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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2015/1145 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 8 July 2015****on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation****(codification)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Regulation (EEC) No 2841/72 of the Council ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality, that Regulation should be codified.
- (2) An agreement between the European Economic Community and the Swiss Confederation ⁽⁴⁾ ('the Agreement') was signed in Brussels on 22 July 1972.
- (3) Detailed rules are necessary for implementing the safeguard clauses and precautionary measures provided for in Articles 22 to 27 of the Agreement.
- (4) The implementation of the bilateral safeguard clauses of the Agreement requires uniform conditions for the adoption of safeguard measures. Those measures should be adopted in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽⁵⁾.
- (5) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, imperative grounds of urgency so require,

⁽¹⁾ Position of the European Parliament of 19 May 2015 (not yet published in the Official Journal) and decision of the Council of 15 June 2015.

⁽²⁾ Regulation (EEC) No 2841/72 of the Council of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation (OJ L 300, 31.12.1972, p. 284).

⁽³⁾ See Annex I.

⁽⁴⁾ OJ L 300, 31.12.1972, p. 189.

⁽⁵⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

HAVE ADOPTED THIS REGULATION:

Article 1

The Commission may decide to refer to the Joint Committee established by the Agreement between the European Economic Community and the Swiss Confederation ('the Agreement'), for the purpose of taking the measures provided for in Articles 22, 24, 24a and 26 of the Agreement. Where necessary, the Commission shall adopt those measures in accordance with the examination procedure referred to in Article 6(2) of this Regulation.

The Commission shall inform the Member States should it decide to refer an issue to the Joint Committee.

Article 2

1. In the case of a practice that may justify application by the Union of the measures provided for in Article 23 of the Agreement, the Commission, after examining the case on its own initiative or at the request of a Member State, shall decide whether such practice is compatible with the Agreement. Where necessary, the Commission shall adopt safeguard measures in accordance with the examination procedure referred to in Article 6(2) of this Regulation.

2. In the case of a practice that may cause safeguard measures to be applied to the Union on the basis of Article 23 of the Agreement, the Commission, after examining the case, shall decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, it shall formulate appropriate recommendations.

Article 3

In the case of a practice that may justify application by the Union of the measures provided for in Article 25 of the Agreement, the procedures established by Council Regulation (EC) No 597/2009 ⁽¹⁾ and Council Regulation (EC) No 1225/2009 ⁽²⁾ shall be applicable.

Article 4

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in point (e) of Article 27(3) of the Agreement may be adopted by the Commission in accordance with the examination procedure referred to in Article 6(2) of this Regulation, or in cases of urgency, in accordance with Article 6(3) of this Regulation.

2. Where the Commission is requested to take action by a Member State, it shall take a decision on that request within a maximum period of 5 working days of its receipt.

Article 5

Notification to the Joint Committee by the Union as required by Article 27(2) of the Agreement shall be the responsibility of the Commission.

Article 6

1. The Commission shall be assisted by the Committee on Safeguards established by Article 3(1) of Regulation (EU) 2015/478 of the European Parliament and of the Council ⁽³⁾. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

⁽¹⁾ Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community (OJ L 188, 18.7.2009, p. 93).

⁽²⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

⁽³⁾ Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (OJ L 83, 27.3.2015, p. 16).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Article 7

The Commission shall include information on the implementation of this Regulation in its annual report on the application and implementation of trade defence measures presented to the European Parliament and to the Council pursuant to Article 22a of Regulation (EC) No 1225/2009.

Article 8

Regulation (EEC) No 2841/72 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 9

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

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

Done at Strasbourg, 8 July 2015.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

N. SCHMIT

ANNEX I

REPEALED REGULATION WITH LIST OF THE SUCCESSIVE AMENDMENTS THERETO

Regulation (EEC) No 2841/72 of the Council
(OJ L 300, 31.12.1972, p. 284).

Council Regulation (EEC) No 643/90
(OJ L 74, 20.3.1990, p. 7).

Regulation (EU) No 37/2014 of the European Parliament and of the Council
(OJ L 18, 21.1.2014, p. 1).

Only point 1 of the Annex

ANNEX II

CORRELATION TABLE

Regulation (EEC) No 2841/72	This Regulation
Articles 1 to 4	Articles 1 to 4
Article 6	Article 5
Article 7	Article 6
Article 8	Article 7
—	Article 8
—	Article 9
—	Annex I
—	Annex II

REGULATION (EU) 2015/1146 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 8 July 2015****fixing the adjustment rate provided for in Regulation (EU) No 1306/2013 for direct payments in respect of the calendar year 2015**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Article 25 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽³⁾ provides that a reserve intended to provide additional support for the agricultural sector in the case of major crises affecting agricultural production or distribution is to be established by applying, at the beginning of each year, a reduction to direct payments with the financial discipline mechanism referred to in Article 26 of that Regulation.
- (2) Article 26(1) of Regulation (EU) No 1306/2013 provides that, in order to ensure that the annual ceilings set out in Council Regulation (EU, Euratom) No 1311/2013 ⁽⁴⁾ for the financing of the market-related expenditure and direct payments are respected, an adjustment rate for direct payments is to be determined when the forecasts for the financing of the measures financed under that sub-ceiling for a given financial year indicate that the applicable annual ceilings will be exceeded.
- (3) The amount of the reserve for crises in the agricultural sector, to be included in the Commission 2016 Draft Budget, totals EUR 441,6 million in current prices. To cover that amount, the financial discipline mechanism has to apply to direct payments under the support schemes listed in Annex I to Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽⁵⁾ in respect of the calendar year 2015.
- (4) The preliminary forecasts for the direct payments and market-related expenditure to be determined in the Commission 2016 Draft Budget indicate that there is no need for any further financial discipline.
- (5) Article 26(2) of Regulation (EU) No 1306/2013 requires the Commission to present a proposal to the European Parliament and to the Council concerning the adjustment rate no later than 31 March of the calendar year in respect of which that adjustment rate applies.
- (6) As a general rule, farmers submitting an aid application for direct payments for one calendar year (N) are paid within a fixed payment period falling within the financial year (N+1). However, Member States may make late payments to farmers beyond that payment period, within certain time limits. Such late payments may be made in a subsequent financial year. When financial discipline is applied for a given calendar year, the adjustment rate should not be applied to payments for which aid applications have been submitted in calendar years other than the calendar year for which the financial discipline applies. Therefore, in order to ensure equal treatment of

⁽¹⁾ Opinion of 22 April 2015 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 9 June 2015 (not yet published in the Official Journal) and decision of the Council of 15 June 2015.

⁽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⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014–2020 (OJ L 347, 20.12.2013, p. 884).

⁽⁵⁾ 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).

farmers, it is appropriate to provide that the adjustment rate is to be applied only to payments for which aid applications have been submitted in the calendar year for which the financial discipline is applied, irrespective of when the payment to farmers is made.

- (7) Article 8(1) of Regulation (EU) No 1307/2013 provides that the adjustment rate applied to direct payments determined in accordance with Article 26 of Regulation (EU) No 1306/2013 is to apply only to direct payments in excess of EUR 2 000 to be granted to farmers in the corresponding calendar year. Furthermore, Article 8(2) of Regulation (EU) No 1307/2013 provides that, as a result of the gradual introduction of direct payments, the adjustment rate is to apply to Bulgaria and Romania only from 1 January 2016 and to Croatia only from 1 January 2022. The adjustment rate to be determined by this Regulation should therefore not apply to payments to farmers in those Member States.
- (8) Until 1 December 2015, the adjustment rate fixed by this Regulation may be adapted by the Commission, on the basis of new information in its possession, pursuant to Article 26(4) of Regulation (EU) No 1306/2013,

HAVE ADOPTED THIS REGULATION:

Article 1

1. For the purpose of fixing the adjustment rate in accordance with Articles 25 and 26 of Regulation (EU) No 1306/2013, and in accordance with Article 8(1) of Regulation (EU) No 1307/2013, the amounts of direct payments under the support schemes listed in Annex I to Regulation (EU) No 1307/2013 to be granted to farmers in excess of EUR 2 000 for an aid application submitted in respect of the calendar year 2015 shall be reduced by an adjustment rate of 1,393041 %.

2. The reduction provided for in paragraph 1 shall not apply in Bulgaria, Croatia and Romania.

Article 2

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

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

Done at Strasbourg, 8 July 2015.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

N. SCHMIT

CORRIGENDA

Corrigendum to Regulation (EU) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances

(Official Journal of the European Union L 295 of 6 November 2013)

On page 4, Article 1(1):

for: '(1) in Title II, the following Chapter is added:

"CHAPTER IVa

Specific measures in the case of serious deficiencies relating to external border control

Article 19a

Measures at external borders and support by the Agency

1. (...)',

read: '(1) in Title II, the following Chapter is added:

"CHAPTER IVa

Specific measures in the case of serious deficiencies relating to external border control

Article 19b

Measures at external borders and support by the Agency

1. (...)'.

