

WORKING DOCUMENT**DELEGATED ACT FOR INTEGRATED ADMINISTRATION AND CONTROL SYSTEM**

Legal draft of the Articles related to the **common provisions on aid applications and payments claims**

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) Rules should be established to deal with the situations where the latest date related to submission of various applications, documents or amendments is a public holiday, a Saturday or a Sunday.
- (2) Respect for the time limits for the submission of aid applications, payment claims and other declarations, for the amendment of area aid applications or payment claims and for any supporting documents or contracts is indispensable to enable the national administrations to program and, subsequently, carry out effective controls on the correctness of the aid applications, payment claims or other documents. Provision should, therefore, be made regarding the time limits within which late submissions are acceptable. Moreover, a dissuasive reduction should be applied in case of late applications to encourage beneficiaries to respect the time limits.
- (3) The punctual submission of applications for allocation of payment entitlements or, when applicable, the increase of the value of payment entitlements by beneficiaries is essential for the Member States with a view to the timely establishment of the payment entitlements. Late submissions of those applications should therefore only be permitted within the same additional time-limit as for the late submission of any aid applications. A dissuasive reduction should also be applied unless the delay is due to cases of force majeure or exceptional circumstances.
- (4) Article 2(2) of Regulation (EU) No [HZR] defines cases of force majeure and exceptional circumstances to be recognised by the Member States. Where, as a consequence of such cases, a beneficiary is not able to fulfil the eligibility criteria, commitments or other obligations, he should not lose his right to the aid payment or support. A deadline within which such case is to be notified by the beneficiary should however be fixed. Specific rules for the direct payments and rural development support in relation to force majeure should be laid down.

*Article 1**Derogation from the final date for submission*

By way of derogation from Article 5(1) of Council Regulation (EEC, Euratom) No 1182/71, where the latest date for the submission of an aid application, application for support, payment claim or other declarations or any supporting documents or contracts under Title XX [Aid applications and payment claims] of IA-IACS Regulation (EU) No [HZR], or the latest date for amendments to the single application or to the payment claim, is a public holiday, a Saturday or a Sunday, it shall be deemed to fall on the first following working day.

The first paragraph shall also apply to applications by beneficiaries for allocation or increase of payment entitlements in accordance with Article 15 [allocation or increase of PE] of IA-IACS Regulation (EU) No [HZR].

*Article 2**Late submission*

1. Except in cases of force majeure and exceptional circumstances as referred to in Article 4 [force majeure and exceptional circumstances] of this Regulation, the submission of an aid application or payment claim pursuant to this Regulation after the relevant time limit as referred to in Article 11(2) of IA-IACS Regulation (EU) No [HZR] shall lead to a 1 % reduction per working day in the amounts to which the beneficiary would have been entitled if the application or claim had been submitted within the time limit.

Without prejudice to any particular measures to be taken by the Member States with regard to the need for the submission of any supporting documents in due time to allow effective controls to be scheduled and carried out, the first subparagraph shall also apply with regard to applications for support, documents, contracts or other declarations to be submitted to the competent authority in accordance with Articles 12 and 13 [Art 12: contents of the single application; art 13: specific requirements pertaining the single application and declarations in relation to particular uses of area] of IA-IACS Regulation (EU) No [HZR] where such applications for support, documents, contracts or declarations are constitutive for the eligibility for the aid in question. In that case, the reduction shall be applied on the amount payable for the aid concerned.

If the delay amounts to more than 25 calendar days the application shall be considered inadmissible.

2. Except in cases of force majeure and exceptional circumstances as referred to in Article 4 of this Regulation, the submission of an amendment to a single application or payment claim after the latest date as provided for in Article 14(2) of IA-IACS Regulation (EU) No [HZR] shall lead to a 1 % reduction per working day in the amounts relating to the actual use of the agricultural parcels concerned.

Amendments to a single application or payment claim shall only be admissible until the latest date for a late submission of a single application or payment claim as specified in the third subparagraph of paragraph 1. However, where that date is earlier than, or the same as, the latest date provided for in Article 14(2) of IA-IACS Regulation (EU) No [HZR], amendments to a single application or payment claim shall be considered inadmissible after the date provided for in Article 14(2) of IA-IACS Regulation (EU) No [HZR].

*Article 3**Late submission of an application related to payment entitlements*

Except in cases of force majeure and exceptional circumstances referred to in Article 4 of this Regulation, the submission of an application for allocation or, when applicable, increase of the value of payment entitlements after the latest date established pursuant to Article 15 of the IA-IACS Regulation (EU) No [HZR], shall lead to a 3 % reduction per working day of the amounts to be paid in that year in respect of the payment entitlements or, when applicable, the increase of the value of payment entitlements to be allocated to the beneficiary.

If such delay exceeds 25 calendar days, the application shall be considered inadmissible and no payment entitlements or, when applicable, no increase of the value of payment entitlements shall be allocated to the beneficiary.

*Article 4**Force majeure and exceptional circumstances*

1. As regards direct payments, if a beneficiary has been unable to comply with the eligibility criteria or other obligations as a result of force majeure or exceptional circumstances as referred to in Article 2(2) of Regulation (EU) No [HZR] he shall retain his right to aid in respect of the area or animals eligible at the time when the case of force majeure or the exceptional circumstance occurred.

As regards area and animal-related rural development measures, if a beneficiary has been partially or totally unable to fulfil the commitment or to comply with the eligibility criteria or other obligations relating to the conditions for the granting of the support as a result of force majeure or exceptional circumstances, the respective payment shall be proportionally withdrawn for the years during which force majeure or exceptional circumstances occurred. Reimbursement of the support received in previous years shall not be required. The commitment shall be continued in the subsequent years in accordance with its original duration.

When the non-compliance resulting from such force majeure or exceptional circumstances concerns cross-compliance, the corresponding administrative penalty as referred to in Article 91(1) of Regulation (EU) No [HZR] shall not be applied.

2. Cases of force majeure and exceptional circumstances within the meaning of Article 2(2) of Regulation (EU) No [HZR] shall be notified in writing to the competent authority, with relevant evidence to the satisfaction of the competent authority, within ten working days from the date on which the beneficiary, or the person entitled through or under him, is in a position to do so.