

Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022

TITLE I

TRANSITIONAL PROVISIONS

CHAPTER I

Extension of certain periods under Regulations (EU) No 1303/2013 and (EU) No 1310/2013 and continued application of Regulation (EU) No 1303/2013 for the programming years 2021 and 2022

Article 1

Extension of the period of duration of programmes supported by the European Agricultural Fund for Rural Development

1 For programmes supported by the European Agricultural Fund for Rural Development (EAFRD), the period from 1 January 2014 to 31 December 2020 laid down in Article 26(1) of Regulation (EU) No 1303/2013 is hereby extended until 31 December 2022.

2 The extension of the period of duration of programmes supported by the EAFRD, referred to in paragraph 1 of this Article, shall be without prejudice to the need to submit a request to amend rural development programmes for the transitional period as referred to in point (a) of Article 11 of Regulation (EU) No 1305/2013. Such an amendment shall ensure that at least the same overall share of the EAFRD contribution is reserved for the measures referred to in Article 59(6) of that Regulation.

Article 2

Continued application of Regulation (EU) No 1303/2013 to programmes supported by the EAFRD

1 Regulation (EU) No 1303/2013 shall continue to apply to programmes supported by the EAFRD under the 2014–2020 programming period and extended in accordance with Article 1 of this Regulation.

2 For programmes extended in accordance with Article 1 of this Regulation, the references to periods or deadlines in Article 50(1), Article 51(1), Article 57(2) and Article 65(2) and (4) and the first paragraph of Article 76 of Regulation (EU) No 1303/2013 shall be extended by two years.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2020/2220 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

3 For programmes extended in accordance with Article 1 of this Regulation, Member States shall amend their targets established in the context of the performance framework set out in Annex II to Regulation (EU) No 1303/2013 to establish targets for 2025. For those programmes, references to targets for 2023 set out in implementing acts adopted in accordance with Article 22(7) of Regulation (EU) No 1303/2013 or Article 8(3), Article 67, Article 75(5) or Article 76(1) of Regulation (EU) No 1305/2013 shall be read as references to targets for 2025.

4 The final date by which the Commission is to prepare a synthesis report outlining the main conclusions of *ex-post* evaluations of the EAFRD provided for in Article 57(4) of Regulation (EU) No 1303/2013 shall be 31 December 2027.

Article 3

Eligibility of certain types of expenditure during the transitional period

Without prejudice to Article 2(2) of this Regulation, to Article 65(2) of Regulation (EU) No 1303/2013 and to Article 38 of Regulation (EU) No 1306/2013, the expenditure referred to in Article 3(1) of Regulation (EU) No 1310/2013 and in Article 16 of Delegated Regulation (EU) No 807/2014 shall be eligible for an EAFRD contribution from the 2021 and 2022 allocation for programmes supported by the EAFRD which were extended in accordance with Article 1 of this Regulation, subject to the following conditions:

- (a) such expenditure is provided for in the respective rural development programme for the years covered by the transitional period;
- (b) the EAFRD contribution rate of the corresponding measure under Regulation (EU) No 1305/2013, as set out in Annex I to Regulation (EU) No 1310/2013 and in Annex I to Delegated Regulation (EU) No 807/2014, applies;
- (c) the system referred to in Article 67(2) of Regulation (EU) No 1306/2013 applies to the legal commitments undertaken under measures that correspond to support granted in accordance with points (a) and (b) of Article 21(1) and Articles 28 to 31, 33, 34 and 40 of Regulation (EU) No 1305/2013 and the relevant operations are clearly identified; and
- (d) the payments for the legal commitments referred to in point (c) of this Article are made within the period laid down in Article 75 of Regulation (EU) No 1306/2013.

CHAPTER II

Preparation of future community-led local development strategies in the programming years 2021 and 2022

Article 4

Community-led local development

For programmes extended in accordance with Article 1 of this Regulation, the EAFRD may support the costs of capacity building and preparatory actions supporting the design and future implementation of community-led local development strategy under the new legal framework.

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CHAPTER III

Payment entitlements for direct payments to farmers

Article 5

Definitive payment entitlements

1 Payment entitlements allocated to farmers before 1 January 2020 shall be considered legal and regular as from 1 January 2021. The value of those entitlements to be considered legal and regular shall be the value for calendar year 2020 valid on 31 December 2020.

2 By way of derogation from paragraph 1 of this Article, a Member State which has made use of the option provided for in Article 24(6) of Regulation (EU) No 1307/2013 may, while respecting the legitimate expectations of farmers, decide that all payment entitlements allocated before 1 January 2020 shall be considered legal and regular as from that date. In that case, the value of those entitlements to be considered legal and regular shall be the value for calendar year 2019 valid on 31 December 2019.

3 Paragraphs 1 and 2 of this Article shall apply without prejudice to the relevant provisions of Union law, in particular to Article 22(5) and Article 25(12) of Regulation (EU) No 1307/2013, concerning the value of payment entitlements for calendar year 2020 and onwards.

4 Paragraphs 1 and 2 shall not apply to payment entitlements allocated to farmers on the basis of factually incorrect applications, except in cases where the error could not reasonably have been detected by the farmer.

5 Paragraphs 1 and 2 of this Article shall not prejudice the Commission's power to take decisions referred to in Article 52 of Regulation (EU) No 1306/2013 in relation to expenditure incurred for payments granted in respect of calendar years up to 2020 inclusive where paragraph 1 of this Article applies, or up to 2019 inclusive where paragraph 2 of this Article applies.

CHAPTER IV

Transitional provisions relating to rural development

Article 6

Eligibility of expenditure incurred under Regulation (EU) No 1305/2013, and certain types of expenditure incurred under Regulations (EC) No 1698/2005 and (EC) No 1257/1999

Expenditure relating to legal commitments to beneficiaries incurred under Regulation (EU) No 1305/2013, and certain types of expenditure incurred under Council Regulations (EC) No 1698/2005⁽¹⁾ and (EC) No 1257/1999⁽²⁾ may be eligible for a contribution from the EAFRD in the period 2023-2027 from 1 January 2023, subject to the conditions to be determined in accordance with the CAP legal framework applicable in the period 2023-2027.

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- (1) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ([OJ L 277, 21.10.2005, p. 1](#)).
- (2) Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ([OJ L 160, 26.6.1999, p. 80](#)).

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2020/2220 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 10(1) omitted by [S.I. 2022/861 reg. 5\(3\)](#)
- Art. 10(4)-(10) omitted by [S.I. 2022/861 reg. 5\(3\)](#)