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Commission Notice on the submission of additional information on interventions not covered by the integrated system referred to in Article 65(2) of Regulation (EU) 2021/2116 of the European Parliament and of the Council by Member States in the annual performance reports referred to in Article 134(6) of Regulation (EU) 2021/2115 of the European Parliament and of the Council

(C/2023/723)

RIPAC [1] **NOTE N° 2023-XX**

The present document is provided for information purposes only and its contents are not intended to replace consultation of any applicable legal sources or the necessary advice of a legal expert, where appropriate.

Neither the Commission nor any person acting on its behalf can be held responsible for the use made of these notes nor can they be considered as a binding interpretation of the legislation.

This document is intended to assist businesses and national authorities in the application of the European legislation. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

SECTOR:	All
MEASURE:	Annual performance report
SUBJECT:	Submission of additional information on interventions not covered by the integrated system referred to in Article 65(2) of Regulation (EU) 2021/2116 of the European Parliament and of the Council [2]
PROVISIONS CONCERNED:	Article 134(6) of Regulation (EU) 2021/2115 of the European Parliament and of the Council [3]

Question: Which additional information is to be submitted by Member States based on Article 134(6) of Regulation (EU) 2021/2115 in the annual performance reports as regards interventions that are not covered by the integrated system referred to in Article 65(2) of Regulation (EU) 2021/2116?

Regulation (EU) 2021/2115 applies from 7 December 2021, in accordance with Article 160 thereof.

Article 134 of Regulation (EU) 2021/2115 lays down rules concerning annual performance reports on the implementation of the CAP Strategic Plan in the previous financial year drawn up and provided by Member States to the Commission.

Article 134(6) of Regulation (EU) 2021/2115 provides that as regards interventions not covered by the integrated system referred to in Article 65(2) of Regulation (EU) 2021/2116 Member States may in addition to the information referred to in Article 134(5) of Regulation (EU) 2021/2115 decide to provide in each annual performance report, either the average unit

[1] RIPAC (named after its French acronym Registre d'Interprétation de la Politique Agricole Commune) is a register and database of interpretative notes on agricultural law.

[2] Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187).

[3] Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 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 Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

amounts for the operations selected in the previous financial year and the related number of outputs and expenditure; or the ratio between the total public expenditure excluding additional national financing referred to in Article 115(5) of Regulation (EU) 2021/2115, committed for operations for which payments have been made in the previous financial year and the realised outputs as well as the related number of outputs and expenditure.

Coherence between the information submitted by different Member States in the annual performance reports needs to be ensured as regards the additional information referred to in Article 134(6) of Regulation (EU) 2021/2115, which Member States submit on a voluntary basis. Also, where the Member State decides to submit the additional information referred to in Article 134(6) of Regulation (EU) 2021/2115, that Member State needs to submit the information in the same way for the duration of the implementation of the CAP Strategic Plan, otherwise the useful effect of such additional information for the purpose of annual performance reporting and the clearance procedures referred to in Regulation (EU) 2021/2116 would be undermined.

If a Member State decides to submit, in each annual performance report, the additional information pursuant to Article 134(6), first subparagraph, point (a), of Regulation (EU) 2021/2115, that Member State is to submit, for each intervention not covered by the integrated system referred to in Article 65(2) of Regulation (EU) 2021/2116, the expenditure incurred and outputs obtained in the previous financial year for all operations pertaining to that intervention selected in each of the previous financial years. The expenditure and outputs for all operations selected in each of the previous financial years is to be submitted in each annual performance report for as long as payments are made (and outputs are obtained) in connection with those operations in the subsequent financial years. In view of this, the respective Member State is to submit, in each annual performance report, the expenditure incurred and outputs obtained for operations selected in each previous financial year separately (disaggregated) so that it is possible to link the expenditure incurred and outputs obtained with the operations selected in a specific previous financial year and thus to monitor the progress of the implementation of those operations and interventions.

If a Member State decides to submit, in each annual performance report, the additional information pursuant to Article 134(6), first subparagraph, point (b), of Regulation (EU) 2021/2115, it is to submit, for each intervention not covered by the integrated system referred to in Article 65(2) of Regulation (EU) 2021/2116, the following information in each annual performance report:

(a) the ratio between the total public expenditure excluding additional national financing referred to in Article 115(5) of Regulation (EU) 2021/2115, committed for operations for which payments have been made in the previous financial year and the realised outputs; and

(b) the ratio between the total public expenditure excluding additional national financing referred to in Article 115(5) of Regulation (EU) 2021/2115, committed for operations for which payments have been made in the previous financial year and the related number of outputs.

If a Member State decides to submit, in each annual performance report, the additional information pursuant to Article 134(6), first subparagraph, point (b), of Regulation (EU) 2021/2115, it is not necessary to submit information about related expenditure as the information on expenditure is already part of the quantitative information which the Member State is required to submit in each annual performance report pursuant to Article 134(5), first subparagraph, point (b), of Regulation (EU) 2021/2115.