

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

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

THE EUROPEAN COMMISSION,

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

Having regard to 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⁽¹⁾, and in particular Articles 35(3), 52(9) and 67(1) and (2) thereof,

Whereas:

- (1) Article 9(1) of Commission Delegated Regulation (EU) No 639/2014⁽²⁾ requires seed used for the production of hemp to be certified in accordance with Council Directive 2002/57/EC⁽³⁾. However, Commission Directive 2008/62/EC⁽⁴⁾ provides for an alternative certification of hemp seed in the case of conservation varieties. Therefore it is appropriate to include a reference to that Directive in Article 9(1) of Delegated Regulation (EU) No 639/2014.
- (2) Pursuant to Article 52 of Regulation (EU) No 1307/2013 Member States may grant coupled support to farmers under the conditions laid down in Chapter 1 of Title IV of that Regulation and in Delegated Regulation (EU) No 639/2014.
- (3) Article 52 of Regulation (EU) No 1307/2013 has been amended by Regulation (EU) 2017/2393 of the European Parliament and of the Council⁽⁵⁾ in order to provide more clarity with regard to the responsibilities of Member States in respect of the production-limiting character of voluntary coupled support. It is therefore necessary to align the terminology used in Section 1 of Chapter 5 and in Article 67 of Delegated Regulation (EU) No 639/2014 as well as in Annex I to that Regulation with the new wording of Article 52 of Regulation (EU) No 1307/2013. On the basis of the experience gained with the application of Article 53 of Regulation (EU) No 1307/2013, it is also appropriate to update the content of the information to be submitted by the Member States to the Commission in accordance with Annex I to Delegated Regulation (EU) No 639/2014.
- (4) In accordance with Article 52(3) of Regulation (EU) No 1307/2013, voluntary coupled support may only be granted to sectors or regions where specific types of farming or

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agricultural sectors undergo certain difficulties. Pursuant to Article 52(3) of Delegated Regulation (EU) No 639/2014, a type of farming or specific agricultural sector can only be considered as being in difficulties if there is a risk of abandonment or of decline of production. As a consequence of the clarification of the responsibilities of Member States in respect of the production-limiting character of voluntary coupled support, such limitation is not justified. It is therefore appropriate to delete Article 52(3) of Delegated Regulation (EU) No 639/2014. It is also appropriate to update the prohibition of cumulating support as laid down in Article 54(3) of that Regulation.

- (5) Delegated Regulation (EU) No 639/2014 should therefore be amended accordingly.
- (6) As the deletion of Article 52(5) of Regulation (EU) No 1307/2013 and the reformulation of Article 52(6) of that Regulation by Regulation (EU) 2017/2393 apply from 1 January 2015, it is appropriate that the corresponding amendments of Delegated Regulation (EU) No 639/2014 apply with respect to aid applications relating to calendar years subsequent to calendar year 2014, with the exception of the provision on the cumulation of support. For reasons of legal certainty, cumulation of support should continue to be determined on the basis of a comparison between the respective objectives of the coupled support measures or other Union measures and policies concerned. In that respect, the objective of voluntary coupled support should be regarded as the maintenance of the current levels of production in accordance with Article 52(5) of Regulation (EU) No 1307/2013 before being amended by Regulation (EU) 2017/2393. The amendment of Article 54(3) of Delegated Regulation (EU) No 639/2014 should therefore apply with respect to aid applications relating to calendar year 2019 and subsequent calendar years.
- (7) With regard to the new provision on the certification of hemp seed, it is appropriate that it applies with respect to aid applications relating to calendar year 2018 and subsequent calendar years,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 347, 20.12.2013, p. 608](#).
- (2) 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](#)).
- (3) 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](#)).
- (4) 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](#)).
- (5) 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](#)).

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