.
- (4) In order to systematise the amendment of rural development programmes and national rural network programmes, a common set of rules should be established as regards the information required for the substantiation of such amendments as well as the frequency of amendments. The latter should be done in a manner so as to reduce as much as possible administrative burden while leaving flexibility for clearly defined emergencies and specific situations.

¹ JO L 347, 20.12.2013, p. 487.

² Regulation (EU) No 1303/2013 of the European Parliament and the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

- (5) Common rules for the amendment of national frameworks including on timing and in particular to facilitate the amendment of national frameworks of Member States with regional programmes should also be established.
- (6) In order to comply with the WTO rules according to which farmers cannot be direct recipients of aid for trainings, conditions for systems of payments for participants' costs for knowledge transfer and information actions involving the service provider should be established.
- (7) The establishment of a common, competitive procedure with a common set of rules for the selection of authorities or bodies offering advisory services should ensure that the service provider offering best value for money is chosen.
- (8) As final payments should only be granted upon correct implementation of business plans, common parameters for such assessment should be established. Additionally, in order to facilitate the access for young farmers setting up for the first time to other measures under the farm and business development measure referred to in Article 19 of Regulation (EU) No 1305/2013, rules for the coverage of several measures in the business plans as well as for the approval procedure of the related applications should be established.
- (9) In order to allow Member States to calculate support for commitments under the agri-environment-climate, organic and animal welfare measures on the basis of other units than those established in Annex II of Regulation (EU) No 1305/2013 because of the specific nature of those commitments, rules need to be established featuring common parameters concerning the compliance with the maximum amounts allowed, the exception for payments per livestock unit and the conversion rates of different categories of animals to livestock units.
- (10) In order to ensure that the calculation of additional costs and income foregone for certain relevant measures is done in a transparent and verifiable manner certain common elements for the calculation that apply across Member States should be established.
- (11) In order to avoid overcompensation and administrative burden, rules for the combination of certain measures should be set up.
- (12) The actions of National Rural Networks play an important role in improving the quality of rural development programme implementation by increasing stakeholder involvement. Common rules regarding the start of the operation of the networks as well as on their structure should therefore be established to ensure that the networks can work efficiently and timely to accompany programme implementation.
- (13) To ensure information and publicity on the rural development activities benefitting from support by the EAFRD, both managing authorities and beneficiaries have responsibilities to fulfil which should be further specified in the Regulation. Whereas the managing authority should systemise its overall information and publicity efforts in a strategy and through the establishment of a single website or website portal to raise awareness regarding the objectives of rural development policy and to strengthen accessibility and transparency of information about funding opportunities, beneficiaries should also inform about the EAFRD support provided for their projects.
- (14) ~~In order to facilitate the setting up of the common monitoring and evaluation system, the common elements of that system including the indicators and the evaluation plan should be further defined in more detail.~~

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- (15) In order to facilitate the reporting exercise and to ensure that reporting on certain key elements is comparable across Member States, the central elements of the annual implementation report should also be established,

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HAS ADOPTED THIS REGULATION:

Article 1
Subject matter

This Regulation lays down uniform conditions for the implementation of Regulation (EU) No 1305/2013 as regards the content, adoption and modification of programmes and national frameworks, evaluation, reporting and information and publicity for rural development programmes as well as the practical implementation of certain rural development measures.

Article 2
Content of rural development programmes and national frameworks

The content of rural development programmes as referred to in Article 27 of Regulation (EU) No 1303/2013 and Article 8 of Regulation (EU) No 1305/2013, of national programmes dedicated to joint instruments for uncapped guarantees and securitisation providing capital relief implemented by the EIB as referred to in Article 28 of Regulation (EU) No 1303/2013 and of national frameworks as referred to in Article 6(3) of Regulation (EU) No 1305/2013, shall be established in accordance with Annex I to this Regulation.

Article 3
Adoption of national rural network programmes and national frameworks

Specific programmes for the establishment and operation of national rural networks as referred to in Article 54(1) of Regulation (EU) No 1305/2013 and national frameworks as referred to in Article 6(3) of that Regulation shall be adopted in accordance with the provisions of Article 29 of Regulation (EU) No 1303/2013 and Article 10(2) of Regulation (EU) No 1305/2013.

Article 4
Amendments of programmes

1. Proposals to amend rural development programmes and specific programmes for the establishment and operation of National Rural Networks shall be duly substantiated and will contain, in particular, the following information:
 - (a) the type of amendment that is being proposed,
 - (b) the reasons and/or implementation problems that justify the amendment,
 - (c) the expected effects of the amendment,
 - (d) the impact of the change on indicators,
 - (e) the relationship between the change and the Partnership Agreement.
2. Programme amendments of the type referred to in Article 11(1)(a)(i) of Regulation (EU) No 1305/2013 may be proposed no more than three times during the duration of the programming period.

A single amendment proposal for all other types of amendments combined may be submitted per calendar year and per programme with the exception of the year 2023 for the adaptation of the financial plan.

The first and second subparagraphs of this paragraph shall not apply in case emergency measures due to natural disasters need to be taken or an amendment is necessary following a change to the Union legal framework or the performance review referred to in Article 21 of Regulation (EU) No 1303/2013 or a change in the EAFRD contribution for each year referred to in Article 8(1)(h)(i) of Regulation (EU) No 1305/2013 resulting from developments of the annual breakdown by Member State referred to in Article 58(7) of the same Regulation.

3. When a programme amendment changes any of the data that is included in the table of the national framework referred to in the second subparagraph of Article 6(3) of Regulation (EU) No 1305/2013, the approval of the programme amendment shall constitute approval of the corresponding revision of that table.

Article 5
Amendment of national frameworks

1. The provisions of Articles 30 of Regulation (EU) No 1303/2013, Article 11(1) of Regulation (EU) No 1305/2013 and Article 4(1)(b) and (c) of this Regulation shall apply mutatis mutandis for the amendment of national frameworks.
2. Member States that have opted for the submission of national frameworks containing the table referred to in Article 6(3) of Regulation (EU) No 1305/2013 may submit amendments of the national framework concerning this table to the Commission taking into account the degree of implementation of their various programmes.
3. The Commission, after approving this amendment, shall adapt the financing plans, referred to in Article 8(1)(i)(i) of Regulation (EU) No 1305/2013 of the regional programmes concerned to the revised table, provided that:
 - (a) the total EAFRD contribution per programme for the entire programming period is not altered;
 - (b) the total EAFRD allocation to the Member State concerned is not altered;
 - (c) the annual breakdowns of the programme for the years preceding the year of the revision are not altered;
 - (d) the annual EAFRD allocation to the Member State concerned is respected.
4. Except in cases of emergency measures due to natural disasters, changes to the legal framework, or changes resulting from the performance review referred to in Article 21(1) of Regulation (EU) No 1303/2013, requests for amendment of the national framework described in paragraph 3 may be submitted only once per calendar year before 1 April. Changes in regional programmes that result from such revision shall not be taken into account for the purposes of Article 4(2).
5. The implementing act approving the amendment shall be adopted in due time for allowing to amend the respective budget commitments before the end of the year in which the revision was submitted.

Article 6
Knowledge transfer and information actions

1. Member States may provide, for expenditure relating to the costs for travel, accommodation and per diem expenses of participants in knowledge transfer and information actions referred to in Article 14 of Regulation (EU) No 1305/2013 as well as related costs for the replacement of farmers, the possibility to cover the expenses of the participants through a system of vouchers or another system of equivalent effect.
2. In relation to the systems referred to in paragraph 1 Member States shall provide:
 - (a) that the period of validity of the voucher or equivalent may not exceed one year;
 - (b) rules for obtaining the vouchers or equivalent, in particular that they shall be linked to a specific action;
 - (c) the definition of specific conditions under which vouchers can be reimbursed to the knowledge or information action organiser.

Article 7
Selection of authorities or bodies offering advisory services

The calls for tenders referred to in Article 15(3) of Regulation (EU) No 1305/2013 shall follow the applicable national public procurement rules. They shall give due consideration to the degree of attainment by the applicants of the qualifications referred to in Article 15(3) of Regulation (EU) No 1305/2013.

Article 8
Business plans

1. Member States shall assess the progress of the business plans referred to in Article 19(1)(a)(i) and (ii) of Regulation (EU) No 1305/2013 in terms of proper implementation of actions as referred to in Article 5(1) of Regulation (EU) No 1305/2013.
2. In the case of support under Article 19(1)(a)(i), where the business plan refers to the use of other rural development measures under Regulation (EU) No 1305/2013 the Member States may provide that the approval of the application for support also gives access to support under these measures. Where a Member State makes use of this possibility it must provide that the application for support supplies the necessary information to assess eligibility under those measures.

Article 9
Conversion of units

1. Where commitments under Articles 28, 29 and 34 of Regulation (EU) No 1305/2013 are expressed in units other than those used in Annex II of that Regulation, Member States may calculate payments on the basis of those other units. In such case, the Member States shall ensure that the maximum amounts per year eligible for EAFRD support set out in that Annex are complied with.
2. At the exception of payments for commitments to rear local breeds in danger of being lost to farming, payments cannot be granted per livestock unit ("LU").

The conversion rates of the various categories of animals to livestock units are set out in Annex II. Member States may differentiate those rates within the limits set out in that annex for the relevant categories of animals according to objective criteria.

Article 10

Standard assumption of additional costs and income foregone

1. Where appropriate, Member States may fix the amount of the payments for the measures or types of operations of Articles 21(1)(a), 28, 29, 30, 31, 33 and 34 on the basis of standard assumptions of additional costs and income foregone.
2. Member States shall ensure that the calculations and the corresponding payments referred to in paragraph 1:
 - (a) contain only elements that are verifiable;
 - (b) are based on figures established by appropriate expertise;
 - (c) indicate clearly the source of the figures used;
 - (d) are differentiated to take account of regional or local site conditions and actual land use, where applicable;
 - (e) do not contain elements linked to investment costs.

Article 11

Combination of commitments and combination of measures

1. Various agri-environment-climate commitments, organic farming and/or animal welfare commitments as well as forest-environmental and climate commitments under Article 34 may be combined provided that they are complementary and compatible. Member States shall attach the list of allowed combinations to their rural development programmes.
2. Where measures or different commitments under the same or different measures are combined, in determining the level of support Member States shall take into account the specific income foregone and additional costs resulting from the combination.
3. Where an operation falls under two or more measures or under two or more different types of operations, Member States may attribute the expenditure to the dominant measure or type of operation and the specific contribution rate of this dominant measure or type of operation shall apply.

Article 12

National Rural Network

1. Member States shall provide for the organisation of the National Rural Network referred to in Article 54 of Regulation (EU) 1305/2013 and the start of its action plan at the latest 12 months after the approval by the Commission of the rural development programme or the specific programme for the establishment and operation of the National Rural Network, as applicable.
2. The structure needed for running the National Rural Network may be established either within the national/regional competent authorities or externally, by selection through tendering procedures or by a combination of both. That structure must be

able to perform at least the tasks referred to in paragraph 3(b) of Article 54 of Regulation (EU) No 1305/2013.

3. Where a Member State has opted for a specific programme for the establishment and operation of the National Rural Network, that programme shall include the elements of points [1](#), [2](#), [3](#), [9](#) and [17](#) of Annex 1 to this Regulation, the financial plan referred to in Article 8(1)(h)(i) and (ii) of Regulation (EU) No 1305/2013, as well as the programme implementing arrangements referred to in Article 8(1)(m)(i) and (ii) of the same Regulation.

*Article 13
Information and publicity*

1. The managing authority shall submit an information and publicity strategy as well as any amendments thereof to the monitoring committee for information. The strategy shall be submitted no later than 6 months after the adoption of the rural development programme. The managing authority shall inform the monitoring committee at least once a year on the progress in the implementation of the information and publicity strategy and on its analysis of the results as well as on the planned information and publicity to be carried out in the following year.
2. Detailed conditions on information and publicity are laid down in Annex III.

*Article 14
Monitoring and evaluation system*

1. The common monitoring and evaluation system referred to in Article 67 of Regulation (EU) No 1305/2013 includes the following elements:
 - (a) an intervention logic showing the interactions between priorities, focus areas and measures;
 - (b) a set of common context, result and output indicators, including indicators to be used for the establishment of quantified targets in relation to rural development focus areas and a set of pre-defined indicators for the performance review;
 - (c) common evaluation questions;
 - (d) data collection, storage and transmission;
 - (e) regular reporting on monitoring and evaluation activities;
 - (f) the evaluation plan;
 - (g) the *ex ante* and *ex post* evaluations and all other evaluation activities linked to the rural development programme, including those required to fulfil the increased requirements of the 2017 and 2019 annual implementation reports referred to in Articles 50(4) and (5) of Regulation (EU) No 1303/2013 and 75(3) and (4) of Regulation (EU) No 1305/2013.
 - (h) Support to enable all actors responsible for monitoring and evaluation to fulfil their obligations.
2. The common set of context, result and output indicators for rural development policy is set out in Annex IV. This annex also identifies the indicators which are to be used for the establishment of quantified targets in relation to rural development focus

areas. For the purpose of the setting of the Performance Framework milestones and targets referred in paragraph 2 of Annex II of Regulation (EU) No 1303/2013, the Member State shall either use the pre-defined output indicators mentioned in point 5 of Annex IV of this Regulation or replace and/or complete these indicators by other relevant output indicators defined in the programme.

3. The common evaluation questions for rural development are set out in Annex V.
4. The technical support documents set out in Annex VI shall form part of the monitoring and evaluation system.
5. For types of operations where a potential contribution to focus areas referred to under point a of Article 5(2), of point a of Article 5(5), of point b of Article 5(5), point c of Article 5(5) and point d of Article 5(5) and point a of Article 5(6) is identified in the table under point 11(c) of Annex I, the electronic record of the operations referred to in Article 70(1) of Regulation (EU) No 1305/2013 shall include flag(s) to identify those cases where the operation has a component contributing to one or more of these focus areas.

Article 15

Annual implementation report

The presentation structure of the annual implementation report referred to in Article 75 of Regulation (EU) No 1305/2013 is set out in Annex VII to this Regulation.

Article 16

Evaluation Plan

Minimum requirements for the Evaluation Plan referred to in Article 56(1) of Regulation (EU) No 1305/2013 are set out in point 9 of Annex I of this Regulation.

Article 17

This Regulation shall enter into force on the third 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,

*For the Commission
The President*