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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

On the exercise of the power to adopt delegated acts conferred on the Commission pursuant 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 1698/2005, 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, Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009, Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007

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1. 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

1.1. Introduction

Regulation (EU) No 1305/2013 of the European Parliament and of the Council[1] lays down rules governing Union support for rural development, financed by the European Agricultural Fund for Rural Development ("the EAFRD") and established by Regulation (EU) No 1306/2013 and complements Regulation (EU) No 1303/2013[2] of the European Parliament and the Council in this regard.

Article 2(3) empowers the Commission to adopt delegated acts concerning the conditions under which a legal person may be considered to be a 'young farmer', and the setting of a grace period for the acquisition of occupational skills.

Article 14(5) empowers the Commission to adopt delegated acts concerning the duration and content of farm and forest exchange schemes and farm and forest visits in order to ensure that they are clearly demarcated in relation to similar actions under other Union schemes.

Article 16(5) empowers the Commission to adopt delegated acts concerning the specific Union quality schemes and the characteristics of groups of producers and the types of actions that may receive support under paragraph 2, the setting of conditions to prevent discrimination against certain products; and the setting of conditions on the basis of which commercial brands are to be excluded from support.

Article 19(8) empowers the Commission to adopt delegated acts laying down the minimum content of business plans and the criteria to be used by Member states for setting the thresholds referred to in paragraph 4.

Article 22(3) empowers the Commission to adopt delegated acts concerning the definition of the minimum environmental requirements referred to in paragraph 2 of this Article.

Article 28(10) empowers the Commission to adopt delegated acts concerning the following:

(a) the conditions applicable to commitments to extensify livestock farming;

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[1] 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] Regulation (EU) No 1303/2013 of the European Parliament and of 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, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, OJ L 347, 20.12.2013, p. 320

(b) the conditions applicable to commitments to rear local breeds that are in danger of being lost to farming or to preserve plant genetic resources that are under threat of genetic erosion, and

(c) the definition of eligible operations under paragraph 9.

Articles 28(11), 29(6) and 30 (8) empower the Commission to adopt delegated acts as regards agri-environment-climate, organic farming and Natura 2000 and Water Framework Directive payments laying down the calculation method to be used in order to exclude double funding of the practices referred to in Article 43 of Regulation (EU) No 1307/2013.

Article 33(4) empowers the Commission to adopt delegated acts concerning the definition of the areas in which animal welfare commitments are to provide upgraded standards of production methods in order to ensure that animal welfare commitments are in accordance with the overall Union policy in this field.

Article 34(5) empowers the Commission to adopt delegated acts concerning the types of operations eligible for support provided to public and private entities for the conservation and promotion of forest genetic resources for operations not covered under paragraphs 1, 2 and 3 of Article 34.

Article 35(10) empowers the Commission to adopt delegated acts concerning the further specification of the characteristics of pilot projects, clusters, networks, short supply chains and local markets that will be eligible for support, as well as concerning the conditions for granting aid to cooperation operations.

Article 36(5) empowers the Commission to adopt delegated acts concerning the minimum and maximum duration of the commercial loans to mutual funds referred to in point (b) of Article 38(3) and Article 39(4).

Article 45(6) empowers the Commission to adopt delegated acts laying down the conditions under which other costs connected with leasing contracts, second hand equipment may be considered to be eligible expenditure and specifying the types of renewable energy infrastructure that are to be eligible for support.

Article 47(6) empowers the Commission to adopt delegated acts laying down conditions applicable to conversion or adjustment of commitments under the measures referred to in Articles 28, 29, 33 and 34 and, specifying other situations in which reimbursement of the aid shall not be required.

Article 58(7) empowers the Commission to adopt delegated acts to review the ceilings set out in Annex I in order to take account of the developments relating to the annual breakdown and to make technical adjustments without changing the overall allocations; or to take account of any other change provided for by a legislative act after the adoption of this Regulation.

Article 89 empowers the Commission to adopt delegated acts laying down the conditions under which support approved by the Commission under Regulation (EC) No 1698/2005 may be integrated into support provided for under Regulation (EU) No 1305/2013, including for technical assistance and for the ex-post evaluations, as well as conditions for the transition from rural development support for Croatia under Regulation (EC) No 1085/2006 to support provided for under Regulation (EU) No 1305/2013.

1.2. Legal Basis

The report is required under Article 83(2). Pursuant to this provision, the power to adopt delegated acts referred to in in Articles 2(3), Article 14(5), Article 16(5), Article 19(8), Article 22(3), Article 28(10) and (11), Article 29(6), Article 30(8), Article 33(4), Article 34(5), Article 35(10), Article 36(5), Article 45(6), Article 47(6), Article 58(7) and Article 89 shall be conferred on the Commission for a period of seven years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

1.3. Exercise of Delegation

At this stage, the Commission has adopted **nine delegated acts under Regulation (EU) No 1305/2013**.

(A) The Commission adopted six delegated acts amending Annex I to review the ceilings set out in Annex I on the basis of Article 58(7): **Commission Delegated Regulation (EU) No 994/2014**[3], **Commission Delegated Regulation (EU) No 1378/2014**[4], **Commission Delegated Regulation (EU) 2015/791**[5], **Commission Delegated Regulation (EU) 2016/142**[6]**, Commission Delegated Regulation (EU) 2018/162**[7] **and Commission Delegated Regulation (EU) 2019/71**[8]. These delegated acts, except Delegated Regulation (EU) 2015/791, reviewed the breakdown of Union support for rural development for Member States and years based on Member States' use of the possibility of financial flexibility between pillars provided for in Regulation (EC) No 73/2009[9] and Regulation

[3] Commission Delegated Regulation (EU) No 994/2014 of 13 May 2014 amending Annexes VIII and VIIIc to Council Regulation (EC) No 73/2009, Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II, III and VI to Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 280, 24.9.2014, p. 1

[4] Commission Delegated Regulation (EU) No 1378/2014 of 17 October 2014 amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 367, 23.12.2014, p. 16

[5] Commission Delegated Regulation (EU) 2015/791 of 27 April 2015 amending Annex I to 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, OJ L 127, 22.5.2015, p. 1

[6] Commission Delegated Regulation (EU) 2016/142 of 2 December 2015 amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annex III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 28, 4.2.2016, p. 8

[7] Commission Delegated Regulation (EU) 2018/162 of 23 November 2017 amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 30, 2.2.2018, p. 6

[8] Commission Delegated Regulation (EU) 2019/71 of 9 November 2018 amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annex III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 16, 18.1.2019, p. 1

[9] Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003, OJ L 30, 31.1.2009, p. 16

(EU) No 1307/2013[10] (See in this respect point 3.3). Delegated Regulation (EU) 2015/791 reviewed Annex I following the revision of Council Regulation (EU, Euratom) No 1311/2013[11] by Council Regulation (EU, Euratom) 2015/623[12] transferring, for the European Agricultural Fund for Rural Development, the corresponding unused 2014 allocations into 2015 and 2016 expenditure ceilings.

In line with the common understanding on delegated acts[13], Member States' experts were consulted in the Expert Group for Direct Payments and the Expert Group for Rural Development on all these Delegated Acts. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

(B) Further to these six delegated acts based on Article 58(7), the Commission adopted one delegated act supplementing 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 introducing transitional provisions on the basis of Articles 2(3), Article 14(5), Article 16(5), Article 19(8), Article 22(3), Article 28(10) and (11), Article 29(6), Article 30(8), Article 33(4), Article 34(5), Article 35(10), Article 36(5), Article 45(6), Article 47(6), and Article 89: **Commission Delegated Regulation (EU) No 807/2014**[14].

This delegated act provided for the conditions under which a legal person may be considered to be a 'young farmer' and the setting of a grace period for the acquisition of occupational skills, provisions concerning the duration and content of farm and forest exchange schemes and farm and forest visits, provisions on the specific Union quality schemes, characteristics of groups of producers, and types of actions that may receive support, rules on the content of business plans and criteria to be used by Member States for granting support for farm and business development, minimum environmental requirements in the context of the afforestation and creation of woodland measure, conditions for local breeds and plant varieties in danger of being lost to farming and conservation of genetic resources under threat of genetic erosion and the definition of eligible operations , the

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[10] Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009, OJ L 347, 20.12.2013, p. 608

[11] Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020, OJ L 347, 20.12.2013, p. 884

[12] Council Regulation (EU, Euratom) 2015/623 of 21 April 2015 amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020, OJ L 103, 22.4.2015, p. 1

[13] Common Understanding on delegated acts from 2011(not published) and Common Understanding between the European Parliament, the Council and the Commission on Delegated Acts, annex to the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, OJ L 123, 12.5.2016, p. 1.

[14] Commission Delegated Regulation (EU) No 807/2014 of 11 March 2014 supplementing 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 introducing transitional provisions, OJ L 227, 31.7.2014, p. 1

calculation methods to be used to ensure that double funding is excluded when granting agri-environmental-climate, organic farming and Natura 2000 and Water Framework Directive payments, the definition of the areas in which animal welfare commitments are to provide upgraded standards of production methods, the types of operations eligible for support in the area of forest-environmental and climate services and forest conservations, the specification of the characteristics of pilot projects, clusters, networks, short supply chains, and local markets, eligible for support under the Co-operation measure, as well as conditions for granting support, the minimum and maximum duration of commercial loans to mutual funds, conditions, under which costs connected with leasing contracts and second hand equipment can be considered eligible, specifications of the types of renewable energy infrastructure eligible for support, conditions applicable to the conversion or adjustments of commitments under measures defined in articles 28, 29, 33 and 34 as well as specifications of other situations in which reimbursement of the aid should not be required, as well as transitional provisions as regards support approved by the Commission under Regulation (EC) No 1698/2005 and under Regulation (EC) No 1085/2006.

Since its adoption, this delegated act has been amended twice. The first time on the basis of Article 89 by **Commission Delegated Regulation (EU) 2015/1367**[15] as regards transitional provisions for the 2007-2013 rural development programmes. The second time on the basis of Articles 2(3), 36(5) and 45(6) by **Commission Delegated Regulation (EU) 2019/94**[16] as regards the conditions under which a legal person may be considered to be a 'young farmer', the minimum and maximum duration of commercial loans to mutual funds and as regards a correction connected with leasing contracts and second hand equipment.

In line with the common understanding on delegated acts[17], Member States' experts were consulted in the Expert Group for Rural Development on these three Delegated Acts. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

Through these delegated acts, the Commission has used all its delegated powers provided for in Regulation (EU) No 1305/2013.

1.4. Conclusions

The Commission has exercised its delegated powers correctly. It cannot be excluded that the empowerments will be needed in future.

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15 Commission Delegated Regulation (EU) 2015/1367 of 4 June 2015 amending Delegated Regulation (EU) No 807/2014 as regards transitional provisions for the 2007-2013 rural development programmes, OJ L 211, 8.8.2015, p. 7

16 Commission Delegated Regulation (EU) 2019/94 of 30 October 2018 amending Delegated Regulation (EU) No 807/2014 supplementing 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 introducing transitional provisions, OJ L 19, 22.1.2019, p. 5

17 See Footnote 13.

2. 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

2.1. Introduction

Regulation (EU) No 1306/2013 of the European Parliament and of the Council[18] lays down rules on the financing, management and monitoring of the common agricultural policy. It therefore covers inter alia the financial and monitoring aspects of the fields covered by Regulations (EU) No 1305/2013, No 1307/2013 and No 1308/2013.

As regards rules for paying agencies of Member States and other bodies:

Article 8 empowers the Commission to adopt delegated acts concerning:

(a) the minimum conditions for the accreditation of paying agencies and of the coordinating bodies referred to in Article 7(2) and in Article 7(4), respectively;

(b) the obligations of the paying agencies as regards public intervention, as well as the rules on the content of their management and control responsibilities.

As regards the financial management of the funds:

Article 20(2) empowers the Commission to adopt delegated acts concerning:

(a) the type of measures eligible for Union financing and the reimbursement conditions;

(b) the eligibility conditions and calculation methods based on the information actually observed by the paying agencies or based on flat-rates determined by the Commission, or based on flat-rate or non-flat-rate amounts provided for by the sectoral agricultural legislation.

Article 20(3) empowers the Commission to adopt delegated acts laying down rules on the valuation of operations in connection with public intervention, the measures to be taken in the case of loss or deterioration of products under the public intervention, and on the determination of the amounts to be financed.

Article 40 empowers the Commission to adopt delegated acts laying down rules to make expenditure effected before the earliest possible date of payment or after the latest possible date of payment in certain cases eligible for Union financing.

Article 46(1) empowers the Commission to adopt delegated acts concerning the conditions under which certain types of expenditure and revenue under the Funds are to be compensated.

[18] 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

Article 46(2) empowers the Commission in case the Union's budget has not been adopted by the beginning of the financial year or if the total amount of the commitments scheduled exceeds the threshold laid down in Article 170(3) of Regulation (EU, Euratom) No 966/2012, to adopt delegated acts concerning the method applicable to the commitments and the payment of the amounts.

Article 46(3) empowers the Commission in the case of non-compliance by Member States with the obligation to notify the Commission pursuant to Article 102, to adopt delegated acts on the deferral of monthly payments to Member States referred to in Article 42 with regard to expenditure under the EAGF and laying down the conditions under which it will reduce or suspend interim payments to Member States under the EAFRD referred to in that Article.

Article 46(4) empowers the Commission as regards suspension of payments in the case of late submission to adopt delegated acts pertaining to rules on:

(a) the list of measures which fall under Article 42;
(b) the rate of suspension of payments referred to in that Article.

Article 50(1) empowers the Commission to adopt delegated acts supplementing specific obligations to be complied with by the Member States under this Chapter IV on clearance of account to ensure the correct and efficient application of the provisions relating to on-the-spot checks and access to documents and information.

Article 53(3) empowers the Commission to adopt delegated acts concerning the criteria and methodology for applying corrections.

Article 57(1) empowers the Commission to adopt delegated acts concerning specific obligations to be complied with by the Member States to ensure correct and efficient application of the provisions relating to the conditions for the recovery of undue payments and interest thereon.

As regards control systems and penalties:

Article 62(1) empowers the Commission to adopt delegated acts laying down, where the proper management of the system so requires, additional requirements with respect to customs procedures, and in particular to those laid down in Regulation (EC) No 952/2013 of the European Parliament and of the Council to ensure that checks are carried out correctly and efficiently and that the eligibility conditions are verified in an efficient, coherent and non-discriminatory manner which protects the financial interest of the Union.

Article 63(4) provides that the Commission shall adopt delegated acts laying down the conditions for the partial or total withdrawal of aid in case of non –compliance with the conditions of aid or support, as provided for in the sectoral agricultural legislation.

Article 64(6) empowers the Commission to adopt delegated acts:

(a) identifying, for each aid scheme or support measure and person concerned as referred to in paragraph 3, from the list set out in paragraph 4 and within the limits laid down in paragraph 5, the administrative penalty and determining the specific rate to be imposed by Member States including in cases of non-quantifiable non-compliance;
(b) identifying the cases in which the administrative penalties are not to be imposed, as referred to in point (f) of paragraph 2.

Article 65(2) empowers the Commission to adopt delegated acts concerning the market measures falling under the suspension and the rate and period of suspension of payments referred to in paragraph 1 to ensure the respect of the proportionality principle when applying paragraph 1.

Article 66(3) empowers the Commission to adopt delegated acts laying down rules which ensure a non-discriminatory treatment, equity and the respect of proportionality when lodging a security, and:

(a) specifying the responsible party in the event that an obligation is not met;
(b) laying down the specific situations in which the competent authority may waive the requirement of a security;
(c) laying down the conditions applying to the security to be lodged and the guarantor and the conditions for lodging and releasing that security;
(d) laying down the specific conditions related to the security lodged in connection with advance payments;
(e) setting out the consequences of breaching the obligations for which a security has been lodged, as provided for in paragraph 1, including the forfeiting of securities, the rate of reduction to be applied on release of securities for refunds, licences, offers, tenders or specific applications and when an obligation covered by that security has not been met either wholly or in part, taking into account the nature of the obligation, the quantity for which the obligation has been breached, the period exceeding the time limit by which the obligation should have been met and the time by which evidence that the obligation has been met is produced.

Article 72(5) empowers the Commission to adopt delegated acts concerning rules applicable to periods, dates and time limits where the final date for submission of applications or amendments of an aid application, of a payment claim or of any supporting documents is a public holiday, a Saturday or a Sunday.

Article 76(1) empowers the Commission to adopt delegated acts concerning:

(a) specific definitions needed to ensure a harmonised implementation of the integrated system, in addition to those provided for in Regulation (EU) No 1307/2013 and Regulation (EU) No 1305/2013;
(b) with regards to Articles 67 to 75, rules on further measures necessary to ensure the compliance with control requirements laid down in this Regulation or in sectoral agricultural legislation to be taken by the Member States in respect of producers, services, bodies, organisations or other operators, such as slaughterhouses or associations involved in the procedure for the granting of the aid, where this Regulation does not provide for relevant administrative penalties; such measures shall as far as possible, follow, mutatis mutandis, the provisions on penalties set out in paragraphs (1) to (5) of Article 77.

Article 76(2) empowers the Commission to adopt delegated acts concerning

(a) the basic features, technical rules, including, for the update of reference parcels, appropriate tolerance margins taking into account the outline and condition of the parcel, and including rules on the inclusion of landscape features located adjacent to a parcel, and quality requirements for the identification system for agricultural parcels provided for in Article 70 and for the identification of the beneficiaries as provided for in Article 73;

(b) the basic features, technical rules and quality requirements of the system for the identification and registration of payment entitlements provided for in Article 71;
(c) the rules to establish the definition of the basis for the calculation of aid, including rules on how to deal with certain cases in which eligible areas contain landscape features or trees; such rules shall allow Member States for areas under permanent grassland to consider scattered landscape features and trees, the total area of which does not exceed a certain percentage of the reference parcel, to be automatically part of the eligible area without a requirement to map them for that purpose.

Article 77(7) empowers the Commission to adopt delegated acts as regards administrative penalties:

(a) identifying, for each aid scheme or support measure and person concerned as referred to in paragraph 3 from the list set out in paragraph 4 and within the limits laid down in paragraphs 5 and 6, the administrative penalty and determining the specific rate to be imposed by Member States, including in cases of non-quantifiable non-compliance;
(b) identifying, the cases in which the administrative penalties are not to be imposed, as referred to in point (f) of paragraph 2.

Article 79(2) empowers the Commission for measures not covered by the integrated system referred to in Chapter II of this Title to adopt delegated acts establishing a list of measures which, due to their design and control requirements, are unsuited for additional ex-post controls by way of scrutiny of commercial documents and, therefore, are not to be subject to such scrutiny under this Chapter.

Article 84(6) empowers the Commission to adopt delegated acts modifying the threshold of EUR 40 000 under which undertakings are only scrutinised for specific reasons to be indicated by the Member States in their annual programme referred to in paragraph 1 or by the Commission in any proposed amendment to that programme.

Article 89(5) empowers the Commission as regards checks and penalties concerning the identity, provenance and quality of Union wine, to adopt delegated acts relating to:

(a) the establishment of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States;
(b) rules on control bodies and the mutual assistance between them;
(c) rules on the common use of the findings of Member States.

As regards cross-compliance:

Article 93(4), first subparagraph empowers the Commission to adopt delegated acts laying down the rules on maintenance of permanent pasture, in particular in order to ensure that measures are taken to maintain the land under permanent pasture at the level of farmers, including individual obligations to be respected such as obligation to reconvert areas into permanent pasture where it is established that the ratio of land under permanent pasture is decreasing. As regards the maintenance of permanent pasture, Article 93(4), second subparagraph empowers the Commission to adopt delegated acts to establish the conditions and methods for the determination of the ratio of permanent pasture and agricultural land that has to be maintained.

Article 101(1) empowers the Commission to adopt delegated acts:

(a) establishing a harmonised basis for calculation of administrative penalties due to cross-compliance referred to in Article 99, taking into account reductions due to financial discipline;
(b) laying down the conditions for the application and calculation of the administrative penalties due to cross-compliance, including in the case of non-compliance directly attributable to the beneficiary concerned.

As regards exchange rate and monetary practices:

Article 106(5) empowers the Commission to adopt delegated acts containing rules on the specification on operative events for the exchange rate and the exchange rate to be used, taking into account certain criteria.

Article 106(6) empowers the Commission to adopt delegated acts laying down rules on the exchange rate applicable when declarations of expenditure are drawn up and when public storage operations are recorded in the accounts of the paying agency.

Article 107(2) empowers the Commission to adopt delegated acts, where exceptional monetary practices concerning a national currency are liable to jeopardise the application of Union law, derogating from this Section, in particular where a country uses abnormal exchange techniques such as multiple exchange rates or operates barter agreements or where countries have currencies which are not quoted on official foreign exchange markets or where the trend in such currencies is likely to create distortion in trade.

As regards the monitoring of the Common Agricultural Policy:

Article 110(1), third subparagraph empowers the Commission to adopt delegated acts regarding the content and construction of the common monitoring and evaluation framework measuring the performance of the CAP.

As regards Transitional measures:

Article 120 empowers the Commission to adopt delegated acts concerning the cases in which derogations from, and additions to, the rules provided for in this Regulation may apply in order to ensure the smooth transition from the arrangements provided for in the repealed 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 to those laid down in Regulation (EU) No 1306/2013.

2.2. Legal Basis

The report is required under Article 115(2). Pursuant to this provision, the power to adopt delegated acts referred to in Articles 8, 20, 40, 46, 50, 53, 57, 62, 63, 64, 65, 66, 72, 76, 77, 79, 84, 89, 93, 101, 106, 107, 110 and 120 shall be conferred on the Commission for a period of seven years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

2.3. Exercise of Delegation

At this stage, the Commission has adopted **twenty-one delegated acts under Regulation (EU) No 1306/2013.**

(A) Four of these delegated acts have been adopted in 2014 and 2015 and are supplementing the rules of Regulation (EU) No 1306/2013:

a) The Commission adopted **Commission Delegated Regulation (EU) No 907/2014**[19] on the basis of Articles 8(1), 40, 46(1), 46(2), 46(3), 46(4), 53(3), 57(1), 66(3), 79(2), 106(5) and (6) and 120. It supplements Regulation (EU) No 1306/2013 with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and the use of the euro.

This delegated act lays down conditions for the accreditation of paying agencies and coordination bodies; obligations of paying agencies as regards public interventions; rules as regards non-compliance with the latest and the earliest payment deadline; rules on the compensation by paying agencies; rules in case of late adoption of the Union budget; the possibility for the Commission to defer monthly payments and to suspend payments in case of late submission; criteria and methodology for applying corrections in the framework of conformity clearance; the obligations of Member States following recovery procedures; rules for the security to be given to ensure payments; the exclusion of certain measures in the wine sector from the rules on scrutiny of transactions; the applicable exchange rate for drawing up declarations of expenditure; the determination of the operative events for the exchange rate in the field of export refunds and trade with third countries, for production refunds, for aid granted by quantity of marketed product or product to be used in a specific way, for private storage aid, for aid granted in the wine, milk and milk products and sugar sector, for aid granted in the field of School Fruit Scheme, for amounts linked to the authorisation to grant national financial assistance to producer organisations in the fruit and vegetables sector, for advances and securities as well as for other amounts or prices; the determination of the exchange rate to be used, provisions on the transition from old to new rules.

The Commission amended this delegated act three times: In 2015 on the basis of Articles 40 and 53 through **Commission Delegated Regulation (EU) 2015/160**[20] as regards payment deadlines and corrections in the framework of conformity clearance, in 2017 on the basis of Articles 64(6)(a) and 106(5) through **Commission Delegated Regulation (EU) 2017/40**[21]as regards the operative event for the exchange rate in the field of School Scheme (see also

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19 Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro, OJ L 255, 28.8.2014, p. 18

20 Commission Delegated Regulation (EU) 2015/160 of 28 November 2014 amending Delegated Regulation (EU) No 907/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro, OJ L 27, 3.2.2015, p.7.

21 Commission Delegated Regulation (EU) 2017/40 of 3 November 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments and amending Commission Delegated Regulation (EU) No 907/2014, OJ L 5, 10.1.2017, p. 11

point 4.3) and in 2018 on the basis of Article 40 and Article 106(6) through **Commission Delegated Regulation (EU) 2018/967**[22] as regards non-compliance with payment deadlines and the applicable exchange rate for declarations of expenditure.

In line with the common understanding on delegated acts[23], Member States' experts were consulted in the Expert Group for horizontal questions concerning the CAP – subgroup simplification. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

b) The Commission adopted **Commission Delegated Regulation (EU) No 640/2014**[24] on the basis of Articles 63(4), 64(6) 72(5), 76, Articles 77(7), 93(4) 101(1), and Article 120. It supplements Regulation (EU) No 1306/2013 with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance.

This delegated act lays down provisions on conditions for the partial or total refusal or withdrawal of the aid or support; provisions identifying the administrative penalty and determining the specific rate to be imposed; provisions identifying the cases in which the administrative penalty is not applied; rules applicable to periods, dates and time limits where the final date for submission of applications or amendments is a public holiday, a Saturday or a Sunday; specific definitions needed to ensure a harmonised implementation of the integrated system; basic features and technical rules for the identification system for agricultural parcels and identification of beneficiaries; basic features, technical rules and quality requirements of the system for the identification and registration of payment entitlements; the basis for the calculation of aid, including rules on how to deal with certain cases in which eligible areas contain landscape features or trees; additional rules for intermediates such as services, bodies and organisations, which are involved in the procedure for granting the aid or support; the maintenance of permanent pasture in relation to cross compliance; a harmonised basis for the calculation of administrative penalties related to cross-compliance; conditions for the application and calculation of the administrative penalties related to cross compliance; an addition to the rules provided for in Regulation (EU) No 1306/2013 in order to ensure a smooth transition from repealed rules to the new rules.

The Commission amended this delegated act two times: In 2016, on the basis of the same Articles on the basis of which the amended act was adopted, through **Commission**

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22 Commission Delegated Regulation (EU) 2018/967 of 26 April 2018 amending Delegated Regulation (EU) No 907/2014 as regards non-compliance with payment deadlines and as regards applicable exchange rate for drawing up declarations of expenditure, OJ L 174, 10.7.2018, p. 2

23 See footnote 13.

24 Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance, OJ L 181, 20.6.2014, p. 48

Delegated Regulation (EU) 2016/1393[25] and in 2017 through **Commission Delegated Regulation (EU) 2017/723**[26] on the basis of Article 77 (7).

In line with the common understanding on delegated acts[27], Member States' experts were consulted in the in the Expert Group for Horizontal Questions concerning the CAP, subgroup Cross-compliance and FAS, the Expert Group for Direct Payments and the Expert Group for Rural Development. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

c) The Commission adopted **Commission Delegated Regulation (EU) No 906/2014**[28] on the basis of Article 20(2) and (3). It supplements Regulation (EU) No 1306/2013 with regard to public intervention expenditure.

The delegated act lays down the conditions and rules applicable to the financing by the European Agricultural Guarantee Fund (EAGF) of expenditure on intervention measures related to public storage.

In line with the common understanding on delegated acts[29], Member States' experts were consulted in the Expert Group for Horizontal Questions concerning the CAP. The Regulations was notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

d) The Commission adopted **Commission Delegated Regulation (EU) 2015/1971**[30] on the basis of Article 50(1). It supplements Regulation (EU) No 1306/2013 with specific provisions on the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development.

The delegated act determines which irregularities are to be reported and establishes which data are to be provided by Member States to the Commission.

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25 Commission Delegated Regulation (EU) 2016/1393 of 4 May 2016 amending Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross-compliance, OJ L 225, 19.8.2016, p. 41

26 Commission Delegated Regulation (EU) 2017/723 of 16 February 2017 amending Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance, OJ L 107, 25.4.2017, p. 1

27 See footnote 13.

28 Commission Delegated Regulation (EU) No 906/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure, OJ L 255, 28.8.2014, p. 1

29 Common Understanding on delegated acts from 2011(not published).

30 Commission Delegated Regulation (EU) 2015/1971 of 8 July 2015 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with specific provisions on the reporting of irregularities concerning the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development and repealing Commission Regulation (EC) No 1848/2006, OJ L 293, 10.11.2015, p. 6

In line with the common understanding on delegated acts[31], Member States' experts were consulted in the Expert Group Reporting and Analysis of the COCOLAF (Advisory Committee for Fraud Prevention and in the Expert Group for Horizontal Questions concerning the CAP. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

(B) Since Regulation (EU) No 1306/2013 covers inter alia the financial and monitoring aspects of the fields covered by Regulations (EU) No 1305/2013, No 1307/2013 and No 1308/2013, some of the delegated acts adopted under Regulation (EU) No 1306/2013 are acts which are also adopted under Regulation No 1308/2013. These delegated acts are therefore based on different basic acts. Their main provisions are taken in relation to Regulation No 1308/2013 (see in this respect point 4.3). The financial and monitoring aspects are taken on the basis of Regulation (EU) No 1306/2013.

These delegated acts are the following acts:

1) **Commission Delegated Regulation (EU) No 499/2014**[32] adopted on the basis of Article 64(6) lays down the penalties for the non-respect of recognition criteria of producer organisations.
2) **Commission Delegated Regulation (EU) 2015/560**[33] adopted on the basis of Article 64(6) laid down the penalties and rules for the cost recovery for producers who do not comply with the obligation to grub up areas planted with vines without an authorisation. This Regulation is not in force anymore. It has been repealed and replaced by Regulation Commission Delegated Regulation (EU) 2018/273 (see below).
3) **Commission Delegated Regulation (EU) 2015/1366**[34] adopted on the basis of Article 106(5) lays down the operative event for the exchange rate for the amounts paid as aid in the apiculture sector pursuant to Article 55 of Regulation (EU) No 1308/2013.
4) **Commission Delegated Regulation (EU) 2015/1829**[35] adopted on the basis of Article 64(6)(a) and Article 66(3)(d) lays down the administrative penalties for organisations submitting a proposal for an information and promotion programme under Regulation (EU) No 1144/2014.

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31 Common Understanding on delegated acts from 2011(not published).

32 Commission Delegated Regulation (EU) No 499/2014 of 11 March 2014 supplementing Regulations (EU) No 1308/2013 of the European Parliament and of the Council and Regulation (EU) No 1306/2013 of the European Parliament and of the Council by amending Commission Implementing Regulation (EU) No 543/2011 relating to the fruit and vegetables and processed fruit and vegetables sectors, OJ L 145, 16.5.2014, p. 5

33 Commission Delegated Regulation (EU) 2015/560 of 15 December 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, OJ L 93, 9.4.2015, p. 1

34 Commission Delegated Regulation (EU) 2015/1366 of 11 May 2015 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to aid in the apiculture sector, OJ L 211, 8.8.2015, p. 3

35 Commission Delegated Regulation (EU) 2015/1829 of 23 April 2015 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries, OJ L 266, 13.10.2015, p. 3

5) **Commission Delegated Regulation (EU) 2016/1149**[36] adopted on the basis of Article 63(4) lays down the conditions for the partial or total withdrawal of the aid in the wine sector.
6) **Commission Delegated Regulation (EU) 2016/1237**[37] adopted on the basis of Article 66(3)(c) and (e) lays down the conditions for a security and its release and forfeiture related to import and export licences for agricultural products.
7) **Commission Delegated Regulation (EU) 2016/1238**[38] adopted on the basis of Articles 64(6) and 66(3)(c) and (e) lays down the conditions for a security and its release and forfeiture related to public intervention and aid for private storage.
8) **Commission Delegated Regulation (EU) 2016/1612**[39] adopted on the basis of Article 106(5) laid down the operative event for the exchange rate as regards the exceptional aid paid under this Regulation to eligible applicants reducing cow milk deliveries.
9) **Commission Delegated Regulation (EU) 2016/1613**[40] adopted on the basis of Article 106(5) laid down the operative event for the exchange rate as regards the exceptional adjustment aid paid under this Regulation to milk producers and farmers in other livestock sectors.
10) **Commission Delegated Regulation (EU) 2016/247**[41] adopted on the basis of Article 64(6) laid down the penalties in case of irregular payments that are not due to obvious errors and in case of fraud or serious negligence for which the applicant is responsible as regards Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products within the framework of the school fruit and vegetables scheme. This Regulation is not in force anymore. It has been repealed and replaced by Regulation Commission Delegated Regulation (EU) 2017/40 (see next point).
11) **Commission Delegated Regulation (EU) 2017/40**[42] adopted on the basis of Articles 64(6)(a) and 106(5) lays down the administrative penalties in cases of non-compliance

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36 Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008, OJ L 190, 15.7.2016, p. 1

37 Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008, OJ L 206, 30.7.2016, p. 1

38 Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage, OJ L 206, 30.7.2016, p. 15

39 Commission Delegated Regulation (EU) 2016/1612 of 8 September 2016 providing aid for milk production reduction, OJ L 242, 9.9.2016, p. 4

40 Commission Delegated Regulation (EU) 2016/1613 of 8 September 2016 providing for exceptional adjustment aid to milk producers and farmers in other livestock sectors, OJ L 242, 9.9.2016, p. 10

41 Commission Delegated Regulation (EU) 2016/247 of 17 December 2015 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products within the framework of the school fruit and vegetables scheme, OJ L 46, 23.2.2016, p. 1

42 Commission Delegated Regulation (EU) 2017/40 of 3 November 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and

related to the implementation of the school scheme referred to in Section I of Chapter II of Title I of Part II of Regulation (EU) No 1308/2013. It also amends at the same time Commission Delegated Regulation (EU) No 907/2014 (see point 2.3 A))) as regards the operative event for the exchange rate for this aid.

12) **Commission Delegated Regulation (EU) 2017/891**[43] adopted on the basis of Articles 62(1) and 64(6)(a) supplements Regulation (EU) No 1306/2013 as regards penalties to be applied in the fruit and vegetables and processed fruit and vegetables sectors.

13) **Commission Delegated Regulation (EU) 2018/273**[44] adopted on the basis of Articles 64(6) and 89(5) lays down rules for identifying the proportionate and graduated specific rate for the administrative penalty to be imposed by Member States as regards the scheme of authorisation for vine planting, for identifying the cases in which the administrative penalties are not to be imposed. It also as establishes an analytical data bank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States and provides for the rules on control bodies and rules on the common use of the findings of Member States.

In line with the common understanding on delegated acts[45], Member States' experts were consulted in the Expert Group for Horizontal Questions concerning the CAP and in the Expert Group for Agricultural Markets, in particular concerning aspects falling under the single CMO Regulation. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

The Commission has not adopted any delegated act pursuant to Articles 65, 84, 107 and 110, because the Commission has not identified any need in this regard.

2.4. Conclusions

The Commission has exercised its delegated powers correctly. It cannot be excluded that the empowerments will be needed in future.

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vegetables, bananas and milk in educational establishments and amending Commission Delegated Regulation (EU) No 907/2014, OJ L 5, 10.1.2017, p. 1

[43] Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011, OJ L 138, 25.5.2017, p. 4

[44] Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560, OJ L 58, 28.2.2018, p. 1

[45] See footnote 13.

3. REGULATION (EU) NO 1307/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 17 DECEMBER 2013 ESTABLISHING RULES FOR DIRECT PAYMENTS TO FARMERS UNDER SUPPORT SCHEMES WITHIN THE FRAMEWORK OF THE COMMON AGRICULTURAL POLICY AND REPEALING COUNCIL REGULATION (EC) NO 637/2008 AND COUNCIL REGULATION (EC) NO 73/2009

3.1. Introduction

Regulation (EU) No 1307/2013[46] establishes rules on payments granted directly to farmers under the support schemes listed in Annex I ("direct payments").

Article 2 empowers the Commission to adopt delegated acts amending the list of support schemes set out in Annex I to the extent necessary to take account of any new legislative acts on support schemes which may be adopted after the adoption of this Regulation.

Article 4(3) empowers the Commission to adopt delegated acts establishing:

(a) the framework within which Member States are to establish the criteria to be met by farmers in order to fulfil the obligation to maintain an agricultural area in a state suitable for grazing or cultivation, as referred to in point (c)(ii) of paragraph 1;
(b) the framework within which Member States shall define the minimum activity to be carried out on agricultural areas naturally kept in a state suitable for grazing or cultivation, as referred to in point (c)(iii) of paragraph 1;
(c) the criteria to determine the predominance of grasses and other herbaceous forage and the criteria to determine the established local practices referred to in point (h) of paragraph 1.

Article 6(3) empowers the Commission to adopt delegated acts adapting the national ceilings set out in Annex II in order to take account of the developments relating to the total maximum amounts of direct payments that may be granted.

Article 7(3) empowers the Commission to adopt delegated acts adapting the net ceilings set out in Annex III in order to take account of the developments relating to the total maximum amounts of direct payments that may be granted.

Article 8(3) empowers the Commission to adopt delegated acts laying down rules on the basis for calculation of reductions to be applied by Member States to farmers pursuant to paragraph 1 of this Article in order to ensure the correct application of the adjustments of direct payments with respect to financial discipline.

Article 9(5) empowers the Commission to adopt delegated acts laying down:

(a) criteria for determining the cases where a farmer's agricultural area is to be considered to be mainly an area naturally kept in a state suitable for grazing or cultivation;
(b) criteria for establishing the distinction between receipts resulting from agricultural and non-agricultural activities;
(c) criteria for establishing the amounts of direct payments referred to in paragraphs 2 and 4, especially concerning direct payments in the first year of allocation of payment

[46] For reference see footnote 10.

entitlements where the value of the payment entitlements is not yet definitively established, as well as concerning direct payments for new farmers;

(d) criteria that farmers are to meet in order to prove for the purposes of paragraphs 2 and 3 that their agricultural activities are not insignificant and that their principal business or company objects consist of exercising an agricultural activity.

Article 20(6) empowers the Commission to adopt delegated acts adapting the amounts set out in Annex VI in order to take account of the consequences of the return of de-mined land to use for agricultural activities as notified by Croatia.

Article 35(1) empowers the Commission to adopt delegated acts concerning:

(a) rules on eligibility and access in respect of the basic payment scheme of farmers in the case of inheritance and anticipated inheritance, inheritance under a lease, change of legal status or denomination, transfer of payment entitlements, merger or scission of the holding, and the application of the contract clause referred to in Article 24(8);

(b) rules on the calculation of the value and number or on the increase or reduction in the value of payment entitlements in relation to the allocation of payment entitlements under any provision of this Title, including rules:

(i) on the possibility of a provisional value and number or of a provisional increase of payment entitlements allocated on the basis of the application from the farmer,

(ii) on the conditions for establishing the provisional and definitive value and number of the payment entitlements,

(iii) on the cases where a sale or lease contract may affect the allocation of payment entitlements;

(c) rules on the establishment and calculation of the value and number of payment entitlements received from the national reserve or regional reserves;

(d) rules on the modification of the unit value of payment entitlements in the case of fractions of payment entitlements and in the case of transfer of payment entitlements referred to in Article 34(4);

(e) criteria for applying options under points (a), (b) and (c) of the third subparagraph of Article 24(1);

(f) criteria for applying limitations on the number of payment entitlements to be allocated in accordance with Article 24(4) to (7);

(g) criteria for the allocation of payment entitlements pursuant to Article 30(6) and (7);

(h) criteria for setting the reduction coefficient referred to in Article 32(5).

Article 35(2) empowers the Commission to adopt delegated acts laying down rules on the content of the declaration and the requirements for the activation of payment entitlements.

Article 35(3) empowers the Commission to adopt delegated acts laying down rules making the granting of payments conditional upon the use of certified seeds of certain hemp varieties and the procedure for the determination of hemp varieties and the verification of their tetrahydrocannabinol content referred to in Article 32(6).

Article 36(6) empowers the Commission to adopt delegated acts concerning rules on eligibility and the access of farmers to the single area payment scheme.

Article 39(3) empowers the Commission to adopt delegated acts laying down further rules on the introduction of the basic payment scheme in Member States having applied the single area payment scheme.

Article 43(12) empowers the Commission to adopt delegated acts:

(a) adding equivalent practices to the list set out in Annex IX;
(b) establishing appropriate requirements applicable to the national or regional certification schemes referred to in point (b) of paragraph 3 of this Article, including the level of assurance to be provided by those schemes;
(c) establishing detailed rules for the calculation of the amount referred to in Article 28(6) of Regulation (EU) No 1305/2013 for the practices referred to in points 3 and 4 of Section I and point 7 of Section III of Annex IX to this Regulation, and any further equivalent practices added to that Annex pursuant to point (a) of this paragraph for which a specific calculation is needed in order to avoid double funding.

Article 44(5) empowers the Commission to adopt delegated acts:

(a) recognising other types of genera and species than those referred to in paragraph 4 of this Article; and
(b) laying down the rules concerning the application of the precise calculation of shares of different crops.

Article 45(5) empowers the Commission to adopt delegated acts laying down detailed rules on maintenance of permanent grassland.

Article 45(6) empowers the Commission to adopt delegated acts in accordance with Article 70:

(a) laying down the framework for the designation of further sensitive areas referred to in the second subparagraph of paragraph 1 of this Article;
(b) establishing detailed methods for the determination of the ratio of permanent grassland and of the total agricultural area that has to be maintained pursuant to paragraph 2 of this Article;
(c) defining the period in the past referred to in the first subparagraph of paragraph 3 of this Article.

Article 46(9) empowers the Commission to adopt delegated acts:

(a) laying down further criteria for the types of areas referred to in paragraph 2 of this Article to qualify as ecological focus area;
(b) adding other types of areas than those referred to in paragraph 2 that can be taken into account for the purpose of respecting the percentage referred to in paragraph 1;
(c) adapting Annex X in order to establish the conversion and weighting factors referred to in paragraph 3 and in order to take into account the criteria and/or types of areas to be defined by the Commission under points (a) and (b) of this paragraph;
(d) setting rules for the implementation referred to in paragraphs 5 and 6, including the minimum requirements on such implementation;
(e) establishing the framework within which Member States are to define the criteria to be met by holdings in order to be considered to be in close proximity for the purposes of paragraph 6;

(f) establishing the methods for determination of the percentage of total land surface area covered by forest and the ratio of forest land to agricultural land referred to in paragraph 7.

Article 50(11) empowers the Commission to adopt delegated acts concerning the conditions under which a legal person may be considered to be eligible to receive the payment for young farmers.

Article 52(9) empowers the Commission to adopt delegated acts laying down:

(a) the conditions for granting coupled support;
(b) rules on consistency with other Union measures and on the cumulation of support.

Article 52(10) empowers the Commission to adopt delegated acts supplementing this Regulation as regards voluntary coupled support measures in order to avoid beneficiaries of voluntary coupled support suffering from structural market imbalances in a sector.

Article 57(3) empowers the Commission to adopt delegated acts concerning rules and conditions for the authorisation of land and varieties for the purposes of the crop-specific payment for cotton.

Article 58(5) empowers the Commission to adopt delegated acts concerning rules on the conditions for the granting of that payment, on the eligibility requirements and on agronomic practices.

Article 59(3) empowers the Commission to adopt delegated laying down:

(a) criteria for the approval of interbranch organisations;
(b) obligations for producers;
(c) rules governing the situation where the approved interbranch organisation does not satisfy the criteria referred to in point (a).

Article 64(5) empowers the Commission to adopt delegated acts setting out the conditions for participation in the small farmers scheme where the situation of the participating farmer has changed.

Article 67(1) empowers the Commission to adopt delegated acts on the necessary measures regarding notifications to be made by Member States to the Commission for the purposes of this Regulation, for the purpose of checking, controlling, monitoring, evaluating and auditing direct payments or for the purpose of complying with requirements laid down in international agreements which have been concluded by a Council decision, including notification requirements under those agreements. In so doing, the Commission shall take into account the data needs and synergies between potential data sources.

Article 67(2) empowers the Commission to adopt delegated acts in laying down further rules on:

(a) the nature and type of the information to be notified;
(b) the categories of data to be processed and maximum retention periods;
(c) access rights to the information or information systems made available;
(d) the conditions of publication of the information.

Article 73 empowers the Commission to adopt delegated acts concerning the necessary measures to protect any acquired rights and legitimate expectations of farmers in order to ensure a smooth

transition from the arrangements provided for in Regulation (EC) No 73/2009 to those laid down in Regulation (EU) No 1307/2013.

3.2. Legal Basis

The report is required under Article 70(2). Pursuant to this provision, the power to adopt delegated acts referred to in Article 2, 4, 6, 7, 8, 9, 20, 35, 36, 39, 43, 44, 45, 46, Article 50, Article 52, 57, 58, 59, 64, 67 and Article 73 shall be conferred on the Commission for a period of seven years from 1 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3.3. Exercise of Delegation

At this stage, the Commission has adopted **fifteen delegated acts under Regulation (EU) No 1307/2013**.

A) **Commission Delegated Regulation (EU) No 502/2014**[47] adopted on basis of Article 8(3) supplements Council Regulation (EC) No 73/2009 and Regulation (EU) No 1307/2013 and lays down the basis of calculation for reductions to be applied to farmers by Member States due to the linear reduction of payments in 2014 and financial discipline for calendar year 2014.
In line with the common understanding on delegated acts[48], Member States' experts were consulted in the Expert Group for Direct Payments. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

B) **Commission Delegated Regulation (EU) No 639/2014**[49] adopted on the basis of Articles 4(3), 8(3), 9(5), 35(1), (2) and (3), 36(6), 39(3), 43(12), 44(5), 45(5) and (6), 46(9), 50(11), 52(9), 57(3), 58(5), 59(3), 67(1) and (2) supplements Regulation (EU) No 1307/2013. It defines the framework for criteria on maintaining the agricultural area in a state suitable for grazing or cultivation, the framework for minimum activities on agricultural areas naturally kept in a state suitable for grazing or cultivation, the predominance of grasses and other herbaceous forage in case of permanent grassland and the established local practices in case of permanent grassland. It lays down the basis of calculation for reductions to be applied to farmers by Member States due to financial discipline. It defines the cases where agricultural

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47 Commission Delegated Regulation (EU) No 502/2014 of 11 March 2014 supplementing Council Regulation (EC) No 73/2009 and Regulation (EU) No 1307/2013 of the European Parliament and of the Council as regards the basis of calculation for reductions to be applied to farmers by Member States due to the linear reduction of payments in 2014 and financial discipline for calendar year 2014, OJ L 145, 16.5.2014, p. 20

48 Common Understanding on delegated acts from 2011(not published).

49 Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation, OJ L 181, 20.6.2014, p. 1

areas are mainly areas naturally kept in a state suitable for grazing or cultivation, receipts obtained from non-agricultural activities, the amount of direct payments referred to in Article 9(2) and (4) of R1307/2013 and in Art. 13(2) of R 639/2014, the criteria for proving that agricultural activities are not insignificant and that the principal business or company objects consist of exercising an agricultural activity. It lays down rules for the application of the basic payment scheme provided for in Sections 1, 2, 3 and 5 of Chapter 1 of Title III of Regulation (EU) No 1307/2013 and of the Single area payment scheme provided for in Article 36 of Regulation (EU) No 1307/2013. It provides for rules for the payment for agricultural practices beneficial for the climate and the environment ("greening"), in particular related to equivalence, crop diversification, the maintenance of permanent grassland and the ratio of permanent grassland, criteria for qualification as ecological focus area and adapts Annex X of Regulation (EU) No 1307/2013 by setting out the conversion and weighing factors referred to in Article 46(3) of that Regulation for the different types of ecological focus areas. It lays down rules for the access of legal persons and group of natural persons to the payments of young farmers; detailed conditions for granting coupled support; the obligations and possibilities for Member States as regards the crop-specific payment for cotton and detailed rules on the notifications to be done by Member States.

The Commission amended this delegated act five times:

In 2015 through **Commission Delegated Regulation (EU) 2015/1383**[50] on the basis of Article 52(9) as regards the eligibility conditions in relation to the identification and registration requirements for animals for coupled support.

In 2016 **through Commission Delegated Regulation (EU) 2016/141**[51] on the basis of Article Articles 50(11) and 52(9) and Article 67(1) and (2) as regards certain provisions on the payment for young farmers and on voluntary coupled support and derogating from Article 53(6) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

In 2017 through **Commission Delegated Regulation (EU) 2017/1155**[52] on the basis of Article 35(2) and (3), Articles 44(5)(b) and 46(9)(a) and (c), Article 50(11), Article 52(9)(a) and Article 67(1) and (2)(a) as regards the control measures relating to the cultivation of hemp, certain provisions relating to the greening (especially as regards the Ecological Focus

50 Commission Delegated Regulation (EU) 2015/1383 of 28 May 2015 amending Delegated Regulation (EU) No 639/2014 as regards the eligibility conditions in relation to the identification and registration requirements for animals for coupled support under Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 214, 13.8.2015, p. 1

51 Commission Delegated Regulation (EU) 2016/141 of 30 November 2015 amending Delegated Regulation (EU) No 639/2014 as regards certain provisions on the payment for young farmers and on voluntary coupled support and derogating from Article 53(6) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 28, 4.2.2016, p. 2

52 Commission Delegated Regulation (EU) 2017/1155 of 15 February 2017 amending Delegated Regulation (EU) No 639/2014 as regards the control measures relating to the cultivation of hemp, certain provisions on the greening payment, the payment for young farmers in control of a legal person, the calculation of the per unit amount in the framework of voluntary coupled support, the fractions of payment entitlements and certain notification requirements relating to the single area payment scheme and the voluntary coupled support, and amending Annex X to Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 167, 30.6.2017, p. 1

Area), reflecting the results of review of greening after one year of implementation, the payment for young farmers in control of a legal person, the calculation of the per unit amount in the framework of voluntary coupled support, the fractions of payment entitlements and certain notification requirements relating to the single area payment scheme and the voluntary coupled support, and amending Annex X to Regulation (EU) No 1307/2013 on conversion and weighting factors.

In 2018 through **Commission Delegated Regulation (EU) 2018/707**[53] on the basis of Articles 35(3), 52(9) and 67(1) and (2) as regards the eligibility criteria for support for hemp under the basic payment scheme and certain requirements in respect of voluntary coupled support and through **Commission Delegated Regulation (EU) 2018/1784**[54] on the basis of Articles 45(6)(b) and 46(9)(a) as regards certain provisions on the greening practices established by Regulation (EU) No 1307/2013 following the amendments brought by Regulation (EU) 2017/2393[55].

In line with the common understanding on delegated acts[56], Member States' experts were consulted on all these delegated acts in the Expert Group for Direct Payments. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

C) In addition to Commission Delegated Regulation (EU) 2017/1155 (mentioned above under point B)) amending Annex X to Regulation (EU) No 1307/2013, the Commission adopted the following delegated acts in order to adapt the Annexes of Regulation (EU) No 1307/2013:

1) **Commission Delegated Regulation (EU) No 994/2014**[57] amending on the basis of Articles 6(3), 7(3) and 20(6) Annexes II on national ceilings, III on net ceilings and VI on financial provisions applying to Croatia to Regulation (EU) No 1307/2013.
2) **Commission Delegated Regulation (EU) No 1001/2014**[58] amending on the basis of Article 46(9)(c) Annex X on conversion and weighting factors to Regulation (EU) No

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53 Commission Delegated Regulation (EU) 2018/707 of 28 February 2018 amending Delegated Regulation (EU) No 639/2014 as regards the eligibility criteria for support for hemp under the basic payment scheme and certain requirements in respect of voluntary coupled support, OJ L 119, 15.5.2018, p. 1

54 Commission Delegated Regulation (EU) 2018/1784 of 9 July 2018 amending Delegated Regulation (EU) No 639/2014 as regards certain provisions on the greening practices established by Regulation (EU) No 1307/2013 of the European Parliament and of the Council, OJ L 293, 20.11.2018, p. 1

55 Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, OJ L 350, 29.12.2017, p. 15

56 See footnote 13.

57 For reference see footnote 3.

1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy

3) **Commission Delegated Regulation (EU) No 1378/2014**[59] amending on the basis of Articles 6(3) and 7(3) Annexes II on national ceilings and III on net ceilings to Regulation (EU) No 1307/2013.
4) **Commission Delegated Regulation (EU) 2015/851**[60] amending on the basis of Articles 6(3), 7(3) and 20(6) Annexes II on national ceilings, III on net ceilings and VI on financial provisions applying to Croatia to Regulation (EU) No 1307/2013.
5) **Commission Delegated Regulation (EU) 2016/142**[61] amending on the basis of Article 7(3) Annex III on net ceilings to Regulation (EU) No 1307/2013.
6) **Commission Delegated Regulation (EU) 2018/162**[62] amending on the basis of Articles 6(3) and 7(3) Annexes II on national ceilings and III on net ceilings to Regulation (EU) No 1307/2013.
7) **Commission Delegated Regulation (EU) 2019/71**[63] amending on the basis of Article 7(3) Annex III on net ceilings to Regulation (EU) No 1307/2013.

Some of these delegated acts have at the same time amended Annex I to Regulation (EU) No 1305/2013. They are therefore also mentioned in point 1.3 of this report.

In line with the common understanding on delegated acts[64], Member States' experts were consulted in the Expert Group for Direct Payments and the Expert Group for Rural Development when the act was also taken under Regulation (EU) 1305/2013). The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

D) **Commission Delegated Regulation (EU) 2017/1183**[65] adopted on the basis of Article 67(2) supplements Regulations (EU) No 1307/2013 and (EU) No 1308/2013 (see in this respect also point 4.3) with regard to the notifications to the Commission of information and documents. It creates a legal framework that in particular requests Member States to designate a single liaison body responsible to carry out certain tasks.

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58 Commission Delegated Regulation (EU) No 1001/2014 of 18 July 2014 amending Annex X to Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, OJ L 281, 25.9.2014, p. 1

59 For reference see footnote 4.

60 Commission Delegated Regulation (EU) 2015/851 of 27 March 2015 amending Annexes II, III and VI to Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, OJ L 135, 2.6.2015, p. 8

61 For reference see footnote 6

62 For reference see footnote 7.

63 For reference see footnote 8.

64 See footnote 13.

65 Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regard to the notifications to the Commission of information and documents, OJ L 171, 4.7.2017, p. 100

In line with the common understanding on delegated acts[66], Member States' experts were consulted in the Expert Group for Direct Payments and in the Expert Group for Horizontal Questions concerning the CAP. The Regulations were notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to any of the Delegated Regulations.

The Commission has not adopted any delegated act pursuant to Articles 43(12)(a), 44(5)(a), 46(9)(b), 52 (10), 64(5) and 73.

Article 43(12)(a) concerns the addition of practices equivalent to the agricultural practices beneficial for the climate and the environment. Based on the experience with 'standard greening measures' and the application of the equivalent practices based on the list in Annex IX of Regulation (EU) No 1307/2013 the Commission did not identify a need to extend the list by adding a new practice.

44(5)(a) concerns the recognition of types of genera and species other than those defined in the regulation for the purpose of crop diversification obligation. The Commission's experience with the implementation based on the existing crop breakdown showed that it offered sufficient leeway for farmers while further criteria would risk diluting the obligation.

Article 46(9)(b) concerns the addition of types of Ecological focus areas (EFA) other than those set in the Regulation. The conclusion on the implementation of the EFA obligation both within the 'Review of Greening after a year of implementation' of 2016 and the dedicated EFA report of 2017 did not prove that such addition was necessary.

Article 52(10) concerns voluntary coupled support in case of structural market imbalances. The condition of structural market imbalances has not been fulfilled since the existence of the empowerment[67].

Article 64(5) concerns the small farmers scheme and empowers the Commission to adopt delegated acts setting out the conditions for participation in the scheme where the situation of the participating farmer has changed. Given that farmers can enter the scheme only once in 2015 (the exception being only cases of inheritance) and considering that farmers can withdraw from the scheme at any year, the Commission did not identify a need for exercising this empowerment.

Article 73 concerns transitional measures. Those have been adopted by Regulation (EU) No 1310/2013 of the European Parliament and of the Council[68]. The empowerment was therefore not used by the Commission.

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66 Common Understanding between the European Parliament, the Council and the Commission on Delegated Acts, annex to the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, OJ L 123, 12.5.2016, p. 1.

67 The empowerment of Art. 52 (10) has been introduced by Regulation (EU) 2017/2393 (for full reference see footnote 55)

68 Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No

3.4. Conclusions

The Commission has exercised its delegated powers correctly. It cannot be excluded that the empowerments will be needed in future.

4. REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 17 DECEMBER 2013 ESTABLISHING A COMMON ORGANISATION OF THE MARKETS IN AGRICULTURAL PRODUCTS AND REPEALING COUNCIL REGULATIONS (EEC) NO 922/72, (EEC) NO 234/79, (EC) NO 1037/2001 AND (EC) NO 1234/2007

4.1. Introduction

Regulation (EU) No 1308/2013[69] establishes a common organisation of the markets in agricultural products. It lays down rules for different sectors of agricultural products.

Article 3 (4) empowers the Commission to update the definitions concerning the rice sector set out in Part I of Annex II.

Article 4 empowers the Commission to adjust the description of products and references in this Regulation to the headings or subheadings of the combined nomenclature.

Article 18 empowers the Commission to lay down the conditions under which it may decide to grant private storage aid for the products listed in Article 17.

Article 19 (1) empowers the Commission to provide for rules as regards the requirements and conditions to be met by products on public intervention.

Article 19(2) empowers the Commission to provide for rules as regards the quality criteria for both buying-in and sales of common wheat, durum wheat, barley, maize and paddy rice.

Article 19(3) empowers the Commission to provide for rules as regards appropriate storage capacity and the efficiency of the public intervention system in terms of cost-effectiveness, distribution and access for operator.

Article 19(4) empowers the Commission to provide for certain conditions for private storage.

Article 19 (5) empowers the Commission to provide for certain rules for the proper functioning of the public intervention and private storage systems.

Article 19 (6) empowers the Commission as regards the classification of carcasses.

Article 24 empowers the Commission to provide for different rules as regards Aid for the supply of fruit and vegetables and of milk and milk products in educational establishments

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1308/2013of the European Parliament and of the Council as regards their application in the year 2014, OJ L 347, 20.12.2013, p. 865

69 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, OJ L 347, 20.12.2013, p. 671

Article 30 empowers the Commission to provide for different rules as regards aid in the olive oil and table olives sector

Article 37 empowers the Commission to provide for different rules as regards aid in the fruit and vegetables sector.

Article 53 empowers the Commission to provide for different rules as regards the support programmes in the wine sector.

Article 56 empowers the Commission to provide for different rules as regards aid in the apiculture sector.

Article 59 empowers the Commission to provide for different rules as regards aid in the hops sector.

Article 69 empowers the Commission to provide for different rules as regards the scheme of authorisation for vine planting.

Article 75 (2) empowers the Commission to adopt rules on marketing standards by sectors or products, at all stages of the marketing, as well as derogations and exemptions from such standards in order to adapt to constantly changing market conditions, to evolving consumer demands, to developments in relevant international standards and to avoid creating obstacles to product innovation.

Article 75 (6) empowers the Commission to modify the list of sectors in paragraph 1 for which marketing standards may apply.

Article 76 (4) empowers the Commission to adopt specific derogations to additional requirements for marketing of products in the fruit and vegetable sector.

Article 77 (5) empowers the Commission to laying down derogations to the obligation for certification for hops.

Article 78 (3) and (4) empowers the Commission concerning the modifications, derogations or exemptions to the definitions and sales descriptions provided for in Annex VII, as well as concerning the rules on their specification and application.

Article 78 (5) empowers the Commission to specify the milk products in respect of which the animal species from which the milk originates is to be stated, if it is not bovine, and to lay down the necessary rules.

Article 79 empowers the Commission to lay down rules on tolerance for one or more specific standards in excess of which the entire batch of products shall be considered not to respect that standard.

Article 80 (4) empowers the Commission concerning rules on the national procedures for unmarketable wine products, and derogations therefrom concerning the withdrawal or destruction of wine products that do not comply with the requirements.

Article 83 (4) empowers the Commission setting out the conditions for national rules for spreadable fat and for wine products, as well as the conditions for the holding, circulation and use of the products obtained from the experimental practices.

Articles 86, 87(2) and 88 (3) empower the Commission as regards optional reserved terms.

Article 89 empowers the Commission as regards Marketing standards related to import and export.

Articles 100 (3) and 109 empower the Commission as regards certain rules related to the designation of origin and geographical indications in the wine sector.

Article 114 empowers the Commission as regards certain rules related to traditional terms in the wine sector.

Article 122 empowers the Commission as regards certain rules related to the labelling and presentation in the wine sector.

Articles 125(4), 132, 140 (2) and 143 empower the Commission as regards certain rules for the Sugar sector.

Article 145 (4) empowers the Commission as regards rules on the vineyard register and related obligations for operators in the wine sector.

Article 166 empowers the Commission as regards rules on producer organisations and associations and interbranch organisations.

Articles 177, 181 (2), 185, 186, 190 (3), 192 (4), 202 empower the Commission as regards trade with third countries.

Article 219(1) empowers the Commission to adopt Measures against threats of market disturbance caused by significant price rises or falls on internal or external markets or other events and circumstances significantly disturbing or threatening to disturb the market, where that situation, or its effects on the market, is likely to continue or deteriorate. Where, in cases of threats of market disturbances, imperative grounds of urgency so require, the urgency procedure as provided for in Article 228 shall apply.

Article 223 empowers the Commission to lay down rules as regards the necessary measures regarding communications to be made by undertakings, Member States and third countries.

Article 231 empowers the Commission concerning transitional rules necessary to protect the acquired rights and legitimate expectations of undertakings.

4.2. Legal Basis

The report is required under Article 227(2). Pursuant to this provision, the power to adopt delegated acts referred to in Regulation (EU) No 1308/2013 shall be conferred on the Commission for a period of seven years from 20 December 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

4.3. Exercise of Delegation

At this stage, the Commission has adopted **sixty-two delegated acts under Regulation (EU) No 1308/2013**.

A) Delegated acts supplementing Regulation (EU) No 1308/201

Forty delegated acts have been adopted to supplement Regulation (EU) No 1308/2013, in particular as regards the different sectors:

As regards private storage:

Commission Delegated Regulation (EU) No 501/2014[70] adopted on the basis of Article 19(1) and Article 19(4)(a) supplemented Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 826/2008 as regards certain requirements related to the agricultural products benefiting from private storage aid. This delegated act has been repealed by Commission Delegated Regulation (EU) 2016/1238.

Commission Delegated Regulation (EU) 2016/1238[71] adopted on the basis of Articles 19(1), (2), (3), (4)(a) and (5) and 223(2)(a) supplements Regulation (EU) No 1308/2013 with regard to public intervention and aid for private storage (see also point 2.3 B)).

This delegated act has been amended through **Commission Delegated Regulation (EU) 2018/149**[72] with regard to the compositional requirements and quality characteristics of milk and milk products eligible for public intervention and aid for private storage.

As regards the classification of beef, pig and sheep carcasses:

Commission Delegated Regulation (EU) 2017/1182[73] adopted on the basis of Article 19(6)(a) to (d), Article 223(1) and Article 223(2)(a) supplements Regulation (EU) No 1308/2013 as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals.

As regards aid for the supply of fruit and vegetables and of milk and milk products in educational establishments:

Commission Delegated Regulation (EU) No 500/2014[74] adopted on the basis of Article 24 (1) (c) and (2) (b) supplemented Regulation (EU) No 1308/2013 by amending Commission

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70 Commission Delegated Regulation (EU) No 501/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 826/2008 as regards certain requirements related to the agricultural products benefiting from private storage aid, OJ L 145, 16.5.2014, p. 14

71 For reference see footnote38.

72 Commission Delegated Regulation (EU) 2018/149 of 15 November 2017 amending Delegated Regulation (EU) 2016/1238 with regard to the compositional requirements and quality characteristics of milk and milk products eligible for public intervention and aid for private storage, OJ L 26, 31.1.2018, p. 11

73 Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals, OJ L 171, 4.7.2017, p. 74

74 Commission Delegated Regulation (EU) No 500/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No

Regulation (EC) No 288/2009 as regards the granting of aid for accompanying measures in the framework of a School Fruit and Vegetables Scheme. This delegated act has been repealed by Commission Delegated Regulation (EU) 2016/247 (see below).

Commission Delegated Regulation (EU) No 1047/2014[75] adopted on the basis of Article 27(1)(b supplemented Regulation (EU) No 1308/2013 as regards the national or regional strategy to be drawn up by Member States for the purpose of the school milk scheme. This delegated act has been repealed by Commission Delegated Regulation (EU) 2017/40 (see below).

Commission Delegated Regulation (EU) 2016/247[76] adopted on the basis of Article 24 supplements Regulation (EU) No 1308/2013 with regard to Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products within the framework of the school fruit and vegetables scheme (see also point 2.3 B)). This delegated act has been repealed by Commission Delegated Regulation (EU) 2017/40 (see below).

Commission Delegated Regulation (EU) 2017/40[77] adopted on the basis of Article 24 and Article 223(2) supplements Regulation (EU) No 1308/2013 with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments and amends Commission Delegated Regulation (EU) No 907/2014 (see also point 2.3 A))

As regards the support programmes in the Olive-oil and table-olives sector:

Commission Delegated Regulation (EU) No 611/2014[78] adopted on the basis of Article 30 supplements Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector

The Commission amended this delegated act through **Commission Delegated Regulation (EU) 2017/1962**[79] adopted on the basis of Article 30 to simplify and clarify the support programmes for the olive-oil and table-olives.

288/2009 as regards the granting of aid for accompanying measures in the framework of a School Fruit and Vegetables Scheme, OJ L 145, 16.5.2014, p. 12

75 Commission Delegated Regulation (EU) No 1047/2014 of 29 July 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national or regional strategy to be drawn up by Member States for the purpose of the school milk scheme, OJ L 291, 7.10.2014, p. 4

76 For reference see footnote 41.

77 For reference see footnote 42.

78 Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector, OJ L 168, 7.6.2014, p. 55

79 Commission Delegated Regulation (EU) 2017/1962 of 9 August 2017 amending Delegated Regulation (EU) No 611/2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector, OJ L 279, 28.10.2017, p. 28

As regards support (and trade with third countries) in the fruit and vegetables and processed fruit and vegetables sector:

Commission Delegated Regulation (EU) No 499/2014[80] adopted on the basis of Article 37(c)(iv) and (d)(xiii), Article 173(1)(b) and (c) and (f), Article 181(2) and Article 231(1) supplements Regulations (EU) No 1308/2013 and Regulation (EU) No 1306/2013 of the European Parliament and of the Council by amending Commission Implementing Regulation (EU) No 543/2011 relating to the fruit and vegetables and processed fruit and vegetables sectors.(see also point 2.3 B)).

Commission Delegated Regulation (EU) 2017/891[81] adopted on the basis of Article 37(a)(i), (ii), (iii) and (vi), (b), (c), (d)(i), (iii) to (vi), (viii), (x), (xi) and (xii) and (e)(i), Article 173(1)(b), (c), (d) and (f) to (j), Article 181(2), Article 223(2)(a) and Article 231(1) supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (see also point 2.3 B)).

This delegated act was amended on the basis of Article 37 through **Commission Delegated Regulation (EU) 2018/1145**[82] as regards producer organisations in the fruit and vegetables sector.

As regards national support programmes in the wine sector:

Commission Delegated Regulation (EU) No 612/2014[83] adopted on the basis of Article 53(b), (c), (e), (f) and (h) supplements Regulation (EU) No 1308/2013 by amending Commission Regulation (EC) No 555/2008 as regards new measures under the national support programmes in the wine sector.

Commission Delegated Regulation (EU) 2016/1149[84] adopted on the basis of Article 53 supplements Regulation (EU) No 1308/2013 as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008 (see also point 2.3 B)).

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80 For reference see footnote 32.

81 For reference see footnote 43.

82 Commission Delegated Regulation (EU) 2018/1145 of 7 June 2018 amending Delegated Regulation (EU) 2017/891 as regards producer organisations in the fruit and vegetables sector, OJ L 208, 17.8.2018, p. 1

83 Commission Delegated Regulation (EU) No 612/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 555/2008 as regards new measures under the national support programmes in the wine sector, OJ L 168, 7.6.2014, p. 62

84 For reference see footnote 36.

As regards the apiculture sector:

Commission Delegated Regulation (EU) 2015/1366[85] adopted on the basis of Articles 56(1), 223(2) and 231(1) supplements Regulation (EU) No 1308/2013 with regard to aid in the apiculture sector (see also point 2.3 B)).

As regards vine planting:

Commission Delegated Regulation (EU) 2015/560[86] adopted on the basis of Article 69 supplements Regulation (EU) No 1308/2013 as regards the scheme of authorisations for vine plantings (see also point 2.3 B)). This delegated act was repealed by Commission Delegated Regulation (EU) 2018/273 (see below).

Commission Delegated Regulation (EU) 2018/273[87] adopted on the basis of Articles 69, 89, 145(4), 147(3) and 223(2) and point 5 of Section D of Part II of Annex VIII of 11 December 2017 supplements Regulation (EU) No 1308/2013 as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information and repeals Commission Delegated Regulation (EU) 2015/560 (see also point 2.3 B)).

This delegated act was amended through **Commission Delegated Regulation (EU) 2019/840**[88] adopted on the basis of Article 89(a) and Article 147(3)(d) to implement the Agreement concluded between the European Union and Canada concerning trade in wines and spirits and to exempt retailers from holding an inward and outward register.

As regards oenological practices:

Commission Delegated Regulation (EU) 2015/1576[89] adopted on the basis of Article 75(2) and (3)(g) and Article 147(3)(e) amended Regulation (EC) No 606/2009 as regards certain oenological practices and Regulation (EC) No 436/2009 as regards the registering of those practices in the wine sector registers.

Commission Delegated Regulation (EU) 2016/765[90] adopted on the basis of Article 75(2) and (3)(g) and Article 147(3)(e) amended Regulation (EC) No 606/2009 as regards certain oenological practices.

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85 For reference see footnote 34.

86 For reference see footnote 33.

87 For reference see footnote 44.

88 Commission Delegated Regulation (EU) 2019/840 of 12 March 2019 amending Delegated Regulation (EU) 2018/273 as regards the importation of wine originating in Canada and exempting retailers from holding an inward and outward register, OJ L 138, 24.5.2019, p. 74

89 Commission Delegated Regulation (EU) 2015/1576 of 6 July 2015 amending Regulation (EC) No 606/2009 as regards certain oenological practices and Regulation (EC) No 436/2009 as regards the registering of those practices in the wine sector registers, OJ L 246, 23.9.2015, p. 1

90 Commission Delegated Regulation (EU) 2016/765 of 11 March 2016 amending Regulation (EC) No 606/2009 as regards certain oenological practices, OJ L 127, 18.5.2016, p. 1

Commission Delegated Regulation (EU) 2017/1961[91] adopted on the basis of Article 75(2) and (3)(g) amended Regulation (EC) No 606/2009 as regards certain oenological practices.

Regulation (EC) No 606/2009 has been repealed by Commission Delegated Regulation (EU) 2019/934 (see below).

Commission Delegated Regulation (EU) 2019/934[92] adopted on the basis of Article 75(2) and Article 80(4) supplements Regulation (EU) No 1308/2013 as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files. It also repeals Regulation (EC) 606/2009.

As regards marketing standards for olive oil:

Commission Delegated Regulation (EU) 2015/1830[93] adopted on the basis of Article 75(2) amends Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis.

Commission Delegated Regulation (EU) 2016/1226[94] adopted on the basis of Article 86 amends Annex IX to Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the optional reserved terms for olive oil.

Commission Delegated Regulation (EU) 2016/2095[95] adopted on the basis of Article 75 (2) amends Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis.

Commission Delegated Regulation (EU) 2018/1096[96] adopted on the basis of Article 75(2) amends Implementing Regulation (EU) No 29/2012 as regards the requirements for certain indications on the labelling of olive oil.

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91 Commission Delegated Regulation (EU) 2017/1961 of 2 August 2017 amending Regulation (EC) No 606/2009 as regards certain oenological practices, OJ L 279, 28.10.2017, p. 25

92 Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files, OJ L 149, 7.6.2019, p. 1

93 Commission Delegated Regulation (EU) 2015/1830 of 8 July 2015 amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis, OJ L 266, OJ L 266, 13.10.2015, p. 9

94 Commission Delegated Regulation (EU) 2016/1226 of 4 May 2016 amending Annex IX to Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the optional reserved terms for olive oil, OJ L 202, 28.7.2016, p. 5

95 Commission Delegated Regulation (EU) 2016/2095 of 26 September 2016 amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis, OJ L 326, 1.12.2016, p. 1

96 Commission Delegated Regulation (EU) 2018/1096 of 22 May 2018 amending Implementing Regulation (EU) No 29/2012 as regards the requirements for certain indications on the labelling of olive oil, OJ L 197, 3.8.2018, p. 3

As regards marketing standards for bananas:

Commission Delegated Regulation (EU) 2017/1229[97] adopted on the basis of Article 75(2) corrects certain language versions of Implementing Regulation (EU) No 1333/2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector.

As regards marketing standards for eggs:

Commission Delegated Regulation (EU) 2017/2168[98] adopted on the basis of Article 75(2) amends Regulation (EC) No 589/2008 as regards marketing standards for free range eggs where hens' access to open air runs is restricted.

As regards marketing standards for fruit and vegetables:

Commission Delegated Regulation (EU) 2019/428[99] adopted on the basis of Article 75(2) amends Implementing Regulation (EU) No 543/2011 as regards marketing standards in the fruit and vegetables sector.

As regards the designations of origin and geographical indications and traditional terms in the wine sector:

Commission Delegated Regulation (EU) 2017/1353[100] adopted on the basis of Article 100(3) amended Regulation (EC) No 607/2009 as regards the wine grape varieties and their synonyms that may appear on wine labels.

Commission Delegated Regulation (EU) 2019/33[101] adopted on the basis of Article 109, Article 114 and Article 122 supplements Regulation (EU) No 1308/2013 as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation. It also repeals Regulation (EC) No 607/2009.

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97 Commission Delegated Regulation (EU) 2017/1229 of 3 May 2017 correcting certain language versions of Implementing Regulation (EU) No 1333/2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector, OJ L 177, 8.7.2017, p. 6

98 Commission Delegated Regulation (EU) 2017/2168 of 20 September 2017 amending Regulation (EC) No 589/2008 as regards marketing standards for free range eggs where hens' access to open air runs is restricted, OJ L 306, 22.11.2017, p. 6

99 Commission Delegated Regulation (EU) 2019/428 of 12 July 2018 amending Implementing Regulation (EU) No 543/2011 as regards marketing standards in the fruit and vegetables sector, OJ L 75, 19.3.2019, p. 1

100 Commission Delegated Regulation (EU) 2017/1353 of 19 May 2017 amending Regulation (EC) No 607/2009 as regards the wine grape varieties and their synonyms that may appear on wine labels, OJ L 190, 21.7.2017, p. 5

101 Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation, OJ L 9, 11.1.2019, p. 2

As regards the sugar sector:

Commission Delegated Regulation (EU) 2016/1166[102] adopted on the basis of Article 125(4)(b) amends Annex X to Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards purchase terms for beet in the sugar sector as from 1 October 2017.

As regards producer organisations:

Commission Delegated Regulation (EU) 2016/232[103] adopted on the basis of Articles 173(1) and 223(2) supplements Regulation (EU) No 1308/2013 with regard to certain aspects of producer cooperation.

As regards trade with third countries:

Commission Delegated Regulation (EU) 2015/1538[104] adopted on the basis of Article 177(1)(b), Article 177(2)(a), (b) and (e), and Article 192(4) supplements Regulation (EU) No 1308/2013 with regard to import licence applications, release for free circulation and proof of refining of sugar products of CN code 1701 under preferential agreements, for the marketing years 2015/16 and 2016/17 and amends Commission Regulations (EC) No 376/2008 and (EC) No 891/2009.

Commission Delegated Regulation (EU) 2016/1237[105] adopted on the basis of Article 177 supplements Regulation (EU) No 1308/2013 with regard to the rules for applying the system of import and export licences.

Commission Delegated Regulation (EU) 2018/94[106] adopted on the basis of Article 185 fixes a flat-rate reduction for the import duty for sorghum in Spain imported from third countries. This delegated acts expired on 28 February 2018.

As regards communication requirements:

Commission Delegated Regulation (EU) 2017/1183[107] adopted on the basis of Article 223(2) supplements (EU) No 1308/2013 (and Regulations (EU) No 1307/2013) with regard to the notifications to the Commission of information and documents (see also point 3.3 D)).

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[102] Commission Delegated Regulation (EU) 2016/1166 of 17 May 2016 amending Annex X to Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards purchase terms for beet in the sugar sector as from 1 October 2017, OJ L 193, 19.7.2016, p. 17

[103] Commission Delegated Regulation (EU) 2016/232 of 15 December 2015 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to certain aspects of producer cooperation, OJ L 44, 19.2.2016, p. 1

[104] Commission Delegated Regulation (EU) 2015/1538 of 23 June 2015 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to import licence applications, release for free circulation and proof of refining of sugar products of CN code 1701 under preferential agreements, for the marketing years 2015/16 and 2016/17 and amending Commission Regulations (EC) No 376/2008 and (EC) No 891/2009, OJ L 242, 18.9.2015, p. 1

[105] For reference see footnote 37.

[106] Commission Delegated Regulation (EU) 2018/94 of 16 November 2017 fixing a flat-rate reduction for the import duty for sorghum in Spain imported from third countries, OJ L 17, 23.1.2018, p. 7

[107] For reference see footnote 65.

Commission Delegated Regulation (EU) 2017/1965[108] adopted on the basis of Article 223(2)(a) amends Delegated Regulation (EU) 2016/1237 as regards the nature and type of information to be notified for licences in the rice sector

B) Temporary exceptional support measures

Twenty-two delegated acts have been adopted to take temporary exceptional support measures to address or prevent market disturbances on the basis of Article 219 (1)[109]:

1) **Commission Delegated Regulation (EU) No 913/2014**[110] laying down temporary exceptional support measures for producers of peaches and nectarines.
2) **Commission Delegated Regulation (EU) No 932/2014**[111] laying down temporary exceptional support measures for producers of certain fruit and vegetables and amending Delegated Regulation (EU) No 913/2014.
3) **Commission Delegated Regulation (EU) No 950/2014**[112] opening a temporary exceptional private storage aid scheme for certain cheeses and fixing in advance the amount of aid.
   This delegated act has been repealed by **Commission Delegated Regulation (EU) No 992/2014**[113], since the aid scheme did not seem adequate to react effectively and efficiently against the market disturbances that resulted from the ban on imports of dairy product from the Union to Russia.
4) **Commission Delegated Regulation (EU) No 949/2014**[114] laying down temporary exceptional measures for the milk and milk product sector in the form of extending the public intervention period for butter and skimmed milk powder in 2014.
5) **Commission Delegated Regulation (EU) No 1031/2014**[115] laying down further temporary exceptional support measures for producers of certain fruit and vegetables.

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[108] Commission Delegated Regulation (EU) 2017/1965 of 17 August 2017 amending Delegated Regulation (EU) 2016/1237 as regards the nature and type of information to be notified for licences in the rice sector, OJ L 279, 28.10.2017, p. 36

[109] Except Commission Delegated Regulation (EU) 2017/1165, all temporary exception measures have been adopted on the basis of Article 219 (1) in conjunction with Article 228 (urgency procedure).

[110] Commission Delegated Regulation (EU) No 913/2014 of 21 August 2014 laying down temporary exceptional support measures for producers of peaches and nectarines, OJ L 248, 22.8.2014, p. 1

[111] Commission Delegated Regulation (EU) No 932/2014 of 29 August 2014 laying down temporary exceptional support measures for producers of certain fruit and vegetables and amending Delegated Regulation (EU) No 913/2014, OJ L 259, 30.8.2014, p. 2

[112] Commission Delegated Regulation (EU) No 950/2014 of 4 September 2014 opening a temporary exceptional private storage aid scheme for certain cheeses and fixing in advance the amount of aid, OJ L 265, 5.9.2014, p. 22

[113] Commission Delegated Regulation (EU) No 992/2014 of 22 September 2014 repealing Delegated Regulation (EU) No 950/2014, OJ L 279, 23.9.2014, p. 17

[114] Commission Delegated Regulation (EU) No 949/2014 of 4 September 2014 laying down temporary exceptional measures for the milk and milk product sector in the form of extending the public intervention period for butter and skimmed milk powder in 2014, OJ L 265, 5.9.2014, p. 21

6) **Commission Delegated Regulation (EU) No 1263/2014**[116] providing for temporary exceptional aid to milk producers in Estonia, Latvia and Lithuania.
7) **Commission Delegated Regulation (EU) No 1336/2014**[117] laying down temporary exceptional measures for the milk and milk product sector in the form of advancing the public intervention period for butter and skimmed milk powder in 2015.
8) **Commission Delegated Regulation (EU) No 1370/2014**[118] providing for temporary exceptional aid to milk producers in Finland.
9) **Commission Delegated Regulation (EU) 2015/1369**[119] amending Delegated Regulation (EU) No 1031/2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables.
10) **Commission Delegated Regulation (EU) 2015/1549**[120] laying down temporary exceptional measures for the milk and milk product sector in the form of extending the public intervention period for butter and skimmed milk powder in 2015 and advancing the public intervention period for butter and skimmed milk powder in 2016.
11) **Commission Delegated Regulation (EU) 2015/1852**[121] opening a temporary exceptional private storage aid scheme for certain cheeses and fixing in advance the amount of aid.
12) **Commission Delegated Regulation (EU) 2015/1853**[122] providing for temporary exceptional aid to farmers in the livestock sectors.
13) **Commission Delegated Regulation (EU) 2016/558**[123] authorising agreements and decisions of cooperatives and other forms of producer organisations in the milk and milk products sector on the planning of production.

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[115] Commission Delegated Regulation (EU) No 1031/2014 of 29 September 2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables, OJ L 284, 30.9.2014, p. 22

[116] Commission Delegated Regulation (EU) No 1263/2014 of 26 November 2014 providing for temporary exceptional aid to milk producers in Estonia, Latvia and Lithuania, OJ L 341, 27.11.2014, p. 3

[117] Commission Delegated Regulation (EU) No 1336/2014 of 16 December 2014 laying down temporary exceptional measures for the milk and milk product sector in the form of advancing the public intervention period for butter and skimmed milk powder in 2015, OJ L 360, 17.12.2014, p. 13

[118] Commission Delegated Regulation (EU) No 1370/2014 of 19 December 2014 providing for temporary exceptional aid to milk producers in Finland, OJ L 366, 20.12.2014, p. 18

[119] Commission Delegated Regulation (EU) 2015/1369 of 7 August 2015 amending Delegated Regulation (EU) No 1031/2014 laying down further temporary exceptional support measures for producers of certain fruit and vegetables, OJ L 211, 8.8.2015, p. 17

[120] Commission Delegated Regulation (EU) 2015/1549 of 17 September 2015 laying down temporary exceptional measures for the milk and milk product sector in the form of extending the public intervention period for butter and skimmed milk powder in 2015 and advancing the public intervention period for butter and skimmed milk powder in 2016, OJ L 242, 18.9.2015, p. 28

[121] Commission Delegated Regulation (EU) 2015/1852 of 15 October 2015 opening a temporary exceptional private storage aid scheme for certain cheeses and fixing in advance the amount of aid, OJ L 271, 16.10.2015, p. 15

[122] Commission Delegated Regulation (EU) 2015/1853 of 15 October 2015 providing for temporary exceptional aid to farmers in the livestock sectors, OJ L 271, 16.10.2015, p. 25

14) **Commission Delegated Regulation (EU) 2016/921**[124] laying down further temporary exceptional support measures for producers of certain fruit and vegetables.
This delegated act has been amended by **Commission Delegated Regulation (EU) 2017/376**[125] to reallocate unused quantities notified pursuant to Article 2(4) of that Regulation.

15) **Commission Delegated Regulation (EU) 2016/1614**[126] laying down temporary exceptional measures for the milk and milk products sector in the form of extending the public intervention period for skimmed milk powder in 2016 and advancing the public intervention period for skimmed milk powder in 2017 and derogating from Delegated Regulation (EU) 2016/1238 as regards the continued application of Regulation (EC) No 826/2008 with respect to aid for private storage under Implementing Regulation (EU) No 948/2014 and of Regulation (EU) No 1272/2009 with respect to public intervention under this Regulation.
16) **Commission Delegated Regulation (EU) 2016/1612**[127] providing aid for milk production reduction (see also point 2.3 B)).
17) **Commission Delegated Regulation (EU) 2016/1613**[128] providing for exceptional adjustment aid to milk producers and farmers in other livestock sectors (see also point 2.3 B)).
18) **Commission Delegated Regulation (EU) 2017/286**[129] amending Delegated Regulation (EU) 2016/1613 as regards livestock farmers in earthquake-stricken regions of Italy.
19) **Commission Delegated Regulation (EU) 2017/1165**[130] laying down temporary exceptional support measures for producers of certain fruits.

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123 Commission Delegated Regulation (EU) 2016/558 of 11 April 2016 authorising agreements and decisions of cooperatives and other forms of producer organisations in the milk and milk products sector on the planning of production, OJ L 96, 12.4.2016, p. 18

124 Commission Delegated Regulation (EU) 2016/921 of 10 June 2016 laying down further temporary exceptional support measures for producers of certain fruit and vegetables, OJ L 154, 11.6.2016, p. 3

125 Commission Delegated Regulation (EU) 2017/376 of 3 March 2017 amending Delegated Regulation (EU) 2016/921 as regards reallocation of unused quantities notified pursuant to Article 2(4) of that Regulation, OJ L 58, 4.3.2017, p. 8

126 Commission Delegated Regulation (EU) 2016/1614 of 8 September 2016 laying down temporary exceptional measures for the milk and milk products sector in the form of extending the public intervention period for skimmed milk powder in 2016 and advancing the public intervention period for skimmed milk powder in 2017 and derogating from Delegated Regulation (EU) 2016/1238 as regards the continued application of Regulation (EC) No 826/2008 with respect to aid for private storage under Implementing Regulation (EU) No 948/2014 and of Regulation (EU) No 1272/2009 with respect to public intervention under this Regulation, OJ L 242, 9.9.2016, p. 15

127 For reference see footnote 39.

128 For reference see footnote 40.

129 Commission Delegated Regulation (EU) 2017/286 of 17 February 2017 amending Delegated Regulation (EU) 2016/1613 as regards livestock farmers in earthquake-stricken regions of Italy, OJ L 42, 18.2.2017, p. 7

130 Commission Delegated Regulation (EU) 2017/1165 of 20 April 2017 laying down temporary exceptional support measures for producers of certain fruits, OJ L 170, 1.7.2017, p. 31

20) **Commission Delegated Regulation (EU) 2017/1533**[131] amending Delegated Regulation (EU) 2017/1165 as regards the temporary exceptional support measures for producers of peaches and nectarines in Greece, Spain and Italy.

In line with the common understanding on delegated acts[132], Member States' experts were consulted in the Expert Group for Agricultural Markets, in particular concerning aspects falling under the single CMO Regulation on all these Regulations. The Regulations were notified to the European Parliament and the Council stating the reasons for the use of the urgency procedure, when this procedure was used[133]. Neither the European Parliament nor the Council issued any objection to any of these Delegated Regulations.

On 20 February 2015, the Commission adopted a **Delegated Regulation amending Regulation (EC) No 376/2008 as regards the obligation to present a licence for imports of ethyl alcohol of agricultural origin and repealing Regulation (EC) No 2336/2003** introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin.

The Delegated Act removed the obligation to present an import licence for the import of ethyl alcohol of agricultural origin into the EU, including the lodging of a security. It also removed the obligation for the EU to establish and publish an EU balance sheet for ethyl alcohol of agricultural origin and the quarterly obligation for Member States to provide information on production, disposal and stocks.

On 20 May 2015, the European Parliament objected to the delegated act. In consequence, it has not entered into force.

The Commission has not adopted any delegated act pursuant to Article 3 (4), 4, 18, 59, 75 (6), 76 (4), 77 (5), 78, 79, 83, 87, 88, 132, 140, 143, 166, 186, 190 and 202.

Article 3 (4) concerns the definitions concerning the rice sector. The Commission did not identify until now any need to amend the definitions laid down.

Article 4 concerns the adjustments to the Common Customs Tariff nomenclature used for agricultural products. So far the amendments Common Customs Tariff nomenclature did not require any amendment of Regulation (EU) No 1308/2013.

Article 18 concerns the conditions for granting private storage aid for products listed in Article 17. With regard to dairy products and other eligible animal products, the Commission considered that it is preferable not to set in advance the conditions under which the Commission may decide to grant private storage aid. This may create expectations for operators in the relevant sector and therefore condition their business decisions. The Commission has proved to be effective when

[131] Commission Delegated Regulation (EU) 2017/1533 of 8 September 2017 amending Delegated Regulation (EU) 2017/1165 as regards the temporary exceptional support measures for producers of peaches and nectarines in Greece, Spain and Italy, OJ L 233, 9.9.2017, p. 1

[132] See footnote 13.

[133] See footnote 109.

making use of Private Storage Aid, and the decision to recur to this instrument has always been based on a sound market analysis. Generally, the three elements set by the basic act (reference thresholds, cost and need to provide swift answer) have been sufficient until now in order to launch private storage when the situation so required.

Article 59 concerns aid in the hop sector. The Commission did not identify until now any need to regulate further the hops sector.

Article 75 (6) concerns marketing standards for other sectors than those laid down in Article 75 (1). The Commission did not identify any specific need for extending the list contained in Article 75(1) so far. The Commission is currently evaluating the role of marketing standards in general.

Article 76 concerns specific derogations for the marketing of products in the fruit and vegetable sector. The Commission did not identify until now any need to lay down such derogations.

Article 77 (5) concerns derogations to the obligation for certification for hops. The Commission did not identify until now any need to lay down such derogations.

Article 78 (2) and (4) concerns modifications, derogations or exemptions to the definitions and sales descriptions provided for in Annex VII and their specification and application. The Commission did not identify until now any need to amend or supplement Annex VII based on evolving consumer demand, technical progress or the need for product innovation. Moreover, there are no reports from Member States having difficulties in properly understanding the definitions and sales descriptions provided for in Annex VII.

Article 78 (5) concerns rules on the indication of the animal species from which the milk in milk products originates. Annex VII currently requires that, as regards milk, the animal species from which the milk originates shall be stated, if it is not bovine. The Commission did not identify until now any the need for to extend such rules to other milk products.

Article 79 concerns tolerance related to marketing standards. In the case of olive oil, fruit and vegetables and wine, the limits are embedded in the standard, which therefore already integrate the notion of uncertainty of the methods of analysis in the level set as limit for the various parameters. Therefore the use of tolerance in the methods to express results is not required. Generally, tolerance rules have not proved necessary for the sectors, as there is no "undue hardship" even in the absence of such tolerance rules.

Article 83 concerns national rules for certain products and sectors. The Commission did not identify the need to set out further rules in this regard.

Article 87 and 88 concerns rules for additional optional reserved terms. Currently there are no optional reserved terms for dairy products, but several specific optional reserved terms defined with respect to poultry meat and eggs, as provided for in Article 85. The Commission did not identify the need for reserving any additional optional reserved term, based on expectations of consumers, developments in scientific and technical knowledge, the situation in the market or developments in marketing standards and in international standards.

Article 132 concerns the purchase terms and delivery contracts in in the sugar sector. Annex XI referred only to the transitional period until the end of the 2016/2017 marketing year. Between 2013 and 2017 it has not been necessary to amend it.

Article 140 concerns the use of industrial sugar, industrial isoglucose or industrial syrup. Between 2013 and 2017 it was not necessary to amend the conditions of use of industrial sugar.

Article 143 concerns measures in the sugar sector. Until the end of the 2016/2017 marketing year it was not necessary to amend such rules.

Article 166 concerns measures to facilitate the adjustment of supply to market requirements. No requests for such rules have been made by stakeholders.

Article 186 concerns rules for tariff quota for the import of agricultural products. This empowerment has not yet been used, but the Commission services are working on a draft delegated regulation on a new administration system of agricultural tariff quota manages by licences.

Article 190 concerns derogations to the obligations related to the attestation and labelling of hop products. The Commission did not identify until now any need for such rules.

Article 202 concerns export refunds. In the context of the Nairobi WTO Ministerial Conference in 2015, the EU agreed to abolish farming export subsidies and hence, the empowerment has not been used.

4.4. Conclusions

The Commission has exercised its delegated powers correctly. With the exception of the empowerment of Article 202, it cannot be excluded that the empowerments will be needed in future.

The Commission has decided to submit this Report some months before the ultimate legal deadline mentioned in points 1.2, 2.2., 3.2. and 3.4. of this Report, because this will allow the European Parliament and the Council to have an overall picture of the use of the empowerments for delegated acts in the four main Regulations of the Common Agricultural Policy, when the co-legislators are discussing the proposals of the Commission for the Common Agricultural Policy post 2020[134].

The Commission invites the European Parliament and the Council to take note of this Report.

[134] Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council, COM/2018/392 final - 2018/0216 (COD); Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013, COM/2018/393 final - 2018/0217 (COD); Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands, COM/2018/394 final/2