

Commission Implementing Regulation (EU) 2017/1242 of 10 July 2017 amending Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross-compliance

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1242

of 10 July 2017

amending Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross-compliance

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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<sup>(1)</sup>, and in particular Article 62(2) (a) and (b) and Article 78(b) and (c) thereof,

Whereas:

- (1) Article 21 of Commission Implementing Regulation (EU) No 809/2014<sup>(2)</sup> lays down the requirements pertaining to livestock aid applications and to payment claims under animal-related support measures. In the case of short production-cycle species with a high turnover of animals, the number of animals in respect of which a livestock payment claim under the measure provided for in Article 33 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council<sup>(3)</sup> is submitted, may change significantly throughout the claim year. This may lead to a substantial difference between the number of animals declared in the livestock payment claim and the number of animals that will eventually benefit from increased welfare conditions. As a consequence, the number of animals declared in the livestock payment claim turns out to be only indicative. In respect of those short production-cycle species, Member States should therefore be allowed to establish a system which allows a beneficiary to apply for support in respect of all animals which qualify for support at a date or during a period determined by the Member State. In the absence of a computerised database, it should be possible to establish the actual number of animals on the basis of slaughter certificates or other supporting documents submitted to the competent authority after the date of submission of the livestock payment claim.
- (2) The application of selection criteria is not obligatory for all measures or types of operations. Therefore, the administrative checks carried out on the applications for support should only include the verification of that element where necessary.

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*Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1242, Introductory Text. (See end of Document for details)*

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- (3) The verification of the reasonableness of the costs is made at the stage of the administrative checks relating to the application for support and on the basis of a defined evaluation system. Specific rules should however apply where the risk of unreasonable costs is low or where the content of the costs may not be defined before the implementation of the operation.
- (4) In accordance with Article 67(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council<sup>(4)</sup>, the amount of the support may be established on the basis of standard scales of unit costs, lump sums or flat rates. In such cases, the administrative checks should not include the verification of the amount of the costs incurred and the payments made by the beneficiary.
- (5) The rules on checks which apply to financial instruments should be adapted in order to ensure consistency with the management and control rules laid down in Regulation (EU) No 1303/2013 and in Commission Delegated Regulation (EU) No 480/2014<sup>(5)</sup> and to take into account the specificities of support granted in the form of a financial instrument.
- (6) The expenditure subject to on-the-spot checks should not be the expenditure to be paid, but the expenditure claimed to the paying agency. Since the expenditure to be paid can only be determined after all checks have been completed, taking that expenditure as subject of checks would render the achievement of the control rate unpredictable. In addition, the expenditure subject to on-the-spot checks should not include expenditure made by the paying agency only for advance payments, since that expenditure does not correspond to expenditure incurred by the beneficiary. Furthermore, expenditure related to financial instruments should be counted towards the achievement of the minimum control rate only to the extent that it is actually checked by the competent authority. In order to ensure the fulfilment of the minimum control rate each calendar year, the checks should be performed by the date foreseen for the submission of the control data and control statistics laid down in Article 9 of Implementing Regulation (EU) No 809/2014.
- (7) In order not to duplicate checks unnecessarily, on-the-spot checks should only cover elements that have not yet been the subject of administrative checks.
- (8) In accordance with Articles 48 and 51 of Implementing Regulation (EU) No 809/2014, checks have to verify compliance with, inter alia, eligibility criteria, commitments and other obligations. Furthermore, according to Article 50(4)(a) of that Implementing Regulation, the sample of operations to be checked on-the-spot has to take into account the need to check an appropriate mix of types and sizes of operations. The measure-specific provisions on the subject matter or the intensity of the checks laid down in Articles 54 to 59 of Implementing Regulation (EU) No 809/2014 are therefore unnecessary.
- (9) As regards administrative penalties, in order to ensure equal treatment of the operations selected and the operations not selected for on-the-spot checks, the expenditure checked should, in both cases, be the expenditure claimed.
- (10) Implementing Regulation (EU) No 809/2014 should therefore be amended accordingly.

- (11) The amendments made by this Regulation should apply to applications for support or payment claims relating to claim years or premium periods starting from 1 January 2018. However, taking into account the difficulties encountered in the claim year 2015 by the Member States having to adapt their systems to the deadline of submitting the livestock payment claim laid down in Article 13 of Implementing Regulation (EU) No 809/2014, as well as to the system on reductions, exclusions and penalties provided for in Commission Delegated Regulation (EU) No 640/2014<sup>(6)</sup>, the provision allowing the actual number of animals of short production-cycle species to be established on the basis of slaughter certificates or other supporting documents submitted to the competent authority after the submission of the livestock payment claim should apply to livestock payment claims relating to claim years starting as from 1 January 2016.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Rural Development Committee,

HAS ADOPTED THIS REGULATION:

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1242, Introductory Text. (See end of Document for details)

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- (1) [OJ L 347, 20.12.2013, p. 549](#).
- (2) Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance ([OJ L 227, 31.7.2014, p. 69](#)).
- (3) 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](#)).
- (4) 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](#)).
- (5) Commission Delegated Regulation (EU) No 480/2014 of 3 March 2014 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council 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 ([OJ L 138, 13.5.2014, p. 5](#)).
- (6) 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](#)).

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1242, Introductory Text.