

WORKING DOCUMENT**DELEGATED ACT FOR DIRECT PAYMENTS**

Legal draft of the Articles related to the **notifications to be included in the horizontal title of the DP delegated act**

DISCLAIMER

This working document has been prepared by DG AGRI staff in order to facilitate the discussion in the Expert group for direct payments. It has not yet been subject of an inter-service consultation nor revised by the Legal Service

Whereas:

- 1) For the purposes of monitoring the correct application of the rules laid down in Regulation (EU) No [DPR] and of evaluating policy implementation, it is necessary to lay down certain notification obligations of Member States, in particular as regards the information to be notified by Member States on their decisions made in accordance with Chapter 1 of Title II, Chapter 1a and Chapter 3 of Title III and Title V of Regulation (EU) No [DPR].
- 2) For the purposes of setting the financial ceilings established in accordance with Regulation (EU) No [DPR], of checking the respect of those ceilings and of monitoring and evaluating policy implementation, it is necessary to specify certain notification obligations, in particular as regards the information to be notified by Member States on their decisions made in accordance with Articles 28h(1), 35(1) and 37(1) of Regulation (EU) No [DPR].
- 3) For the purposes of checking the financial ceilings established in accordance with Regulation (EU) No [DPR], and of monitoring and evaluating policy implementation, it is necessary to specify certain notification obligations, in particular as regards the information to be notified by Member States on their decisions made in accordance with Articles 7(1), 37(2) and 51(1) of Regulation (EU) No [DPR].
- 4) The Commission should, where appropriate, be informed of any review of decisions notified in accordance with this Regulation or in accordance with Regulation (EU) No [DPR]. In order to enable the Commission to monitor the impact of the review of Member States' decisions rules should be set out concerning the details of these notifications.
- 5) Member States may decide to grant national aids under certain conditions. In order to verify that these aids are granted within the limits established, it is appropriate to lay down an obligation to submit to the Commission annual reports on the amounts of aid granted.

CHAPTER 1

FURTHER NOTIFICATIONS

*Article 1**Notifications concerning the minimum requirements for receiving direct payments*

Member States shall notify the Commission by [1 August 2014] of any decision taken in accordance with Article 10 of Regulation (EU) No [DPR].

*Article 2**Notifications concerning the flexibility between pillars*

The information to be notified to the Commission pursuant to the second subparagraph of Article 14(1) of Regulation (EU) No [DPR] and the second subparagraph of Article 136a(1) of Council Regulation (EC) No 73/2009 shall be in the form of annual percentages of the annual national ceilings referred to in Article 14(1) of Regulation (EU) No [DPR] and Article 136a(1) of Council Regulation (EC) No 73/2009] for each calendar year until 2019.

The information to be notified to the Commission pursuant to the second subparagraph of Article 14(2) of Regulation (EU) No [DPR] and the second subparagraph of Article 136a(1) of Council Regulation (EC) No 73/2009 shall be in the form of annual percentages of the annual amounts allocated to support for measures under rural development programming referred to in Article 14(2) of Regulation (EU) No [DPR] and Article 136a(2) of Council Regulation (EC) No 73/2009] for each financial year until 2020.

*Article 3**Notifications concerning the redistributive payment*

Where a Member State decides to grant the redistributive payment pursuant to Chapter 1a of Title III of Regulation (EU) No [DPR], the notification referred to in the second subparagraph of Article 28g(1) of Regulation (EU) No [DPR] shall comprise the details of such decision, including also the details and justification of the calculation of the redistributive payment and, where appropriate, information on any regional application pursuant to Article 28g(2) of that Regulation and on any graduation within the number of hectares pursuant to Article 28g(4) of that Regulation.

*Article 4**Notifications concerning the payment for areas with natural constraints*

Where a Member State decides to grant the payment for areas with natural constraints pursuant to Chapter 3 of Title III of Regulation (EU) No [DPR] it shall notify the Commission by [1 August 2014] of any decision taken in accordance with Article 34 of Regulation (EU) No [DPR]. Such a notification shall comprise the details of such decision including, where appropriate, information on any restriction of the payments to certain areas pursuant to Article 34(2) of that Regulation, on any application of the maximum limits referred to in Article 34(4) of that Regulation and on any regional application pursuant to Article 34(5) of that Regulation.

*Article 5**Notifications concerning the small farmers' scheme*

Where a Member States decides to apply the small farmers' scheme pursuant to Title V of Regulation (EU) No [DPR], it shall notify the Commission by [1 August 2014] of any decision taken in accordance with that Title.

Such a notification shall comprise the details of such decision, including the possible automatic inclusion of farmers pursuant to Article 48(2), the calculation of the payment pursuant to Article 49 and the possible regional application pursuant to Article 34(5) of that Regulation.

Member States shall inform the Commission on the decision on financing referred to in the third subparagraph of Article 51(1) without delay and no later than 1 December of the calendar year to which the payment relates.

*Article 6**Application of Articles 8, 28g and 38 at the level of the members of specific legal forms*

Where a Member State decides to apply Articles 8(4), 28g(6), 38(5a) of Regulation (EU) No [DPR], it shall notify the Commission by [1 August 2014] of the details of those decisions.

*Article 7**Financial allocations under the redistributive payment, the payment for areas under natural constraints and the payment for young farmers*

Where a Member State notifies the Commission of its decisions pursuant to Articles 28h(1), 35(1) and 37(1) of Regulation (EU) No [DPR], the information to be submitted to the Commission shall consist in percentages of the annual national ceilings set out in Annex II of Regulation (EU) No [DPR] for each calendar year until 2020.

*Article 8**Linear reductions of the payments*

In case of application of any linear reductions referred to in the second subparagraph of Article 7(1), in Article 37(2) or in point c of the third subparagraph of Article 51(1) of Regulation (EU) No [DPR], Member States shall inform the Commission of the reduction percentage applied without delay and no later than 30 June of the year following the calendar year in which the direct payments linearly reduced where claimed.

*Article 9**Transmission of information to the Commission*

Where necessary in order to ensure the correct application of the rules set out in Regulation (EU) No [DPR] or in this Regulation, the Commission may request Member States to provide details on any measure taken to implement Regulation (EU) No [DPR], this Regulation or [Implementing Regulation DP].

Article 10
Reports

1. Where Bulgaria and Romania decide to grant complementary national direct payments pursuant to Article 17 of Regulation (EU) No [DPR], they shall submit a report to the Commission by 30 June 2016. For each complementary national direct payment the report shall contain the number of beneficiaries, the total amount of complementary national direct payment granted, the hectares paid and the rate of the payment where relevant.
2. Where a Member State decides to grant transitional national aid according to Article 28ca(1) of Regulation (EU) No [DPR], it shall submit to the Commission an annual report by 30 June of the year following its implementation. The report shall contain for each sector the number of beneficiaries, the amount of national aid granted, the hectares, the number of animals or other units for which that direct payment has been granted and the rate of the payment where relevant.

CHAPTER 2
COMMON PROVISIONS ON NOTIFICATIONS

Article 11
Review of notifications

Where a decision notified to the Commission in accordance with this Regulation or in accordance with Regulation (EU) No [DPR] may be reviewed, the Commission shall be notified of the decision of the review within a period of four weeks after such decision on the review has been made. Such a notification shall include the details of the decision and, where relevant, a justification and the objective criteria on the basis of which such a decision has been made.

Article 12
Application of Regulation (EC) No 792/2009

The notifications to the Commission referred to in this Regulation and in Regulation (EU) No [DPR] shall be made in accordance with Commission Regulation (EC) No 792/2009.