

REGOLAMENTO DI ESECUZIONE (UE) 2019/1928 DELLA COMMISSIONE**del 19 novembre 2019****che adegua il tasso di adattamento dei pagamenti diretti a norma del regolamento (UE) n. 1306/2013 del Parlamento europeo e del Consiglio per l'anno civile 2019 e abroga il regolamento di esecuzione (UE) 2019/916 della Commissione**

LA COMMISSIONE EUROPEA,

visto il trattato sul funzionamento dell'Unione europea,

visto il regolamento (UE) n. 1306/2013 del Parlamento europeo e del Consiglio, del 17 dicembre 2013, sul finanziamento, sulla gestione e sul monitoraggio della politica agricola comune e che abroga i regolamenti del Consiglio (CEE) n. 352/78, (CE) n. 165/94, (CE) n. 2799/98, (CE) n. 814/2000, (CE) n. 1290/2005 e (CE) n. 485/2008 ⁽¹⁾, in particolare l'articolo 26, paragrafo 4,

previa consultazione del comitato dei Fondi agricoli,

considerando quanto segue:

- (1) Il regolamento di esecuzione (UE) 2019/916 ⁽²⁾ della Commissione ha fissato il tasso di adattamento dei pagamenti diretti a norma del regolamento (UE) n. 1306/2013 per l'anno civile 2019. Tale tasso di adattamento è stato fissato alla luce delle informazioni disponibili nell'ambito del progetto di bilancio 2020, in particolare tenendo conto di un importo di disciplina finanziaria di 478 milioni di EUR destinato alla riserva per le crisi nel settore agricolo di cui all'articolo 25 del regolamento (UE) n. 1306/2013.
- (2) Sebbene l'importo per applicare la disciplina finanziaria per la riserva per le crisi nel settore agricolo rimanga fissato a 478 milioni di EUR, le informazioni disponibili in relazione alla lettera rettificativa della Commissione n. 1 al progetto di bilancio 2020, che copre le previsioni per i pagamenti diretti e le spese connesse al mercato, indicano che è necessario adeguare il tasso di disciplina finanziaria fissato nel regolamento di esecuzione (UE) 2019/916.
- (3) Di conseguenza, sulla base delle nuove informazioni in possesso della Commissione, è opportuno adeguare il tasso di adattamento a norma dell'articolo 26, paragrafo 4, del regolamento (UE) n. 1306/2013, anteriormente al 1° dicembre dell'anno civile al quale si applica tale tasso.
- (4) Di norma, gli agricoltori che presentano domanda di pagamenti diretti per un dato anno civile (N) ricevono i pagamenti entro un determinato termine compreso nell'esercizio finanziario (N + 1). Gli Stati membri possono tuttavia erogare pagamenti tardivi agli agricoltori anche oltre detto termine, entro certi limiti di bilancio. I pagamenti tardivi possono essere erogati in un esercizio finanziario successivo. Quando la disciplina finanziaria è applicata a un dato anno civile, il tasso di adattamento non dovrebbe applicarsi ai pagamenti per i quali le domande di aiuto sono state presentate in anni civili diversi da quello in cui si applica tale disciplina finanziaria. Al fine di garantire parità di trattamento a tutti gli agricoltori, è quindi opportuno disporre che il tasso di adattamento si applichi solo ai pagamenti per i quali le domande di aiuto sono state presentate nell'anno civile cui si applica la disciplina finanziaria, a prescindere dal momento in cui i pagamenti saranno erogati agli agricoltori.

⁽¹⁾ GU L 347 del 20.12.2013, pag. 549.

⁽²⁾ Regolamento di esecuzione (UE) 2019/916 della Commissione, del 4 giugno 2019, che fissa il tasso di adattamento dei pagamenti diretti a norma del regolamento (UE) n. 1306/2013 del Parlamento europeo e del Consiglio per l'anno civile 2019 (GU L 146 del 5.6.2019, pag. 98).

- (5) A norma dell'articolo 8, paragrafo 1, del regolamento (UE) n. 1307/2013 del Parlamento europeo e del Consiglio ⁽³⁾, il tasso di adattamento dei pagamenti diretti determinato a norma dell'articolo 26 del regolamento (UE) n. 1306/2013 si applica soltanto ai pagamenti diretti superiori a 2 000 EUR da concedere agli agricoltori nell'anno civile corrispondente. Inoltre, l'articolo 8, paragrafo 2, del regolamento (UE) n. 1307/2013 dispone che, a seguito dell'introduzione graduale dei pagamenti diretti, il tasso di adattamento si applichi alla Croazia solo a decorrere dal 1° gennaio 2022. Il tasso di adattamento da fissare mediante il presente regolamento non dovrebbe pertanto applicarsi ai pagamenti a favore degli agricoltori del suddetto Stato membro.
- (6) Il nuovo tasso di adattamento dovrebbe essere preso in considerazione ai fini del calcolo di tutti i pagamenti da concedere a un agricoltore per una domanda di aiuto presentata per l'anno civile 2019. Per motivi di chiarezza, è pertanto opportuno abrogare il regolamento di esecuzione (UE) 2019/916.
- (7) Al fine di garantire che il tasso di adattamento adeguato sia applicabile a decorrere dalla data stabilita per i pagamenti a favore degli agricoltori a norma del regolamento (UE) n. 1306/2013, è opportuno che il presente regolamento si applichi a decorrere dal 1° dicembre 2019,

HA ADOTTATO IL PRESENTE REGOLAMENTO:

Articolo 1

1. Ai fini della fissazione del tasso di adattamento di cui agli articoli 25 e 26 del regolamento (UE) n. 1306/2013 e in conformità all'articolo 8, paragrafo 1, del regolamento (UE) n. 1307/2013, gli importi dei pagamenti diretti nell'ambito dei regimi di sostegno elencati nell'allegato I del regolamento (UE) n. 1307/2013 che superino 2 000 EUR, da versare agli agricoltori per le domande di aiuto presentate con riferimento all'anno civile 2019, sono ridotti di un tasso di adeguamento pari a 1,432635 %.
2. La riduzione di cui al paragrafo 1 non si applica in Croazia.

Articolo 2

Il regolamento di esecuzione (UE) 2019/916 è abrogato.

Articolo 3

Il presente regolamento entra in vigore il settimo giorno successivo alla pubblicazione nella *Gazzetta ufficiale dell'Unione europea*.

Esso si applica a decorrere dal 1° dicembre 2019.

Il presente regolamento è obbligatorio in tutti i suoi elementi e direttamente applicabile in ciascuno degli Stati membri.

Fatto a Bruxelles, il 19 novembre 2019

Per la Commissione

Il presidente

Jean-Claude JUNCKER

⁽³⁾ Regolamento (UE) n. 1307/2013 del Parlamento europeo e del Consiglio, del 17 dicembre 2013, recante norme sui pagamenti diretti agli agricoltori nell'ambito dei regimi di sostegno previsti dalla politica agricola comune e che abroga il regolamento (CE) n. 637/2008 del Consiglio e il regolamento (CE) n. 73/2009 del Consiglio (GU L 347 del 20.12.2013, pag. 608).

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► **B** **REGOLAMENTO DI ESECUZIONE (UE) 2020/1769 DELLA COMMISSIONE**
del 25 novembre 2020

sul rimborso, a norma dell'articolo 26, paragrafo 5, del regolamento (UE) n. 1306/2013 del Parlamento europeo e del Consiglio, degli stanziamenti riportati dall'esercizio 2020

(GU L 398 del 27.11.2020, pag. 4)

Rettificato da:

► **C1** Rettifica, GU L 399 del 30.11.2020, pag. 39 (2020/1769)



REGOLAMENTO DI ESECUZIONE (UE) 2020/1769 DELLA COMMISSIONE

del 25 novembre 2020

sul rimborso, a norma dell'articolo 26, paragrafo 5, del regolamento (UE) n. 1306/2013 del Parlamento europeo e del Consiglio, degli stanziamenti riportati dall'esercizio 2020

Articolo 1

Gli importi degli stanziamenti che saranno riportati dall'esercizio 2020 a norma dell'articolo 12, paragrafo 2, primo comma, lettera d), e terzo comma, del regolamento (UE, Euratom) 2018/1046 e che, a norma dell'articolo 26, paragrafo 5, del regolamento (UE) n. 1306/2013, sono resi disponibili agli Stati membri per il rimborso dei beneficiari finali soggetti al tasso di adattamento nell'esercizio 2021 figurano nell'allegato del presente regolamento.

Gli importi che saranno riportati sono oggetto della decisione di riporto della Commissione a norma dell'articolo 12, paragrafo 3, del regolamento (UE, Euratom) 2018/1046.

Articolo 2

Le spese degli Stati membri relative al rimborso degli stanziamenti riportati sono ammissibili al finanziamento concesso dall'Unione solo se gli importi relativi sono stati versati ai beneficiari prima del 16 ottobre 2021.

Articolo 3

Il presente regolamento entra in vigore il giorno della pubblicazione nella *Gazzetta ufficiale dell'Unione europea*.

Esso si applica a decorrere dal 1° dicembre 2020.

Il presente regolamento è obbligatorio in tutti i suoi elementi e direttamente applicabile in ciascuno degli Stati membri.

▼ **C1***ALLEGATO***Importi disponibili per il rimborso degli stanziamenti riportati**

(importi in EUR)

Belgio	6 081 361
Bulgaria	9 865 664
Cechia	11 629 880
Danimarca	10 729 338
Germania	60 566 679
Estonia	1 776 883
Irlanda	13 853 297
Grecia	16 876 498
Spagna	59 526 083
Francia	89 125 550
Italia	37 625 545
Cipro	360 506
Lettonia	3 067 758
Lituania	4 823 124
Lussemburgo	425 264
Ungheria	15 920 199
Malta	38 180
Paesi Bassi	8 322 935
Austria	7 306 532
Polonia	27 648 219
Portogallo	7 256 992
Romania	19 079 200
Slovenia	946 235
Slovacchia	6 114 353
Finlandia	6 241 899
Svezia	8 412 713



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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DISCLAIMER

This working document has been prepared by DG AGRI in order to present the modalities as regards reimbursement of appropriations carried over in relation to financial discipline.

These interpretations do not prejudice any decision by the European Court of Justice. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Subject: Reimbursement of appropriations carried over in relation to financial discipline

In accordance with the articles 169(3) of the Financial Regulation (EU) No 966/2012 (hereafter FR) and 26(5) of Regulation (EU) No 1306/2013 (hereafter HZR), if non-committed appropriations remain in the EAGF budget at the end of a financial year, they shall be carried forward to the following financial year and shall finance the reimbursement for the beneficiaries subject to financial discipline reduction.

This working document describes the modalities of the reimbursement of appropriations carried over (hereinafter 'reimbursement of financial discipline') to be applied by the Commission and by the Member States.

LEGAL BASIS

REGULATION (EU, EURATOM) No 966/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 October 2012

on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (hereafter FR)

Art 169(3)

Non-committed appropriations relating to the actions referred to in Article 3(1) of Regulation (EC) No 1290/2005 may be carried over to the following financial year only.

Such carryover shall not exceed, within a limit of 2 % of the initial appropriations, the amount of the adjustment of direct payments as referred to in Article 11 of 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, and which was applied during the preceding financial year.

Appropriations which are carried over shall be returned exclusively to the budgetary lines which cover the actions referred to in point (c) of Article 3(1) of Regulation (EC) No 1290/2005.

Such carryover may lead to an additional payment only to the final recipients who were subject, in the preceding financial year, to the adjustment of direct payments as referred to in Article 11 of Regulation (EC) No 73/2009.

The carryover decision shall be taken, by 15 February of the year to which the carryover is being made, by the Commission, which shall inform the European Parliament and the Council thereof.

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 (hereafter HZR)

Art 26(5)(6)(7)

5. By way of derogation from the fourth subparagraph of Article 169(3) of Regulation (EU, Euratom) No 966/2012, Member States shall reimburse the appropriations carried over in accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 to the final recipients who are subject, in the financial year to which the appropriations are carried over, to the adjustment rate.

The reimbursement referred to in the first subparagraph shall only apply to final beneficiaries in those Member States where financial discipline applied in the preceding financial year.

6. The Commission may adopt implementing acts, laying down the terms and conditions applicable to appropriations carried over in accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 in order to finance the expenditure referred to in Article 4(1)(b) of this Regulation. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 116(2).

7. When applying this Article, the amount of the reserve for crises in the agricultural sector referred to in Article 25 shall be included in the determination of the adjustment rate. Any amount not made available for crisis measures by the end of the financial year shall be disbursed in accordance with paragraph 5 of this Article.

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1. INTRODUCTION

Under the terms of Article 26(1) HZR, in the context of the annual budgetary procedure, the financial discipline mechanism shall be applied when the budgetary forecast for market related expenditure and direct payments financed under the sub-ceiling of Heading 2 set out in the MFF Regulation (EU, Euratom) No 1311/2013 indicates that the applicable annual ceiling will be exceeded.

Moreover, in accordance with Article 25 HZR for the period 2014-2020 the reserve for crises in the agricultural sector shall be established annually by applying, at the beginning of each year, a reduction to direct payments with the financial discipline mechanism.

In the event the crisis reserve does not need to be activated in the financial year, or it is not fully utilised, or in any other case when at the end of the financial year there are non-committed appropriations remaining in the EAGF budget for shared management, the amount of financial discipline applied shall be reimbursed to the extent of available remaining appropriations.

In accordance with Article 169(3) FR and Article 26(5) of HZR, Member States shall reimburse the appropriations carried over from the budget of one financial year to the following to the final recipients who are subject, in the financial year to which the appropriations are carried over, to the adjustment rate. The above mechanism implies that at the end of a financial year in which financial discipline is applied to direct payments, i.e. in the context of MFF 2014-2020 on an annual basis, the reimbursement of remaining appropriations to the final recipients must be effected by the Member States.

Article 26(6) HZR determines that the Commission may adopt implementing acts, laying down the terms and conditions applicable to these appropriations carried over. These acts shall be adopted in accordance with the advisory committee procedure¹.

2. THE LEGAL FRAMEWORK

In view of the empowerment in Article 26(6) HZR as regards the carry-over of the appropriations in relation to financial discipline, the Commission adopts a Commission Implementing Regulation setting:

- the amounts available to each Member State for the payments to beneficiaries in respect of reimbursement of financial discipline in accordance with art 26(5) HZR;
- the final eligibility date for this expenditure.

¹ For financial discipline applied in financial year 2014, Regulation (EU) No 1259/2014 defined the reimbursement in financial year 2015

3. THE PROCEDURE APPLIED TO ESTABLISH THE AMOUNTS TO BE REIMBURSED

The provisions in the basic acts (FR and HZR) enable the Commission to adopt implementing acts that would allow for the reimbursement of financial discipline. The total amount of the reimbursement is limited to the lowest of the following amounts:

- 1) the amount of financial discipline applied (i.e. actually deducted from direct payments) in relation to the preceding financial year (year N-1); or
- 2) the amount of non-committed appropriations in the EAGF budget in the lines financing actions under shared management, that is available for carry-over at the end of financial year N-1; or
- 3) 2% of the initial EAGF budget appropriations for actions under shared management in year N-1.

3.1. Estimated amount of the carry-over

The final amount of the carry-over of non-committed appropriations in the EAGF budget will only be decided with a Commission Implementing Decision by 15 February of the year to which the carry-over is made².

In order to limit the administrative burden for Member States, the intention is to provide Member States with the amounts available for reimbursement of financial discipline before 1 December of the preceeding year, so that the payment of reimbursement to farmers can be consolidated with the payment of the direct payments starting from 1 December. For that, the Implementing Regulation setting the maximum amounts for this expenditure will precede the Commission Implementing Decision on the carry-over.

The amounts of non-committed appropriations, which will be taken into account for the calculation of the amount available for reimbursement, will be thus provisional. In particular this is due to some remaining uncertainties on the final execution at that time. The calculation will be based on the cumulative amounts of EAGF shared management expenditure communicated by all Member States' in their monthly T104 declarations for the month of October, and it will include estimates of DG AGRI direct expenditure, the feasibility to transfer credits and the possible corrections by DG AGRI until the end of the budgetary year.

Nonetheless the amounts fixed in the Regulation for reimbursement based on the procedure outlined in the previous paragraph will be final and will not be subject to any modifications following information regarding the final execution of the financial year from which a carry-over is made or any reduction effected in the framework of the financial clearance procedure.

3.2. Distribution ratio

The provisional amount of carry-over available for payments will be divided among the Member States using an objective key. This will be based on the actual amount of reduction in respect of financial discipline produced by each Member State as

² In accordance with fifth subparagraph of Article 169(3) of FR

compared to the entire amount of financial discipline collected in the EU in the given financial year. The application of this distribution ratio is necessary to ensure a fair division of the remaining appropriations, as the effective rate of financial discipline generated in the course of a financial year varies between the Member States.

The actual amounts of financial discipline reduction will be derived from all Member States' T104 declarations up to and including the October declaration of the year from which the carry-over takes place. The accuracy of the declarations is a factor contributing to the accuracy of Commission's calculation (see Annex 1 for detailed methodology for the calculation).

3.3. Importance of the October EAGF declaration

It is of the utmost importance that all Member States (including MS not subject to financial discipline) respect the deadline for submitting the October T104 declarations. As from 2015 this deadline is 27 October³. The respect of the deadline and accuracy of the declarations is imperative to ensure a timely adoption and publication of the Commission Implementing Regulation.

4. FINAL ELIGIBILITY DATE FOR PAYING AGENCIES' EXPENDITURE

Article 169(3) of FR determines that "*Non-committed appropriations relating to the actions referred to in Article 3(1) of Regulation (EC) No 1290/2005 may be carried over to the following financial year only*". It is therefore appropriate for the Commission to determine the final eligibility date for the expenditure of the Member States' paying agencies in relation to the reimbursement to beneficiaries subject to financial discipline, taking into account the specific provisions on the agricultural financial year as defined in Article 39 of HZR.

Therefore, it is envisaged to specify in the draft Commission regulation that paying agencies' expenditure in relation to the reimbursement of the appropriations carried over shall only be eligible for Union financing if it has been paid to the beneficiaries before 16 October of the year to which the appropriations are carried over.

In other words, any amounts of reimbursement declared after 16 October of the year to which the appropriations are carried over will be subject to a 100% reduction.

5. REIMBURSEMENT TO THE FARMERS

In accordance with the provisions of the FR and HZR, the management and execution of the reimbursement of the financial discipline to the final beneficiaries is the responsibility of Member States. However, the reimbursement should respect the criteria of equal treatment and should remain proportional to the amount of financial discipline adjustment (see Annex 3 for a calculation example which provides guidelines to Member States in this respect).

³ Article 10 of Regulation (EU) No 908/2014.

Article 26(5) of HZR determines the population of MS and population of beneficiaries that are entitled to receive reimbursement.

5.1. Member States where reimbursement applies

In accordance with Article 26(5) HZR, the reimbursement shall only apply to final beneficiaries in those Member States where financial discipline applied in the preceding financial year.

5.2. Beneficiaries entitled to reimbursement

In accordance with Article 26(5) HZR, the reimbursement in a given financial year is applicable to the final recipients who are subject to financial discipline in that financial year.

This allows the paying agencies to combine in a single payment transaction: (1) the direct payments for calendar year N reduced by the financial discipline rate applicable for the calendar year N and (2) the reimbursement of financial discipline reduced from direct payments for calendar year N-1.

To summarise – all beneficiaries receiving direct payments in calendar year N exceeding the 2 000 EUR threshold will be subject to financial discipline reduction as well as to reimbursement of financial discipline for financial year N-1 subject to availabilities of appropriations carried-over. Please refer to Annex 2 for analysis of examples of the application of reimbursement to various beneficiaries.

6. DECLARATION OF THE REIMBURSEMENTS MADE BY THE MEMBER STATES

The amounts of the actual reimbursements of financial discipline which Member States' Paying Agencies will make to the final beneficiaries during a given financial year should be declared on the specific EAGF budget sub-item under budget article 05 03 09.

ANNEX 1 CALCULATION OF THE KEY FOR DISTRIBUTION OF THE AMOUNT TO BE REIMBURSED

	MS 1					MS 2					.....	MS XX	Total EU
Sub-items subject to FD (over 2000 EUR)	Net Expenditure FY N	% FD	% Red	% LR	Gross DP granted FY N	Net Expenditure FY N	% FD	% Red	% LR	Gross DP granted FY N	.....	.....	
05 03 01 XXX ₁	N ₁	Fd	A _x	Lr	$G_1=N_1/(1-Fd-A_x-Lr)$	N ₁	Fd	A _x	Lr	$G_1=N_1/(1-Fd-A_x-Lr)$	.....	.....	
05 03 01 XXX ₂	N ₂	Fd	A _y	Lr	$G_2=N_2/(1-Fd-A_y-Lr)$	N ₂	Fd	A _y	Lr	$G_2=N_2/(1-Fd-A_y-Lr)$	.....	.....	
05 03 01 XXX ₃	N ₃	Fd	A _z	Lr	$G_3=N_3/(1-Fd-A_z-Lr)$	N ₃	Fd	A _z	Lr	$G_3=N_3/(1-Fd-A_z-Lr)$	.....	.....	
.....													
05 03 02 XXX _i	N _i	.....	A _i	.....	G _i	N _i	.....	.....	.....	G _i	.....	.....	
.....													
05 03 XX XXX _n	N _n	.....	A _n	.....	G _n	N _n	.....	.....	.....	G _n	.....	.....	
Total gross DP granted per MS					Total G MS₁=Σ(G1...Gn)	Total G MS₂=Σ(G1...Gn)					.....	.....	
rate of FD in % (Fd)					X%						.....	.....	
FD reduced from DP per MS					Total G MS₁*Fd	Total G MS₂*Fd					.....	.....	Total FD EU
Share in the total FD					(Total G MS₁*Fd)/Total FD EU	(Total G MS₂*Fd)/Total FD EU					.....	.....	

"Red" = "reduction" based on MS choices under Art 11 of R 1307/2013. LR = "linear reduction" under Art 7 of R 1307/2013.

Gross DP = the amount before reduction, before financial discipline (FD) and before linear reduction (LR)

ANNEX 2 EXAMPLES OF REIMBURSEMENT TO BENEFICIARIES

Scenario	Member States subject to FD in financial year N	Financial discipline applicable to direct support exceeding EUR 2000/farmer		Reimbursement of FD in budget year N+1
		Budget year N = Claim year N-1	Budget year N+1= Claim year N	
Farmer A	Y	Y	Y	Y
Farmer B	Y	Y	N	N
Farmer C	Y	N	Y	Y
Farmer D	Y	N	N	N
Farmer E	N	-	-	N

ANNEX 3 EXAMPLES OF CALCULATION OF THE RATE OF REIMBURSEMENT

The calculations presented below are illustrative examples that provide guidance to the Member States on the distribution among the eligible farmers of the appropriations carried over in relation to reimbursement of financial discipline.

1. Theoretical calculation for the rate of reimbursement at the level of the MS

For the simplification of the process, the rate of reimbursement and the rate of financial discipline (FD) could be applied to the same basis.

		TOTAL DP MS X	Detailed DP structure in Member State X									
A	Number of beneficiaries	55	10	9	8	7	6	5	4	3	2	1
B	Value of DP per beneficiary EUR (after penalties, before LR art 7 of R 1307/2013)		2.000	4.000	5.000	10.000	12.000	15.000	20.000	50.000	100.000	200.000
C=A*B	Value of DP in each bracket EUR	943.000	20.000	36.000	40.000	70.000	72.000	75.000	80.000	150.000	200.000	200.000
D	Annex III	935.000										
E=(D-C)/C	Rate of LR art 7 of R 1307/2013	-0,85%										
F=C*(1+E)	Payments corrected by LR	935.000	19.830	35.695	39.661	69.406	71.389	74.364	79.321	148.727	198.303	198.303
G	Amount of reimbursement	18.000										
H	DP not entitled to reimbursement (<2000)		20.000	18.000	16.000	14.000	12.000	10.000	8.000	6.000	4.000	2.000
I= C-H	DP entitled to reimbursement (>2000) before LR	833.000	0	18.000	24.000	56.000	60.000	65.000	72.000	144.000	196.000	198.000
J = G/I	Rate of reimbursement	2,16%										
K	New FD rate year N	-1,30%										
L=J*I	FD reimbursement	18.000	0	389	519	1.210	1.297	1.405	1.556	3.112	4.235	4.279
M=K*I	New FD	-10.829	0	-234	-312	-728	-780	-845	-936	-1.872	-2.548	-2.574
N = F+L+M	Net payment	942.171	19.830	35.850	39.867	69.888	71.906	74.923	79.941	149.967	199.991	200.008

	Farmer Y	Farmer Z	Farmer W
Gross payment	1.500	3.000	7.000
Exempt from FD	1.500	2.000	2.000
Subject to FD	0	1.000	5.000
LR	-13	-25	-59
FD year N	0	-13	-65
Reimbursement FD	0	22	108
	1.487	2.983	6.984

DP - direct payments
LR - linear reduction
FD - financial discipline
XC - cross compliance

2. Treatment of the late payments

Article 26(5) HZR defines the population of the farmers eligible for reimbursement as *"final recipients who are subject, in the financial year to which the appropriations are carried over, to the adjustment rate"*.

In view of the above, farmers who are paid their direct payments late in the next financial year also have a right to the reimbursement in that financial year. For example if a farmer received late direct payments in respect of claim year 2014 in financial year 2016,

he would be subject to financial discipline in financial year 2016. Therefore, during financial year 2016, he should also be reimbursed from the appropriations carried over from financial year 2015 to financial year 2016.

In order to use the amounts carried over in the most effective way, Member States should estimate the amounts of late payments in a financial year (e.g. based on historical patterns) and adjust the calculation of the financial discipline reimbursement rate taking into account this information.

		TOTAL DP MS X	Detailed DP structure in Member State X										
A	Number of beneficiaries	54	10	9	(Late payment for year n+1)	7	7	6	5	4	3	2	1
B	Value of DP per beneficiary EUR (after penalties before LR art 7 of R 1307/2013)		2.000	4.000	5.000	5.000	10.000	12.000	15.000	20.000	50.000	100.000	200.000
C=A*B	Value of DP in each bracket EUR	943.000	20.000	36.000	5.000	35.000	70.000	72.000	75.000	80.000	150.000	200.000	200.000
C1=C - late payment		938.000	20.000	36.000		35.000	70.000	72.000	75.000	80.000	150.000	200.000	200.000
D	Annex III	935.000											
E=(D-C1)/C1	Rate of LR art 7 of R 1307/2013	-0,32%											
F=C1*(1+E)	Payments corrected by LR	935.000	19.936	35.885		34.888	69.776	71.770	74.760	79.744	149.520	199.360	199.360
G	Amount of reimbursement	18.000											
H	DP not entitled to reimbursement (<2000)		20.000	18.000		14.000	14.000	12.000	10.000	8.000	6.000	4.000	2.000
I= C1-H	DP entitled to reimbursement (>2000) before LR	830.000	0	18.000		21.000	56.000	60.000	65.000	72.000	144.000	196.000	198.000
J= G/I	Rate of reimbursement	2,17%											
L=J*I	FD reimbursement	18.000	0	390		455	1.214	1.301	1.410	1.561	3.123	4.251	4.294
M= K*I	FD	-10.829	0	-235		-274	-731	-783	-848	-939	-1.879	-2.557	-2.583
N = F+L+M	Net payment	942.171	19.936	36.040		35.069	70.260	72.288	75.322	80.366	150.764	201.054	201.071

	Farmer Y	Farmer Z	Farmer W
Gross payment	1.500	3.000	7.000
Exempt from FD	1.500	2.000	2.000
Subject to FD	0	1.000	5.000
LR	-5	-10	-22
FD	0	-13	-65
Reimbursement FD	0	22	108
	1.495	2.999	7.021

DP - direct payments
LR - linear reduction
FD - financial discipline

3. Treatment of the penalties resulting from non-respect of cross-compliance rules

In accordance with Article 6(3) of Regulation (EU) No 809/2014, reductions due to the "reduction", financial discipline and the linear reduction coefficient shall be applied to the amount resulting from application of paragraph (2) of the same article.

In accordance with Article 6(4) of the same regulation, the penalties for cross-compliance shall be applied subsequently, thus using as a basis the "net direct payment" – after reductions for "reduction", linear reduction and financial discipline.

It is proposed to apply the rate for reimbursement of financial discipline at the same moment as the financial discipline adjustment, and before application of any reductions resulting from a cross-compliance penalty. Thus to stay in line with the provisions on cross-compliance, the cross-compliance reduction would be applied to the total direct payments to be received by the farmer, including the amount of financial discipline

reimbursement. This notably serves avoiding overcompensation. The amounts of the penalties, in accordance with Article 43(1)(d) HZR shall become assigned revenue.

A	Rate of LR art 7 of R 1307/2013	-0,85%
B	Rate of reimbursement	2,16%
C	FD rate	-1,30%
D	Cross-compliance reduction	-3,00%

	Farmer W	
E	Gross payment	7.000,0
F	<i>Exempt from FD</i>	<i>2.000,0</i>
G=E-F	<i>Subject to FD</i>	<i>5.000,0</i>
H=E*A	LR	-59,4
I=G*C	FD	-65,0
J=G*B	Reimbursement FD	108,0
K=E+H+I+J		6.983,7
L=K*D	Cross-compliance reduction	-209,5
N=K+M	Final DP	6.774,1



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT
Directorate R. Resources
R.1. Budget management; BFOR

Brussels,
AGRI.R.1/NS(2019)7525540

WORKING DOCUMENT
FOR THE ATTENTION OF THE COMMITTEE ON AGRICULTURAL FUNDS

Subject: Reimbursement of financial discipline in financial year 2020

*A draft Commission Implementing Regulation on the reimbursement, in accordance with Article 26(5) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council, of the appropriations carried over from financial year 2019 is shortly going to be presented for opinion by written procedure to the Committee on the Agricultural Funds. A **preliminary version** of the draft regulation, still subject to Commission interservice consultation, is attached to this working document.*

This working document provides technical explanations on the calculations of the amounts of reimbursement to be established in the draft Commission regulation. These explanations are additional to the principles explained in point 3 of the working document Ares(2015)3871218 and concern the specific exercise in financial year (FY) 2020.

The amounts available for reimbursement in the draft regulation correspond to the "amount of adjustment applied" by each concerned Member State in FY 2019 as calculated in the following way¹:

In FY 2019, financial discipline is applied to

- Direct payments above 2000 € in respect of calendar year (CY) 2018;
- Direct payments above 2000 € in respect of CY 2017, CY 2016 and CY 2015 (late payments).

The Commission services have extracted all sub-items on which the amounts subject to financial discipline in FY 2019 are declared in accordance with the above-mentioned criteria from the October EAGF T104 declarations. The gross amounts on which financial discipline was applied are recalculated from the net amounts in the concerned sub-items and taking into account the applicable rates of financial discipline, linear reduction and reduction. Based on the sum of these gross amounts for payments relating

¹ See Article 12(2)d of Regulation (EU, Euratom) No 2018/1046. Note that sufficient non-committed appropriations are available for carry-over from FY 2019 and that the 2% limit quoted in that paragraph is respected.

respectively to CY 2015, 2016, 2017 and 2018, the exact amount of financial discipline applied in FY 2019 in each concerned Member State is calculated by multiplying the gross amounts by the applicable rates of financial discipline (1,393041% for late payments relating to CY 2015, 1,353905% for late payments relating to CY 2016, 1,388149% for late payments relating to CY 2017 and 1,411917% for payments relating to CY 2018).

Delegates are invited to send any comments or questions for clarification of the amounts included in the annex as soon as possible and before 07/11/2019 (email to: AGRI-R1@ec.europa.eu).

This note is only for informative purpose and does not constitute the written consultation.

(e-signed)

Georg HAEUSLER
Director