

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2344

of 29 November 2022

on the reimbursement, in accordance with Article 17(3) of Regulation (EU) 2021/2116 of the European Parliament and of the Council, of the appropriations carried over from financial year 2022

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 17(3), second subparagraph, thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) In accordance with Article 12(2), first subparagraph, point (d), of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽²⁾, non-committed appropriations relating to the actions financed by the European Agricultural Guarantee Fund (EAGF) as referred to in Article 4(1) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽³⁾ may be carried over to the following financial year. Such carryover is limited to 2 % of the initial appropriations voted by the European Parliament and by the Council and to the amount of the adjustment of direct payments as referred to in Article 8 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽⁴⁾ which was applied during the preceding financial year.
- (2) In accordance with Article 17(3), second subparagraph, of Regulation (EU) 2021/2116, for financial year 2022, appropriations carried over in accordance with Article 12(2), first subparagraph, point (d), of Regulation (EU, Euratom) 2018/1046 remain available and the overall amount of non-committed appropriations available for reimbursement represents more than 0,2 % of the annual ceiling for EAGF expenditure.

⁽¹⁾ OJ L 435, 6.12.2021, p. 187.

⁽²⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁽³⁾ 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 (OJ L 347, 20.12.2013, p. 549).

⁽⁴⁾ 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 (OJ L 347, 20.12.2013, p. 608).

- (3) In accordance with Article 17(4) of Regulation (EU) 2021/2116, the reimbursement only applies to final beneficiaries in those Member States where financial discipline applied ⁽⁵⁾ in the preceding financial year.
- (4) In accordance with Article 1(1) of Commission Implementing Regulation (EU) 2021/951 ⁽⁶⁾, financial discipline is applied to direct payments in respect of calendar year 2021 to establish the crisis reserve. The crisis reserve has been partially called on in financial year 2022 for an amount of EUR 350 million by Commission Delegated Regulation (EU) 2022/467 ⁽⁷⁾, leaving EUR 147,3 million available. Moreover, on the basis of the execution of 2022 EAGF appropriations under shared management for the period from 16 October 2021 to 15 October 2022 and an estimated execution under direct management from 1 January 2022 to 31 December 2022, additional non-committed appropriations will remain in the 2022 EAGF budget.
- (5) On the basis of the Member States' declarations of expenditure for the period from 16 October 2021 to 15 October 2022, the financial discipline reduction effectively applied by the Member States in the financial year 2022 amounts to EUR 495,6 million.
- (6) Of this amount of financial discipline applied in financial year 2022, EUR 485,2 million of unused appropriations, which remains within the limit of 2 % of the initial appropriations relating to the actions referred to in Article 4(1) of Regulation (EU) No 1306/2013, can be carried over to financial year 2023 following a decision of the Commission in accordance with Article 12(3) of Regulation (EU, Euratom) 2018/1046.
- (7) In order to ensure that the reimbursement to the final recipients of unused appropriations as a result of the application of financial discipline remains proportionate to the amount of the financial discipline adjustment, it is appropriate that the Commission determines the amounts available to the Member States for the reimbursement.
- (8) The amounts established by this Regulation are definitive and apply, without prejudice to the application of reductions in accordance with Article 41 of Regulation (EU) No 1306/2013, to any other corrections taken into account in the monthly payment decision concerning the expenditure effected by the paying agencies of the Member States for October 2022, in accordance with Article 18(3) of Regulation (EU) No 1306/2013 and to any deductions and supplementary payments to be made in accordance with Article 18(4) of that Regulation or to any decisions which will be taken within the framework of the clearance of accounts procedure.
- (9) In accordance with the introductory phrase of Article 12(2) of Regulation (EU, Euratom) 2018/1046, the non-committed appropriations may be carried over to the following financial year only. It is therefore appropriate for the Commission to determine eligibility dates for the expenditure of the Member States in relation to the reimbursement in accordance with Article 17(3) of Regulation (EU) 2021/2116, taking into account the agricultural financial year as defined in Article 35 of that Regulation.
- (10) Regulation (EU) 2021/2116 is to apply from 1 January 2023 as set out in Article 106 of that Regulation. Therefore, this Regulation should apply as of the same date,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of the appropriations that will be carried over from financial year 2022 in accordance with Article 12(2), first subparagraph, point (d), and Article 12(2), third subparagraph, of Regulation (EU, Euratom) 2018/1046 and that in accordance with Article 17(3) of Regulation (EU) 2021/2116 are made available to the Member States for the reimbursement to the final beneficiaries, are laid down in the Annex to this Regulation.

⁽⁵⁾ Financial discipline does not apply in financial year 2022 in Croatia in accordance with Article 8(2) of Regulation (EU) No 1307/2013.

⁽⁶⁾ Commission Implementing Regulation (EU) 2021/951 of 11 June 2021 fixing the adjustment rate for direct payments pursuant to Regulation (EU) No 1306/2013 of the European Parliament and of the Council in respect of the calendar year 2021 (OJ L 209, 14.6.2021, p. 93).

⁽⁷⁾ Commission Delegated Regulation (EU) 2022/467 of 23 March 2022 providing for exceptional adjustment aid to producers in the agricultural sectors (OJ L 96, 24.3.2022, p. 4).

The amounts that will be carried over are subject to the carryover decision of the Commission in accordance with Article 12(3) of Regulation (EU, Euratom) 2018/1046.

Article 2

Member States' expenditure in relation to the reimbursement of the appropriations carried over shall only be eligible for Union financing if the relevant amounts have been paid to the beneficiaries before 16 October 2023.

Article 3

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

It shall apply from 1 January 2023.

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

Done at Brussels, 29 November 2022.

*For the Commission,
On behalf of the President,
Wolfgang BURTSCHER
Director-General
Directorate-General for Agriculture and Rural
Development*

ANNEX

Amounts available for reimbursement of appropriations carried over*(amounts in EUR)*

Belgium	7 097 289
Bulgaria	11 255 446
Czechia	12 925 229
Denmark	11 696 658
Germany	65 935 967
Estonia	2 749 659
Ireland	15 643 791
Greece	18 069 199
Spain	66 186 860
France	99 836 686
Italy	42 101 124
Cyprus	412 283
Latvia	4 020 097
Lithuania	6 763 226
Luxembourg	481 848
Hungary	17 623 016
Malta	42 930
Netherlands	9 351 194
Austria	8 115 108
Poland	30 712 998
Portugal	9 178 262
Romania	21 215 691
Slovenia	1 049 202
Slovakia	6 377 030
Finland	6 987 416
Sweden	9 419 153