

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

Article 1

Amendment of Delegated Regulation (EU) No 639/2014

Delegated Regulation (EU) No 639/2014 is amended as follows:

- (1) in Article 9, paragraph 1 is replaced by the following:
 1. For the purposes of Article 32(6) of Regulation (EU) No 1307/2013, the eligibility of areas used for the production of hemp shall be subject to the use of seed of the varieties listed in the ‘Common Catalogue of Varieties of Agricultural Plant Species’ on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC⁽¹⁾. The seed shall be certified in accordance with Council Directive 2002/57/EC⁽²⁾ or in accordance with Article 10 of Commission Directive 2008/62/EC⁽³⁾ in the case of conservation varieties.;
- (2) in Article 52, paragraph 3 is deleted;
- (3) in Article 53(2), the third subparagraph is replaced by the following:

Without prejudice to Article 52(6) of Regulation (EU) No 1307/2013, for the per unit amount of support referred to in the second subparagraph of this paragraph, Member States may decide to apply modulated per unit amounts in respect of certain categories of farmers or at farm level in order to take into account economies of scale resulting from the size of the production structures in the targeted specific type of farming or specific agricultural sector, or, if the measure targets a region or an entire sector, in the region or sector concerned. Article 67(1) of this Regulation shall apply *mutatis mutandis* to the notification of such decisions.;
- (4) in Article 53a, paragraphs 2 and 3 are replaced by the following:
 2. Where the area or the number of animals eligible for support under a voluntary coupled support measure in the claim year concerned equals to or exceeds the area or the number of animals referred to in Article 52(6) of Regulation (EU) No 1307/2013 as notified in accordance with point (3)(j) of Annex I to this Regulation, the support measure shall not benefit from a transfer of funds from any other support measure(s).
 3. Where the area or the number of animals eligible for support under a voluntary coupled support measure in the claim year concerned is lower compared to the area or the number of animals referred to in Article 52(6) of Regulation (EU) No 1307/2013 as notified in accordance with point (3)(j) of Annex I to this Regulation, a transfer of funds shall not result in the per unit amount becoming lower than the ratio between the amount fixed for the financing as notified in accordance with point (3)(i) of that Annex and the area or the number of animals referred to in Article 52(6) of Regulation (EU) No 1307/2013.;
- (5) in Article 54, paragraph 3 is replaced by the following:

Changes to legislation: There are currently no known outstanding effects for the
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3. Where support under a certain coupled support measure may also be granted under another coupled support measure, or under a measure implemented under other Union measures and policies, Member States shall ensure that the farmer concerned may receive support aiming at addressing the same difficulty, as referred to in Article 52(3) of Regulation (EU) No 1307/2013 and as defined for that coupled support measure, under only one such measure per sector, region, specific type of farming or specific agricultural sector that is targeted in accordance with that provision.;
- (6) in Article 67(3), point (c) is replaced by the following:
- (c) for each affected measure, a justification that a transfer is consistent with the production-limiting character of the scheme referred to in Article 52(6) of Regulation (EU) No 1307/2013 and that the decisions notified to the Commission pursuant to Article 54 of that Regulation and paragraphs 1 and 2 of this Article do not become void.;
- (7) Annex I is replaced by the text set out in the Annex to this Regulation.

Article 2

Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Points 2, 3, 4, 6 and 7 of Article 1 shall apply with respect to aid applications relating to calendar years subsequent to calendar year 2014.

Point 1 of Article 1 shall apply with respect to aid applications relating to calendar year 2018 and subsequent calendar years.

Point 5 of Article 1 shall apply with respect to aid applications relating to calendar year 2019 and subsequent calendar years.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 February 2018.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/707. (See end of Document for details)

- (1) Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).
- (2) Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).
- (3) Commission Directive 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties (OJ L 162, 21.6.2008, p. 13).’;

Changes to legislation:

There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/707.