



4.2.2013

B7-0082/2013

PROPOSAL FOR A DECISION ON THE OPENING OF, AND MANDATE FOR, INTERINSTITUTIONAL NEGOTIATIONS

pursuant to Rule 70(2) and Rule 70a of the Rules of Procedure

on the proposal for a regulation of the European Parliament and of the Council
on the financing, management and monitoring of the CAP
(COM(2011)0628 final/2 – C7-0341/2011 – COM(2012)0551 final –
C7-0312/2012 – 2011/0288(COD) – 2013/2531(RSP))

Committee on Agriculture and Rural Development (*)

(*) Negotiating team: Chairman, rapporteur and shadow rapporteurs

B7-0082/2013

Proposal for a European Parliament decision on the opening of, and on the mandate for, interinstitutional negotiations on the proposal for a regulation of the European Parliament and of the Council on the financing, management and monitoring of the CAP

(COM(2011)0628 final/2 – C7-0341/2011 – COM(2012)0551 final – C7-0312/2012 – 2011/0288(COD) – 2013/2531(RSP))

The European Parliament,

- having regard to the proposal of the Committee on Agriculture and Rural Development,
- having regard to Rules 70(2) and 70a of its Rules of Procedure,

whereas the financial envelope specified in the legislative proposal is only an indication to the legislative authority and cannot be fixed until agreement is reached on the proposal for a regulation laying down the multiannual financial framework for the years 2014-2020;

decides to open interinstitutional negotiations on the basis of the following mandate:

MANDATE

Amendment 1

**Proposal for a regulation
Recital 1 a (new)**

Text proposed by the Commission

Amendment

(1a) Cutting red tape is one of the key objectives and main requirements of the CAP reform. Realistic tolerance thresholds and de minimis limitations should be introduced and an appropriate balance should be struck between trust and scrutiny, in order to ensure that the future administrative burden on Member States and beneficiaries is kept to a reasonable level. As part of this process of cutting red tape, due account should be taken of the administrative and other costs of checks at all levels and the use of effective administrative and monitoring

systems should be rewarded. The overriding objective should be to reduce administrative costs and to ensure that the administrative burden on farmers and administrators returns to a reasonable level.

Or. en

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt delegated acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the accreditation of the paying agencies and coordinating bodies, the content of the Farm Advisory System, the measures to be financed by Union budget under public intervention and the valuation of the operations in connection with public intervention, the reductions and suspension of the reimbursements to the Member States, the compensation between expenditure and revenues under the Funds, the recovery of debts, the *penalties* applied to beneficiaries in case of non-compliance with the eligibility conditions, in respect of rules on securities, on the functioning of the integrated administration and control system, of the measures excluded from the scrutiny of transactions, the penalties applied under cross compliance, the rules on maintenance of permanent grassland, the rules on the operative event and the exchange rate to be used by the Member States not using the euro and in respect of the content of the common evaluation framework of the measures adopted under the CAP. It is of particular importance that

Amendment

(3) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt delegated acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the accreditation of the paying agencies and coordinating bodies, the content of the Farm Advisory System, the measures to be financed by Union budget under public intervention and the valuation of the operations in connection with public intervention, the reductions and suspension of the reimbursements to the Member States, the compensation between expenditure and revenues under the Funds, the recovery of debts, the *administrative penalties* applied to beneficiaries in case of non-compliance with the eligibility conditions, in respect of rules on securities, on the functioning of the integrated administration and control system, of the measures excluded from the scrutiny of transactions, the penalties applied under cross compliance, the rules on maintenance of permanent grassland *and pasture*, the rules on the operative event and the exchange rate to be used by the Member States not using the euro and in respect of the content of the common evaluation framework of the measures adopted under

the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

the CAP. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council. ***Under to the second subparagraph of Article 287(4) TFEU, the Court of Auditors may deliver opinions at the request of either the European Parliament or of the Council on those delegated acts.***

(The two amendments, replacing ‘penalty’ with ‘administrative penalty’ and ‘permanent grassland’ with ‘permanent grassland and pasture’, apply throughout the text; adopting them will necessitate corresponding changes throughout.)

Or. en

Amendment 3

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) This Regulation should provide, where appropriate, for exemptions in cases of force majeure and in exceptional circumstances. In connection with agricultural regulations, the concept of force majeure should be interpreted in light of the case-law of the Court of Justice.

Or. en

Amendment 4

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The increasing requirements for certification bodies and paying agencies should not be coupled with a further increase in red tape in the Member States. Above all, those requirements should not be more stringent than international auditing standards. As regards the scope and content of the certification process, a balanced cost-benefit ratio should be maintained and any additional reporting requirements should bring clear added value.

Or. en

Amendment 5

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) In order to help beneficiaries to become more aware of the relationship between agricultural practices **and** management of farms on the one hand, and standards relating to the environment, climate change, good agricultural condition of land, food safety, public health, animal health, plant health and animal welfare on the other, it is necessary that Member States establish a comprehensive farm advisory system offering advice to beneficiaries. That farm advisory system should in any way not affect the obligation and responsibility of beneficiaries to respect those standards. Also a clear separation between advice and checks should be ensured by the Member States.

(10) In order to help beneficiaries to become more aware of the relationship between agricultural practices, management **and risk management** of farms on the one hand, and standards relating to the environment, climate change, good agricultural condition of land, food safety, public health, animal health, plant health and animal welfare on the other, it is necessary that Member States establish a comprehensive farm advisory system offering advice to beneficiaries. That farm advisory system should in any way not affect the obligation and responsibility of beneficiaries to respect those standards. Also a clear separation between advice and checks should be ensured by the Member States.

Amendment 6

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy. **That** system should **finally** cover certain elements related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation as well as the sustainable development of the **economical** activity of **the small** farms.

Amendment

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance **at farm level**. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy. **In addition, that** system should cover certain elements related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation as well as the **environmental performance and** sustainable development of the **economic** activity of farms, **including activities for farm modernisation, competitiveness building, sectoral integration innovation and market orientation, as well as the promotion and implementation of principles relating to accounting, entrepreneurship and the sustainable management of economic resources. Finally, Member States should be allowed to include in their system the promotion of conversions of farms and the diversification of their economic activity and the introduction of appropriate preventive actions to address natural disasters and animal and plant diseases,**

as well as advice on integrated pest management and use of non chemical alternatives.

Or. en

Amendment 7

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Entry into the farm advisory system should be on a voluntary basis for beneficiaries. All beneficiaries, even if not receiving support under the CAP, should be allowed to participate in the system. However ***priority criteria may be set by the*** Member States. Due to the nature of the system, it is appropriate for the information obtained in the course of the advisory activity to be treated as confidential, except in case of serious infringements of Union or national law. In order to ensure the efficiency of the system, advisors should be suitably qualified and regularly trained.

Amendment

(12) Entry into the farm advisory system should be on a voluntary basis for beneficiaries. All beneficiaries, even if not receiving support under the CAP, should be allowed to participate in the system. However, Member States ***should be able to determine, on the basis of environmental, economic and social criteria, the categories of beneficiaries that have priority access to the farm advisory system.*** Due to the nature of the system, it is appropriate for the information obtained in the course of the advisory activity to be treated as confidential, except in case of serious infringements of Union or national law. In order to ensure the efficiency of the system, advisors should be suitably qualified and regularly trained.

Or. en

Amendment 8

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The financial resources required to cover the expenditure effected by the accredited paying agencies in respect of the

Amendment

(13) The financial resources required to cover the expenditure effected by the accredited paying agencies in respect of the

EAGF, are to be made available to the Member States by the Commission in the form of reimbursements against the booking of the expenditure effected by those agencies. Until such reimbursements, in the form of monthly payments, have been paid, financial resources are to be mobilised by the Member States in accordance with the needs of their accredited paying agencies. *The* personnel costs and the administrative costs of the Member States and the beneficiaries involved in the execution of the CAP should be borne by themselves.

EAGF, are to be made available to the Member States by the Commission in the form of reimbursements against the booking of the expenditure effected by those agencies. Until such reimbursements, in the form of monthly payments, have been paid, financial resources are to be mobilised by the Member States in accordance with the needs of their accredited paying agencies. ***In order to improve the operational efficiency of the paying agencies, the*** personnel costs and the administrative costs of the Member States and the beneficiaries involved in the execution of the CAP should be borne by ***the agencies*** themselves.

Or. en

Amendment 9

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The use of the agro-meteorological system and the acquisition and improvement of satellite images should provide the Commission with the means to manage the agricultural markets **and** to facilitate the monitoring of agricultural expenditure.

Amendment

(14) The use of the agro-meteorological system and the acquisition and improvement of satellite images should provide the Commission with the means to manage the agricultural markets, to facilitate the monitoring of agricultural expenditure ***and of the use of the resources upon which agriculture is dependent, including in respect of agro-forestry systems, and to assess and to provide timely aid in the case of natural disasters.***

Or. en

Amendment 10

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The rural development programmes are financed from the Union budget on the basis of commitments in annual instalments. Member States should be able to draw on the Union funds provided for as soon as they begin the programmes. A suitably restricted prefinancing system ensuring a steady flow of funds so that payments to beneficiaries under the programmes are made at the appropriate time *is* therefore *needed*.

Amendment

(23) The rural development programmes are financed from the Union budget on the basis of commitments in annual instalments. Member States should be able to draw on the Union funds provided for as soon as they begin the programmes. A suitably restricted prefinancing system ensuring a steady flow of funds, so that payments to beneficiaries under the programmes are made at the appropriate time, *should* therefore *be made a priority*.

Or. en

Amendment 11

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Sectoral agricultural legislation requires Member States to send information on the numbers of checks carried out and their outcome within specified deadlines. Those control statistics are used to determine the level of error at Member State level and, more generally, for the purposes of checking the management of the EAGF and the EAFRD. They are an important source for the Commission to satisfy itself as to the correct management of funds and are an essential element for the annual declaration of assurance. Given the vital nature of this statistical information and in order to ensure that Member States respect their obligation to send it in time, it is necessary to provide a deterrent to late provision of the data required in a manner proportionate to the extent of the data deficit. Therefore,

Amendment

(27) Sectoral agricultural legislation requires Member States to send information on the numbers of checks carried out and their outcome within specified deadlines. Those control statistics are used to determine the level of error at Member State level and, more generally, for the purposes of checking the management of the EAGF and the EAFRD. They are an important source for the Commission to satisfy itself as to the correct management of funds and are an essential element for the annual declaration of assurance. Given the vital nature of this statistical information and in order to ensure that Member States respect their obligation to send it in time, it is necessary to provide a *proportionate* deterrent to late provision of the data required in a manner proportionate to the extent of the data

provisions should be put in place whereby the Commission can suspend part of the monthly or interim payments for which the relevant statistical information has not been sent in time.

deficit. Therefore, provisions should be put in place whereby the Commission can suspend part of the monthly or interim payments for which the relevant statistical information has not been sent in time.

However, such suspension should only be used where the delay places the annual budget discharge mechanism at risk, in accordance with the principle of proportionality.

Or. en

Amendment 12

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) The financing of measures and operations under the CAP will in part involve shared management. To ensure that Union funds are soundly managed, the Commission should perform checks on the management of the Funds by the Member State authorities responsible for making payments. It is appropriate to define the nature ***of the checks to be made by the Commission***, to specify the terms of its responsibilities for implementing the budget and to clarify the Member States' cooperation obligations.

Amendment

(30) The financing of measures and operations under the CAP will in part involve shared management. To ensure that Union funds are soundly managed, the Commission should perform ***the necessary*** checks on the management of the Funds by the Member State authorities responsible for making payments. It is appropriate to define the ***general rules and principles to be followed by the Commission when carrying out checks, as well as their*** nature , to specify the terms of its responsibilities for implementing the budget and to clarify the Member States' cooperation obligations.

Or. en

Amendment 13

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) In order to allow the Commission to fulfil its obligation to check the existence and proper functioning of management and inspection systems for Union expenditure in the Member States, provision should be made, ***irrespective of the inspection carried out by Member States themselves***, for checks by persons delegated by the Commission who should be able to request assistance from the Member States in their work.

Amendment

(31) In order to allow the Commission to fulfil its obligation to check the existence and proper functioning of management and inspection systems for Union expenditure in the Member States, provision should be made for checks by persons delegated by the Commission who should be able to request assistance from the Member States in their work. ***Such national provision should take into account the principle of proportionality, the level of confidence that exists as to the reliability of national control and management systems, and the overall effectiveness of the national controls in the checks that the Commission has carried out,***

Or. en

Amendment 14

**Proposal for a regulation
Recital 36**

Text proposed by the Commission

(36) The recovery procedures used by the Member States may have the effect of delaying recovery for a number of years, with no guarantee that the outcome will actually be successful. The cost of implementing those procedures may also be out of proportion to the amounts which are or may be collected. Consequently, Member States should be permitted to halt recovery procedures in certain cases.

Amendment

(36) The recovery procedures used by the Member States may have the effect of delaying recovery for a number of years, with no guarantee that the outcome will actually be successful. The cost of implementing those procedures may also be out of proportion to the amounts which are or may be collected. ***The threshold for recovery of amounts unduly paid, including interest, is set very low and. recovery should only be undertaken when cost-effective..*** Consequently, Member States should be permitted to halt recovery procedures in certain cases.

Or. en

Amendment 15

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) In order to protect the financial interests of the Union budget, measures should be taken by Member States to satisfy themselves that transactions financed by the EAGF and the EAFRD are actually carried out and are executed correctly. Member States should also prevent, detect and deal effectively with any irregularities or non-compliance with obligations committed by beneficiaries. To this end, Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests should apply.

Amendment

(37) In order to protect the financial interests of the Union budget, ***proportionate*** measures should be taken by Member States to satisfy themselves that transactions financed by the EAGF and the EAFRD are actually carried out and are executed correctly. Member States should also prevent, detect and deal effectively with any irregularities or non-compliance with obligations committed by beneficiaries. To this end, Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests should apply. ***In order to ensure that the Union's policy priorities and objectives are consistent, risks to the environment and public health should be included in the scope of what is considered to present a risk to the general budget of the European Union , since the costs associated with these are externalised to other areas of public, including Union, spending. Minimising additional costs in other areas should ensure efficiency in public spending.***

Or. en

Amendment 16

Proposal for a regulation Recital 37 a (new)

Text proposed by the Commission

Amendment

(37a) In addition to Regulation (EC,

Euratom) No 2988/95, more detailed provisions should be laid down in this Regulation dealing with irregularities in the field of the common agricultural policy. A beneficiary who receives aid without complying with the eligibility criteria or commitments for the grant of that aid should be considered to have wrongly obtained an advantage. Such advantages are to be withdrawn pursuant to Article 4 of Regulation (EC, Euratom) No 2988/95. In order to deter beneficiaries from non-compliance, administrative penalties within the meaning of Article 5 of Regulation (EC, Euratom) No 2988/95 should apply, in the form of reduction or exclusion from aid, in particular in situations where intentional irregularities or those caused by negligence are involved. Those administrative penalties may affect aid for which eligibility conditions or commitments have been met. However, it is important that, in the case of irregularities related to Title III of Chapter 2 of Regulation (EU) No xxx/xxx (Direct Payments), the sum of all withdrawals and reductions of aid should not exceed the payment referred to in that Chapter.

Or. en

Amendment 17

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Provisions relating to general principles on checks, withdrawals, reductions or exclusions from payments and to the imposition of penalties are contained in various sectoral agricultural regulations. Those rules should be gathered

Amendment

(38) Provisions relating to general principles on checks, withdrawals, reductions or exclusions from payments and to the imposition of **proportionate administrative** penalties are contained in various sectoral agricultural regulations.

in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks, the rules on the recovery, reduction and exclusions of aid. Rules on checks of obligations not necessarily linked to the payment of an aid should be laid down as well.

Those rules should be gathered in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks ***including the general principles and criteria applicable***, the rules on the recovery, reduction and exclusions of aid. Rules on checks of obligations not necessarily linked to the payment of an aid should be laid down as well. ***It is necessary to provide for a strong incentive for Member States to reduce the number of on-the-spot checks where the error rate is at an acceptable level, as well as for flexibility on the basis of the customary standards of the Member States or regions concerned, allowing for justified exceptions on agronomic, ecological or environmental grounds.***

Or. en

Amendment 18

Proposal for a regulation Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) A fair system of penalties for farmers who commit irregularities should rule out double penalties and the simultaneous application of administrative penalties under this Regulation or criminal penalties under criminal law, except in cases of fraud.

Or. en

Amendment 19

Proposal for a regulation Recital 38 b (new)

Text proposed by the Commission

Amendment

(38b) Administrative penalties, including the obligation to pay back any payments obtained by the farmer, should not be imposed on the basis of circumstances that are objectively beyond the farmer's control, and particularly not of unforeseeable events.

Or. en

Amendment 20

Proposal for a regulation

Recital 41

Text proposed by the Commission

Amendment

(41) The main elements of that integrated system and, in particular, the provisions concerning a computerised database, an identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained.

(41) The main elements of that integrated system and, in particular, the provisions concerning a computerised database, an identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained. ***Member States should make appropriate use of technology when setting up these systems, with a view of reducing administrative burden and ensuring efficient and effective controls.***

Or. en

Amendment 21

Proposal for a regulation

Recital 44

Text proposed by the Commission

Amendment

(44) Under Regulation (EC) No 485/2008, Member States are to take the measures

(44) Under Regulation (EC) No 485/2008, Member States are to take the measures

necessary to ensure effective protection of the financial interests of the Union budget, and particularly in order to check the genuineness and compliance of operations financed by the EAGF. In the interests of clarity and rationality, the relevant provisions should be integrated into the same act. Regulation (EC) No 485/2008 should therefore be repealed.

necessary to ensure effective protection of the financial interests of the Union budget, and particularly in order to check the genuineness and compliance of operations financed by the EAGF. In the interests of **simplicity**, clarity and rationality, the relevant provisions should be integrated into the same act. Regulation (EC) No 485/2008 should therefore be repealed.

Or. en

Amendment 22

Proposal for a regulation Recital 50

Text proposed by the Commission

(50) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001²⁵, which was replaced by Regulation (EC) No 73/2009, established the principle that the full payment to beneficiaries of some supports under the CAP should be linked to compliance with rules relating to land management, agricultural production and agricultural activity. That principle was subsequently reflected in Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)²⁶ and Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on

Amendment

(50) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001²⁵, which was replaced by Regulation (EC) No 73/2009, established the principle that the full payment to beneficiaries of some supports under the CAP should be linked to compliance with rules relating to land management, agricultural production and agricultural activity. That principle was subsequently reflected in Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)²⁶ and Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on

specific provisions for certain agricultural products (Single CMO Regulation)²⁷. Under this so-called ‘cross compliance’ system Member States are to impose penalties in the form of reduction or exclusion of support received under the CAP in whole or in part.

specific provisions for certain agricultural products (Single CMO Regulation)²⁷. Under this so-called ‘cross compliance’ system Member States are to impose **administrative** penalties in the form of reduction or exclusion of support received under the CAP in whole or in part, **in accordance with the principle of proportionality and taking into account the general criteria for the graduation of these penalties as defined in this Regulation.**

Or. en

Amendment 23

Proposal for a regulation Recital 53

Text proposed by the Commission

(53) Statutory management requirements need to be fully implemented by Member States in order to become operational at farm level and ensure the necessary equal treatment between farmers.

Amendment

(53) Statutory management requirements need to be fully implemented by Member States in order to become operational at farm level and ensure the necessary equal treatment between farmers. ***The Commission should issue guidelines on the interpretation of the rules on animal identification and registration for cross-compliance purposes, which should, where appropriate, provide for flexibility at farm level in order to strike the necessary balance between safeguarding the spirit of the legislation and applying proportionate administrative penalties only in the case of non-compliance directly and unequivocally attributable to the beneficiaries, in particular in respect of repeated failure of the technology in use.***

Or. en

Amendment 24

**Proposal for a regulation
Recital 54**

Text proposed by the Commission

Amendment

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be applied at the latest by 1 January 2013.

deleted

Or. en

Amendment 25

**Proposal for a regulation
Recital 55**

Text proposed by the Commission

Amendment

(55) As regards Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be progressively applied following a time schedule and in particular the general principles of integrated pest management will be applied at the latest by 1 January 2014.

deleted

Amendment 26**Proposal for a regulation****Recital 56***Text proposed by the Commission**Amendment*

(56) According to Article 22 of Directive 2000/60/EC, Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances shall be repealed on 23 December 2013. In order to maintain the rules under cross compliance related to protection of groundwater, it is appropriate, while awaiting the inclusion of Directive 2000/60/EC in cross compliance, to adjust the scope of cross-compliance and to define a standard of good agricultural and environmental condition encompassing the requirements of Articles 4 and 5 of the Directive 80/68/EEC.

*deleted***Amendment 27****Proposal for a regulation****Recital 57***Text proposed by the Commission**Amendment*

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid

down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.

down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.

Minor unintentional infringements associated with cross compliance inspections should not incur a penalty. Instead a warning should be issued and compliance monitored at a future inspection.

Or. en

Amendment 28

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) An effective implementation of cross compliance requires verification at beneficiaries' level that obligations are respected. Where a Member State decides to make use of the option not to apply a reduction or exclusion where the amount concerned is less than EUR 100, the competent control authority should, for a sample of beneficiaries in the following

Amendment

(60) An effective implementation of cross compliance requires verification at beneficiaries' level that obligations are respected. Where a Member State decides to make use of the option not to apply a reduction or exclusion where the amount concerned is less than EUR 100, the competent control authority should, for a sample of beneficiaries in the following

year, verify that the findings of the non-compliance concerned have been remedied.

year, verify that the findings of the non-compliance concerned have been remedied. ***Member States may also set up an early-warning system applicable to non-severe first non-compliances in order to achieve a better acceptance of the cross compliance system by farming communities and in order to better involve farmers in the implementation of the requirements. This system should include warning letters calling for remedial action by the beneficiary concerned followed, in the next year, by verification, by the Member State, of compliance.***

Or. en

Amendment 29

Proposal for a regulation Recital 68

Text proposed by the Commission

(68) Each measure under the CAP should be subject to monitoring and evaluation in order to improve its quality and demonstrate its achievements. In this context a list of indicators should be determined and the impact of the CAP policy assessed by the Commission in relation to policy objectives. The Commission should set up a framework for a common monitoring and evaluation ensuring among others that relevant data, including information from Member States is available on a timely manner. In so doing it should take into account the data needs and synergies between potential data sources. Moreover, the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Budget for Europe 2020 - Part II stated that the climate related expenditure in the overall

Amendment

(68) Each measure under the CAP should be subject to monitoring and evaluation in order to improve its quality and demonstrate its achievements. In this context a list of indicators should be determined and the impact of the CAP policy assessed by the Commission in relation to policy objectives. The Commission should set up a framework for a common monitoring and evaluation ensuring among others that relevant data, including information from Member States is available on a timely manner. In so doing it should take into account the data needs and synergies between potential data sources, ***drawing, as far as possible, on existing data sources. In addition, the monitoring and evaluation framework should take account of and properly reflect the structure of the CAP, since the monitoring and evaluation framework for the second pillar cannot be applied to the***

Union budget should increase to at least 20%, with contribution from different policies. The Commission should therefore be able to assess the impact of the Union's support in the framework of the CAP to climate objectives.

first pillar, in particular because under the first pillar there is scope for generating synergies, given the comparably uniform nature of the measures. Proper account should be taken of this. Moreover, the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Budget for Europe 2020 - Part II stated that the climate related expenditure in the overall Union budget should increase to at least 20%, with contribution from different policies. The Commission should therefore be able to assess the impact of the Union's support in the framework of the CAP to climate objectives.

Or. en

Amendment 30

Proposal for a regulation Recital 70c

Text proposed by the Commission

(70c) In its judgment, the Court did not contest the legitimacy of the objective of reinforcing public control of the use of the money from the EAGF and the EAFRD. ***This objective should be analysed in the light of the new financial management and control framework to be applied as from 1 January 2014. In the context of this framework, the controls by the national administrations cannot be exhaustive and, in particular, for almost all schemes only a limited part of the population can be checked on-the-spot. An increase of the minimum control rates beyond the levels currently applied would, in the present context, put additional financial and administrative burden on the national administrations and would***

Amendment

(70c) In its judgment, the Court did not contest the legitimacy of the objective of reinforcing public control of the use of the money from the EAGF and the EAFRD.

not be cost-effective. Moreover, the new framework provides that, under certain conditions, Member States may reduce the number of on-the-spot checks. Against this background, the publication of the name of the beneficiaries of the agricultural funds reinforces the public control of the use of those funds and, therefore, is a useful addition to the existing management and control framework that is necessary to ensure an adequate level of protection of the Union's financial interest. The national authorities, while applying the new rules simplifying the administrative process of the implementation of Union funds and reducing the administrative costs, should be enabled to rely on the public control, notably through its preventive and deterrent effect against fraud and any misuse of the public funds, by discouraging individual beneficiaries from irregular behaviour.

Or. en

Amendment 31

Proposal for a regulation Recital 70d

Text proposed by the Commission

(70d) The objective of the public control of the use of the money from the EAGF and the EAFRD pursued with the publication of beneficiaries may be achieved only by ensuring a certain degree of information to be *delivered* to the knowledge of the public. That information should cover data on *the identity of the beneficiary*, the amount awarded and under *which* of the funds, the purpose and the nature of the measure concerned. *The publication of that information should be made in such a way as to cause less interference with*

Amendment

(70d) The objective of the public control of the use of the money from the EAGF and the EAFRD pursued with the publication of beneficiaries may be achieved only by ensuring a certain degree of information to be *brought* to the knowledge of the public. That information should cover data on the amount awarded under *each* of the funds, the purpose and the nature of the measure concerned. *In order to provide an accurate picture of the territorial distribution of CAP support, information on the location of the holdings to which those measures*

the beneficiaries' *right* to respect for their private life in general and to protection of their personal data in particular, rights recognised by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.

apply should also be provided. The *right of* beneficiaries to respect for their private life in general and to protection of their personal data in particular, rights recognised by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, *should be safeguarded.*

Or. en

Amendment 32

Proposal for a regulation Recital 70f

Text proposed by the Commission

Amendment

(70f) In order to observe a balance between the pursued objective of the public control of the use of the money from the EAGF and the EAFRD on the one hand and the beneficiaries' right to respect for their private life in general and to protection of their personal data on the other hand, the importance of the aid should be taken into account. Following the extensive analysis and the consultation with the stakeholders it appeared that in order to reinforce the effectiveness of such publication and to limit the interference with the beneficiaries' rights, a threshold should be set up as regards the amount of aid received below which the name of the beneficiary should not be published.

deleted

Or. en

Amendment 33

Proposal for a regulation

Recital 70g

Text proposed by the Commission

Amendment

(70g) The threshold should reflect and be based on the level of the support schemes set up within the framework of the CAP. As the structures of the Member States' agricultural economies vary considerably and may differ significantly from the average Union farm structure, the application of different minimum thresholds that reflect the particular situation of the Member States should be allowed. Regulation xxx/xxx [DP] sets out a simple and specific scheme for small farms. Article 49 of that Regulation lays down criteria for calculating the amount of aid. For reasons of consistency, those criteria should also be used for fixing specific thresholds per Member State for the publication of the name of a beneficiary. Except for the name, below that specific threshold the publication should contain all the relevant information in order to allow the taxpayers to have an accurate image of the CAP.

deleted

Or. en

Amendment 34

Proposal for a regulation Recital 70 h

Text proposed by the Commission

Amendment

(70h) In addition, making this information accessible to the public enhances transparency regarding the use of Union funds in the CAP, thus contributing to the visibility and better understanding of that policy. It enables citizens to participate more closely in the decision-making process and guarantees that the

(70h) In addition, making this information accessible to the public enhances transparency regarding the use of Union funds in the CAP, thus contributing to the visibility and better understanding of that policy. ***Similar rules should also apply to beneficiaries of funding from other Union funds (ERFD, ESF and EFF) so that this***

administration enjoys greater legitimacy and is more effective and more accountable to the citizen. It would also help local people to witness concrete examples of the provision of "public goods" by farming and underpin the legitimacy of state support for the agricultural sector. Furthermore, the personal accountability of the farmers for use of the public funds received will be reinforced.

objective can also be achieved in other fields of Union policy. It enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen. It would also help local people to witness concrete examples of the provision of "public goods" by farming and underpin the legitimacy of state support for the agricultural sector. Furthermore, the personal accountability of the farmers for use of the public funds received will be reinforced.

Or. en

Amendment 35

Proposal for a regulation Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The definitions of "farmer", "agricultural activity", "agricultural area", "**holding**" laid down in Article 4 of Regulation (EU) xxx/xxx[DP] shall apply for the purposes of this Regulation, *save as otherwise provided for in this Regulation.*

Amendment

1. The definitions of "farmer", "agricultural activity" **and** "agricultural area" laid down in Article 4 of Regulation (EU) xxx/xxx[DP] shall apply for the purposes of this Regulation.

Or. en

Amendment 36

Proposal for a regulation Article 2 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Save for the purpose of Title VI, the definition of "holding" laid down in Article 4 of Regulation (EU) xxx/xxx[DP] shall apply for the purposes of this

Regulation.

Or. en

Amendment 37

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the purposes of this Regulation, "sectoral agricultural legislation" means any applicable act adopted on the basis of Article 43 TFEU within the framework of the CAP as well as, where applicable, any delegated acts or implementing acts adopted on the basis of those acts.

Or. en

Amendment 38

Proposal for a regulation

Article 2 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) a plant disease affecting part or all of the beneficiary's crops;

Or. en

Amendment 39

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) expropriation of ***a large*** part of the holding if that could not have been

(f) expropriation of ***all or*** part of the holding if that could not have been

anticipated on the day of lodging the application.

anticipated on the day of lodging the application, *or repossession of the land by the owner.*

Or. en

Amendment 40

Proposal for a regulation Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Paying agencies shall be ***dedicated*** departments or bodies of the Member States responsible for the management and control of expenditure referred to in Article 4(1) and Article 5.

Amendment

1. Paying agencies shall be departments or bodies of the Member States responsible for the management and control of ***all*** expenditure referred to in ***both*** Article 4(1) and Article 5.

Or. en

Amendment 41

Proposal for a regulation Article 7 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall, on a risk basis, review the documentary evidence provided by the Member States pursuant to Article 102 and assess the functioning of the systems in order to confirm that management and control bodies satisfy the conditions for national accreditation.

Or. en

Amendment 42

Proposal for a regulation

Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) a management declaration of assurance as to the completeness, accuracy and veracity of the accounts, the proper functioning of the internal control systems as well as to the legality and regularity of the underlying transactions **and the respect of the principle of sound financial management;**

Amendment

(b) a management declaration of assurance as to the completeness, accuracy and veracity of the accounts **and** the proper functioning of the internal control systems, **based on measurable performance criteria**, as well as to the legality and regularity of the underlying transactions ;

Or. en

Amendment 43

Proposal for a regulation

Article 7 – paragraph 3 – point c

Text proposed by the Commission

(c) a summary of the results of all available audits and checks carried out, including an analysis of systematic **or** recurrent weaknesses as well as corrective actions taken or planned.

Amendment

(c) a summary of:

(i) the results of all available audits and checks carried out, including an analysis of systematic **and** recurrent weaknesses as well as corrective actions taken or planned,

(ii) the control statistics sent in accordance with Article 102(1)(c)(v), and

(iii) other checks that are considered relevant.

Or. en

Amendment 44

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 - introductory phrase

Text proposed by the Commission

4. Where more than one paying agency is accredited, the Member State shall **designate** a body, hereinafter referred to as the "coordinating body", to which it assigns the following tasks:

Amendment

Where, **as a result of a Member State's constitutional arrangements**, more than one paying agency is accredited, the Member State shall **select** a body, hereinafter referred to as the "coordinating body", to which it assigns the following tasks:

Or. en

Amendment 45

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

5. Where an accredited paying agency does not meet or no longer meets one or more of the accreditation criteria referred to in paragraph 2, the Member State shall withdraw its accreditation unless the paying agency makes the necessary changes within a period to be determined according to the severity of the problem.

Amendment

5. Where an accredited paying agency does not meet or no longer meets one or more of the accreditation criteria referred to in paragraph 2, the Member State shall , **on its own initiative or at the request of the Commission**, withdraw its accreditation unless the paying agency makes the necessary changes within a period to be determined according to the severity of the problem.

Or. en

Amendment 46

Proposal for a regulation

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) rules on the scope and work underlying the management declaration

of the paying agencies;

Or. en

Amendment 47

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the obligations of the paying agencies as regards public intervention, as well as the content of their management and control responsibilities;

Or. en

Amendment 48

Proposal for a regulation

Article 8 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the obligations of the paying agencies as regards public intervention, as well as on the content of their management and control responsibilities.

deleted

Or. en

Amendment 49

Proposal for a regulation

Article 9

Text proposed by the Commission

Amendment

1. The certification body shall be a public or private audit body ***designated*** by the Member State ***which*** shall provide an

1. The certification body shall be a public or private audit body. ***Where it is a private audit body, it shall be selected*** by the

opinion on *the management declaration of assurance covering* the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of *its internal control system*, the legality and regularity of the underlying transactions, *as well as the respect of the principle of sound financial management*.

It shall be operationally independent from both the paying agency concerned and the authority which has accredited that agency.

2. The Commission shall, *by means of implementing acts, lay down* rules concerning the status of the certification bodies, the specific tasks, including the checks, which they *have* to carry out *as well as the certificates and the reports, together with the documents accompanying them, to be drawn up by those bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).*

Member State *by means of a public tendering procedure. The certification body* shall provide an opinion, *drawn up in accordance with internationally accepted audit standards*, on the completeness, accuracy and veracity of the annual accounts of the paying agency *and* the proper functioning of *the control systems put in place as well as* the legality and regularity of the underlying transactions. *This opinion shall state, inter alia, whether the examination calls into question the assertions made in the management declaration of assurance referred to in Article 7(3)(b).*

It shall be operationally independent from both the paying agency concerned and the authority which has accredited that agency.

2. The Commission shall *be empowered to adopt delegated acts, in accordance with Article 111, laying down* rules concerning the status of the certification bodies *and* the specific tasks, including the checks, which *shall be structured in the most efficient way, relying as far as possible on integrated samples with a view of minimising the administrative burden on farmers and Member States.*

The Commission shall adopt implementing acts, laying down rules concerning the certificates and reports to be drawn up by the certification bodies, together with the documents accompanying them. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Or. en

Amendment 50

Proposal for a regulation
Article 12

Text proposed by the Commission

1. Member States shall establish a system of advising beneficiaries on land and farm management (*hereinafter referred to as the ‘farm advisory system’*) operated by one or more *designated* bodies. The *designated* bodies may be public or private.

2. The farm advisory system shall cover at least:

(a) the statutory management requirements and the standards for good agricultural and environmental condition of land as laid down in Chapter I of Title VI;

(b) the agricultural practices beneficial for the climate and the environment as laid down in Chapter 2 of Title III of Regulation (EU) No xxx/xxx [DP] and the maintenance of the agricultural area as referred to in Article 4(1)(c) of Regulation (EU) No xxx/xxx [DP];

(c) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation;

(d) the sustainable development of the

Amendment

1. Member States shall establish a system of advising beneficiaries on land *management, farm management,* and farm *risk* management (‘farm advisory system’) operated by one or more *selected* bodies. The *selected* bodies may be public *and/or* private.

2. The farm advisory system shall cover at least the following:

(a) *obligations at farm level deriving from* the statutory management requirements and the standards for good agricultural and environmental condition of land as laid down in Chapter I of Title VI;

(b) the agricultural practices beneficial for the climate and the environment laid down in Chapter 2 of Title III of Regulation (EU) No xxx/xxx [DP] and the maintenance of the agricultural area referred to in Article 4(1)(c) of Regulation (EU) No xxx/xxx [DP];

(c) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation;

(ca) the sustainable development of the economic activities of farms in accordance with measures provided for in rural development programmes, including those for farm modernisation, competitiveness building, sectoral integration, innovation and market orientation as well as the promotion and implementation of principles relating to accounting, entrepreneurship and the sustainable management of economic resources;

(d) the *environmental performance and*

economical activity of *the small* farms as defined by the Member States **and at least of the** farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

3. The farm advisory system may also cover *in particular*:

(a) the sustainable development of the economical activity of holdings other than those referred to in paragraph (2)(d);

(b) the *minimum* requirements established by national legislation, as referred to in Article 29(3) and 30(2) of Regulation (EU) No xxx/xxx [RD]

sustainable development of the *economic* activity of farms as defined by the Member States, **with priority being given to** those participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

3. The farm advisory system may also cover, *inter alia, the following*:

(aa) the promotion of conversions of farms and the diversification of their economic activity,

(ab) risk management and the introduction of appropriate preventive actions to address natural disasters, catastrophic events and animal and plant diseases;

(ac) advice on integrated pest management and on the use of non chemical alternatives.

(b) the requirements established by national legislation, as referred to in Article 29 and 30 of Regulation (EU) No xxx/xxx [RD]

Or. en

Amendment 51

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the advisors within the farm advisory system are suitably qualified and regularly **trained**.

Amendment

1. Member States shall ensure that the advisors within the farm advisory system are suitably qualified and regularly **undergo in-service training**.

Or. en

Amendment 52

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The **competent** national authority shall provide the beneficiary, **where appropriate by the use of electronic means**, with the appropriate list of **designated** bodies.

Amendment

3. The national authority shall provide the **potential** beneficiary with the appropriate list of **selected** bodies **primarily by electronic means**.

Or. en

Amendment 53

Proposal for a regulation Article 14

Text proposed by the Commission

Beneficiaries, whether or not they receive support under the common agricultural policy, including rural development, may use the farm advisory system on a voluntary basis.

However Member States may determine, **in accordance with objective** criteria, the categories of beneficiaries that have priority access to the farm advisory system. **Member States shall nevertheless ensure that priority is given to** farmers whose access to an advisory service other than the farm advisory system is most limited.

Amendment

Beneficiaries, whether or not they receive support under the common agricultural policy, including rural development, may use the farm advisory system on a voluntary basis.

However Member States may determine, **based on environmental, economic and social** criteria, the categories of beneficiaries that are to have priority access to the farm advisory system, **which may include, inter alia:**

(a) those farmers whose access to an advisory service other than the farm advisory system is most limited;

(b) farmers participating in the measures intended to ensure carbon, nutrient and/or energy efficiency described in Chapter 2 of Title III of Regulation (EU) No xxx/xxx[DP];

(c) networks operating with limited resources within the meaning of Articles 53, 61 and 62 of Regulation (EU) (EU) No xxx/xxx [RD].

The farm advisory system shall ensure that beneficiaries have access to advice reflecting the specific situation of their holding.

The farm advisory system shall ensure that beneficiaries have access to advice reflecting the specific situation of their holding.

Or. en

Amendment 54

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may, by means of implementing acts, adopt rules for the uniform implementation of the farm advisory system. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

deleted

Or. en

Amendment 55

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. In the event that the Union legislation provides for sums to be reduced from the amount referred to in paragraph 1, the Commission shall, **by means of implementing acts, set** the net balance available for EAGF expenditure on the basis of the data referred to in that legislation.

2. In the event that the Union legislation provides for sums to be reduced from the amount referred to in paragraph 1, the Commission shall **be empowered to adopt delegated acts, in accordance with Article 111, setting** the net balance available for EAGF expenditure on the basis of the data referred to in that legislation.

Amendment 56**Proposal for a regulation
Article 22 – paragraph 1***Text proposed by the Commission*

The measures financed pursuant to point (c) of Article 6 shall aim to give the Commission the means to manage Union agricultural markets in a global context, to ensure agri-economic monitoring of agricultural land and of the condition of crops so as to enable estimates to be made, ***in particular*** as regards yields and agricultural production, to share the access to such estimates in an international context, such as initiatives coordinated by United Nations organisations or other international agencies, to contribute to transparency of world markets, and to ensure ***technological*** follow-up of the agri-meteorological system.

Amendment

The measures financed pursuant to point (c) of Article 6 shall aim to give the Commission the means to manage Union agricultural markets in a global context, to ensure agri-economic ***and agro-ecological*** monitoring of agricultural ***and forest*** land and of the condition of ***the agricultural resource base and*** crops, so as to enable estimates to be made; ***for example*** as regards yields, ***resource efficiency*** and ***long-term*** agricultural production, to share the access to such estimates in an international context, such as initiatives coordinated by United Nations organisations or other international agencies, to contribute to transparency of world markets, and to ensure follow-up of the agri-meteorological system.

Amendment 57**Proposal for a regulation
Article 22 — paragraph 2***Text proposed by the Commission*

The measures financed pursuant to point (c) of Article 6 concern the collection or purchase of data needed to implement and monitor the common agricultural policy, including satellite data and meteorological data, the creation of a spatial data infrastructure and a website, the carrying out of specific studies on climatic

Amendment

The measures financed pursuant to point (c) of Article 6 concern the collection or purchase of data needed to implement and monitor the common agricultural policy, including satellite data and meteorological data, the creation of a spatial data infrastructure and a website, the carrying out of specific studies on climatic

conditions and the updating of agri-meteorological and econometric models. Where necessary, those measures shall be carried out in collaboration with national laboratories and bodies.

conditions, ***the monitoring of soil health and soil functionality and*** the updating of agri-meteorological and econometric models. Where necessary, those measures shall be carried out in collaboration with national laboratories and bodies.

Or. en

Amendment 58

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. The Council, acting on a proposal from the Commission presented no later than 31 March of the calendar year in respect of which the adjustment referred to in paragraph 1 applies, shall determine the adjustment no later than 30 June of the same calendar year.

Amendment

2. The ***European Parliament and the Council*** , acting on a proposal from the Commission presented no later than 31 March of the calendar year in respect of which the adjustment referred to in paragraph 1 applies, shall determine the adjustment no later than 30 June of the same calendar year.

Or. en

Amendment 59

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

3. If by 30 June in any year the adjustment rate has not been set, the Commission shall set it by means of an implementing act and shall inform the Council immediately. Such implementing act shall be adopted in accordance with the advisory procedure referred to in Article 112(2).

Amendment

3. If by 30 June in any year the adjustment rate has not been set, the Commission shall set it by means of an implementing act and shall inform the ***European Parliament and the Council*** immediately. Such implementing act shall be adopted in accordance with the advisory procedure referred to in Article 112(2).

Or. en

Amendment 60

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

4. Until 1 December, ***on a proposal by the Commission, on the basis of new information in its possession, the Council may adapt*** the adjustment rate for direct payments set in accordance with paragraphs 2 or 3.

Amendment

4. If new material information becomes available after the adoption, on the basis of that information, of the decision referred to in paragraphs 2 and 3, , the Commission may, until 1 December, without using either of the procedures referred to in Article 112(2) and (3), adopt implementing acts adapting the adjustment rate for direct payments set in accordance with paragraphs 2 or 3.

Or. en

Amendment 61

Proposal for a regulation Article 25 – paragraph 6

Text proposed by the Commission

6. Before ***applying this Article, account shall first be taken of the amount authorised by the budget authority*** for the Reserve for crises in the agricultural sector referred to in point 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management.

Amendment

6. Before ***submitting the proposal referred to in paragraph 2, the Commission shall determine whether the conditions*** for the ***mobilisation of the*** Reserve for crises in the agricultural sector referred to in point 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management ***have been met, and, if they have, the Commission shall submit a proposal to that effect.***

Or. en

Amendment 62

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

2. If, on drawing up the draft budget for financial year N, there appears to be a risk that the amount referred to in Article 16 for financial year N will be exceeded, the Commission shall propose to the European Parliament and the Council ***or to the Council*** the measures necessary to ensure compliance with that amount.

Amendment

2. If, on drawing up the draft budget for financial year N, there appears to be a risk that the amount referred to in Article 16 for financial year N will be exceeded, the Commission shall propose to the European Parliament and the Council the measures necessary to ensure compliance with that amount.

Or. en

Amendment 63

Proposal for a regulation Article 26 – paragraph 3

Text proposed by the Commission

3. At any time, if the Commission considers that there is a risk of the amount referred to in Article 16 being exceeded and that it cannot take adequate measures to remedy the situation under its powers, it shall propose other measures to ensure compliance with that amount. These measures shall be adopted ***by the Council on the basis of Article 43(3) of the Treaty or*** by the European Parliament and the Council on the basis of Article 43(2) of the Treaty.

Amendment

3. At any time, if the Commission considers that there is a risk of the amount referred to in Article 16 being exceeded and that it cannot take adequate measures to remedy the situation under its powers, it shall propose other measures to ensure compliance with that amount. These measures shall be adopted by the European Parliament and the Council on the basis of Article 43(2) of the Treaty.

Or. en

Amendment 64

Proposal for a regulation Article 29

Text proposed by the Commission

Without prejudice to the eligibility for support under **Article 30(2)** of Regulation (EU) No RD/xxx, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

Amendment

Without prejudice to the eligibility for support under **Articles 29 and 30** of Regulation (EU) No RD/xxx, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

Or. en

Amendment 65

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **4 %** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent **2 %** of the EAFRD contribution to the programme concerned.

Amendment

1. Following the decision of the Commission approving the **rural development** programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission **to the Member State**. This initial pre-financing amount shall represent **7 %** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent **2 %** of the EAFRD contribution to the programme concerned.

Or. en

Amendment 66

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

1. Interim payments shall be made for each rural development programme. They shall be calculated by applying the co-financing rate for each measure to the incurred public expenditure pertaining to it.

Amendment

1. Interim payments shall be made for each rural development programme. They shall be calculated by applying the co-financing rate for each measure to the incurred public expenditure pertaining to it ***or to the total eligible expenditure, including public and private expenditure.***

Or. en

Amendment 67

Proposal for a regulation

Article 35 – paragraph 3 – point a

Text proposed by the Commission

(a) transmission to the Commission of a declaration of expenditure signed by the accredited paying agency, in accordance with Article 102(1)(c);

Amendment

(a) transmission to the Commission of a ***monthly*** declaration of expenditure signed by the accredited paying agency, in accordance with Article 102(1)(c);

Or. en

Amendment 68

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

1. The Commission shall automatically decommit any portion of a budget commitment ***for a rural development programme*** that has not been used for the purpose of prefinancing or making interim payments or for which no declaration of expenditure fulfilling the requirements laid down in Article 35(3) has been presented to it in relation to expenditure incurred by 31 December of the second year following

Amendment

1. The Commission shall automatically decommit any portion of a ***Member State's*** budget commitment that has not been used for the purpose of prefinancing or making interim payments or for which no declaration of expenditure fulfilling the requirements laid down in Article 35(3) has been presented to it in relation to expenditure incurred by 31 December of the second year following that of the

that of the budget commitment.

budget commitment.

Or. en

Amendment 69

Proposal for a regulation Article 37 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States which, because of their federal system of government, submit several rural development programmes, may offset amounts not used by 31 December of the second year following that of the budget commitment for one or more rural development programmes against amounts spent after that date under other rural development programmes. Should any amounts remain to be decommitted after such offsetting, they shall be charged, on a proportional basis, to the rural development programmes in respect of which underspends have been recorded.

Or. en

Amendment 70

Proposal for a regulation Article 37 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) that part of the budget commitments which concerns aid pursuant to points (b) and (c) of Article 37(1) of Regulation (EU) No XXXXXX (on support for rural development).

Or. en

Amendment 71

**Proposal for a regulation
Article 38**

Text proposed by the Commission

Amendment

Article 38

deleted

Budget Commitments

The Commission Decision adopting the list of the projects to which the Prize for innovative, local cooperation is awarded, as referred to in Article 58(4) of Regulation (EU) No RD/xxx shall constitute a financing decision within the meaning of Article [75(2)] of Regulation (EU) No FR/xxx. Following the adoption of the Decision referred to in the first paragraph, the Commission shall made a budget commitment by Member State for the total amount of the prizes granted to projects in that Member State within the limit referred to in Article 51(2) of Regulation (EU) No RD/xxx.

Or. en

Amendment 72

**Proposal for a regulation
Article 39**

Text proposed by the Commission

Amendment

Article 39

deleted

Payments to the Member States

1. Within the framework of the interim payments referred to in Article 35, the Commission shall make payments in order to reimburse the expenditure incurred by accredited paying agencies in awarding the Prizes referred to in this Section in the limits of the available

budget commitments for the Member States concerned.

2. Each payment shall be subject to the transmission to the Commission of a declaration of expenditure signed by the accredited paying agency, in accordance with Article 102(1)(c).

3. Accredited paying agencies shall establish and forward, either directly or via the intermediary of the coordinating body, where one has been appointed, declarations of expenditure relating to the Prize for innovative, local cooperation to the Commission, within periods set by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 112(3).

Declarations of expenditure shall cover expenditure that the paying agencies have incurred during each of the periods concerned.

Or. en

Amendment 73

Proposal for a regulation Article 40

Text proposed by the Commission

Amendment

Article 40

deleted

Automatic decommitment for the Prize for innovative, local cooperation

The Commission shall automatically decommit the amounts referred to in the second subparagraph of Article 38 that have not been used for reimbursing the Member States as laid down in Article 39 or for which no declaration of expenditure meeting the conditions laid down in that Article has been presented to it in relation to expenditure incurred by

31 December of the second year following that of the budget commitment.

Article 37(3), (4) and (5) shall apply mutatis mutandis.

Or. en

Amendment 74

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, **supported from the national budget.**

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests. ***This paragraph shall not apply in cases where the payment delay is not the fault of the Member State concerned.***

Or. en

Amendment 75

Proposal for a regulation Article 44 – paragraph 1

Text proposed by the Commission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the **numbers** of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Amendment

Where sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the **number** of checks carried out **under Article 61** and their outcome and **where** the Member States overrun that period, the Commission may suspend **the** monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time **provided that the Commission has made available to the Member States in good**

time prior to the start of the reference period all the information, forms and explanations they need to compile the relevant statistics. In doing so, the Commission shall act in accordance with the principle of proportionality and the detailed rules it has adopted on the basis of Article 48(5), taking account of the extent of the delay. In particular, the Commission shall clearly distinguish between a situation where the late submission of information places the annual budget discharge mechanism at risk, and a situation where such a risk does not exist. Before suspending the monthly payments the Commission shall notify in writing the Member State concerned.

Or. en

Amendment 76

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 2

Text proposed by the Commission

It shall supply coherent, objective and comprehensive information, both inside and outside the Union, in order to give an overall picture of that policy.

Amendment

It shall supply coherent, objective and comprehensive information, both inside and outside the Union, in order to give an ***accurate*** overall picture of that policy.

Or. en

Amendment 77

Proposal for a regulation

Article 48 – paragraph 6

Text proposed by the Commission

6. The Commission ***may lay down, by means of implementing acts,*** further

Amendment

6. The Commission ***shall be empowered to adopt delegated acts, in accordance with***

details on the obligation laid down in Article 46 as well as the specific conditions applying to the information to be booked in the accounts kept by the paying agencies.
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Article 111, laying down further details on the obligation laid down in Article 46 as well as the specific conditions applying to the information to be booked in the accounts kept by the paying agencies.

Or. en

Amendment 78

Proposal for a regulation Article 48 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall be empowered to adopt delegated acts, in accordance with Article 111, laying down further rules on the payment by the Member States of default interests to the beneficiaries as referred to in Article 42(2).

Or. en

Amendment 79

Proposal for a regulation Article 48 – paragraph 7 – point c

Text proposed by the Commission

Amendment

(c) rules on the payment by the Member States of default interests to the beneficiaries as referred to in Article 42(2).

deleted

Or. en

Amendment 80

Proposal for a regulation

Article 49 – paragraph 1 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) whether a paying agency complies with the accreditation criteria laid down in Article 7(2) and whether the Member State correctly applies the provisions of Article 7(5);

Or. en

Amendment 81

Proposal for a regulation

Article 49 – paragraph 1 – subparagraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the work which the certification bodies are required to carry under Article 9;

Or. en

Amendment 82

Proposal for a regulation

Article 49 – paragraph 1 – subparagraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) compliance with the obligations laid down in Article 56(1)

Or. en

Amendment 83

Proposal for a regulation Article 49 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. The Commission shall give sufficient prior notice of an on-the-spot check to the Member State concerned or the Member State within whose territory the check is to take place. Agents from the Member State concerned may take part in such checks.

Amendment

2. The Commission shall give sufficient prior notice of an on-the-spot check to the Member State concerned or the Member State within whose territory the check is to take place ***and shall coordinate checks with a view to reducing any negative impact on paying agencies.*** Agents from the Member State concerned may take part in such checks.

Or. en

Amendment 84

Proposal for a regulation Article 50 – paragraph 3

Text proposed by the Commission

3. Member States shall make available to the Commission all information about irregularities ***and suspected fraud cases*** detected, and about the steps taken to recover undue payments in connection with those irregularities and frauds pursuant to Section III of this Chapter.

Amendment

3. Member States shall make available to the Commission all information about irregularities detected and about the steps taken to recover undue payments in connection with those irregularities and frauds pursuant to Section III of this Chapter.

Or. en

Amendment 85

Proposal for a regulation Article 51 – paragraph 1

Text proposed by the Commission

The accredited paying agencies shall keep supporting documents relating to payments

Amendment

The accredited paying agencies shall keep supporting documents relating to payments

made and documents relating to the performance of the administrative and physical checks required by Union legislation, and shall make the documents and information available to the Commission.

made and documents relating to the performance of the administrative and physical checks required by Union legislation, and shall make the documents and information available to the Commission. ***Such supporting documents may be kept in electronic form.***

Or. en

Amendment 86

Proposal for a regulation

Article 52 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission ***may, by means of implementing acts, lay*** down rules regarding:

Amendment

The Commission ***shall be empowered to adopt delegated acts, in accordance with Article 111, laying*** down rules regarding:

Or. en

Amendment 87

Proposal for a regulation

Article 52 – paragraph 1 – point c a (new)

Text proposed by the Commission

(ca) the conditions, under which the electronic storage of supporting documents referred to in the first subparagraph of Article 51 is to be performed, including its form and duration.

Amendment

Or. en

Amendment 88

Proposal for a regulation Article 52 – paragraph 2

Text proposed by the Commission

The implementing acts provided for in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Amendment

deleted

Or. en

Amendment 89

Proposal for a regulation Article 54 – paragraph 2

Text proposed by the Commission

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the non-conformity recorded. It shall take due account of the nature **and gravity** of the infringement and of the **financial damage caused** to the **Union**.

Amendment

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the non-conformity recorded. It shall take due account of the nature of the infringement and **it shall base the amounts excluded on an assessment of the risk to the agricultural funds stemming from the infringement.**

Or. en

Amendment 90

Proposal for a regulation Article 54 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall base its financial corrections on individual cases of irregularity identified, or by taking account of the systemic nature of the irregularity to determine whether an extrapolated or flat rate correction should

be applied.

Flat rate corrections shall only be applied where it is impossible, due to the nature of the case, to either identify the extent and amount of the irregularity found or to extrapolate the amount to be corrected

Or. en

Amendment 91

Proposal for a regulation

Article 54 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Before the adoption of any decision to refuse financing, the findings from the Commission's inspection and the Member State's replies shall be notified in writing, following which the two parties shall attempt to reach agreement on the action to be taken.

Amendment

Before the adoption of any decision to refuse financing, the findings from the Commission's inspection and the Member State's replies shall be notified in writing, following which the two parties shall attempt to reach agreement on the action to be taken. ***In this context the Member States shall be given the opportunity to demonstrate, through an examination of the documentation concerned, that the actual extent of irregularity is less than the Commission's assessment.***

Or. en

Amendment 92

Proposal for a regulation

Article 54 – paragraph 3 – subparagraph 2

Text proposed by the Commission

If agreement is not reached, the Member State may request opening of a procedure aimed at reconciling each party's position within four months. A report of the outcome of the procedure shall be given to the Commission, which shall ***examine it***

Amendment

If agreement is not reached, the Member State may request opening of a procedure aimed at reconciling each party's position within four months. A report of the outcome of the procedure shall be given to the Commission, which shall ***take into***

before deciding on any refusal of financing.

account the report's recommendations before deciding on any refusal of financing. ***The Commission shall give reasons if it does not decide to follow the recommendations in the report.***

Or. en

Amendment 93

Proposal for a regulation Article 54 – paragraph 5 – point b

Text proposed by the Commission

(b) national aids ***or infringements*** for which the procedure laid down in Article 108 or Article 258 *of the Treaty respectively has begun*;

Amendment

(b) national aids for which the procedure laid down in Article 108(2) ***TFEU has been initiated by the Commission or infringements which the Commission has notified to the Member State concerned by a letter of formal notice in accordance with Article 258 TFEU***;

Or. en

Amendment 94

Proposal for a regulation Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission shall, ***by means of implementing acts, lay down rules for the implementation of:***

Amendment

The Commission shall ***be empowered to adopt delegated acts, in accordance with Article 111, laying down objectives for the various phases of the clearance of accounts procedure, the respective roles and responsibilities of the different parties involved as well as rules concerning:***

Or. en

Amendment 95

Proposal for a regulation

Article 55 – paragraph 1 – point b

Text proposed by the Commission

(b) the conformity clearance provided for in Article 54 with regard to the measures to be taken in connection with the adoption of the decision and its implementation, including the information exchange between the Commission and the Member States *and* the deadlines to be respected as well as the conciliation procedure provided for in that Article, including the establishment, tasks, composition and working arrangements of the conciliation body.

Amendment

(b) the conformity clearance provided for in Article 54 with regard to the measures to be taken in connection with the adoption of the decision and its implementation, including the information exchange between the Commission and the Member States, the *rates of co-financing corrections to be applied*, the deadlines to be respected as well as the conciliation procedure provided for in that Article, including the establishment, tasks, composition and working arrangements of the conciliation body.

Or. en

Amendment 96

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

The implementing acts provided for in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Amendment

deleted

Or. en

Amendment 97

Proposal for a regulation

Article 56 — paragraph 1

Text proposed by the Commission

1. For any undue payment following the

Amendment

1. For any undue payment following the

occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within one year *of the first indication that such an irregular has taken place and shall record the* corresponding amounts in the debtors' ledger of the paying agency.

occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within one year *after the approval and, where applicable, reception, by the paying agency or body responsible for the recovery of a control report or similar document, stating that an irregularity* has taken place. *The* corresponding amounts *shall be recorded at the same time of the recovery request* in the debtors' ledger of the paying agency.

Or. en

Amendment 98

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

However, if, for reasons not attributable to the Member State concerned, it is not possible for recovery to take place within the time limit specified in the first subparagraph and if the amount to be recovered exceeds EUR 1 million, the Commission may, at the request of the Member State, extend the time limit by a period up to half of the original period.

Or. en

Amendment 99

Proposal for a regulation

Article 56 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) if the costs already and likely to be incurred total more than the amount to be recovered, or

(a) if the costs already and likely to be incurred total more than the amount to be recovered; *this condition shall be deemed to have been met if the amount to be*

recovered from the beneficiary in the context of a single payment does not exceed EUR 300, or

Or. en

Amendment 100

Proposal for a regulation Article 57 – paragraph 2

Text proposed by the Commission

When the Union budget is credited as referred in the first paragraph, the Member State may retain **10** % of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Amendment

When the Union budget is credited as referred in the first paragraph, the Member State may retain **20** % of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Or. en

Amendment 101

Proposal for a regulation Article 59

Text proposed by the Commission

In order to ensure correct and efficient application of the provisions relating to recovery set out in this Section, the Commission shall be empowered to adopt delegated act in accordance with Article 111 concerning specific obligations to be complied with by the Member States.

Amendment

In order to ensure correct and efficient application of the provisions relating to ***the conditions and procedures for the recovery of debts and the default interest thereon*** set out in this Section, the Commission shall be empowered to adopt delegated act in accordance with Article 111 concerning specific obligations to be complied with by the Member States.

Or. en

Amendment 102

Proposal for a regulation

Article 60 – paragraph 1 – point b

Text proposed by the Commission

(b) **offer** effective prevention against fraud, especially as regards the areas with a higher level of risk, and which shall act as a deterrent, having regard to the costs and benefits as well as the proportionality of the measures;

Amendment

(b) **ensure** effective prevention against fraud, especially as regards the areas with a higher level of risk, and which shall act as a deterrent, having regard to the costs and benefits as well as the proportionality of the measures;

Or. en

Amendment 103

Proposal for a regulation

Article 60 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) prevent undue environmental and public health costs, especially to avoid funding of activities under the CAP which generate additional costs to other policy areas within the general budget of the European Union, especially the environment and public health.

Or. en

Amendment 104

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall set up efficient management and control systems in order to ensure compliance with the legislation governing Union support schemes.

2. Member States shall set up efficient, ***proportionate and risk-based*** management and control systems in order to ensure compliance with the legislation governing

Union support schemes.

Or. en

Amendment 105

Proposal for a regulation Article 60 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The introduction of new payment systems, which would in turn necessitate the introduction of new greening-related monitoring and penalty systems, is to be avoided as this would create a need for additional, complicated administrative procedures and more red tape.

Or. en

Amendment 106

Proposal for a regulation Article 60 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission may, by means of implementing acts, adopt rules aiming at reaching a uniform application of paragraphs 1 and 2 of this Article.

In order to ensure that the objectives of paragraphs 1 and 2 of this Article are achieved correctly and efficiently, the Commission shall be empowered to adopt delegated acts, in accordance with Article 111, laying down specific obligations for the Member States.

Or. en

Amendment 107

Proposal for a regulation Article 60 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

deleted

Or. en

Amendment 108

422-424, 427, 433

Proposal for a regulation Article 61

Text proposed by the Commission

Amendment

1. The system set up by the Member States in accordance with Article 60(2) shall include, except where otherwise provided, systematic administrative checking of all aid applications and shall be supplemented by on-the-spot checks.

-1. The Commission shall adopt delegated acts, in accordance with Article 111 regarding rules on the minimum level of on-the-spot checks necessary for an effective and proportionate management of risk. Those rules shall specify the circumstances in which Member States have to adjust the number of on-the-spot checks depending on the level of inherent risk, and shall provide for the possibility to reduce the number of checks where the error rates are at an acceptable level and the management and control systems in place work properly;

1. The system set up by the Member States in accordance with Article 60(2) shall include, except where otherwise provided, systematic administrative checking of all aid applications and ***payment claims*** and shall be supplemented by on-the-spot checks ***the purpose of which shall be to monitor compliance with the provisions of the aid schemes and the level of inherent risk and whose number shall be adjusted***

2. As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part in order to obtain a representative error rate, while targeting also highest *errors*.

in light of that purpose.

2. As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part in order to obtain a representative error rate, while targeting also *the areas in which the risk of error is* highest.

To ensure that the checks are proportionate, account needs to be taken of factors including:

- the size of the sums involved;*
- the outcome of earlier audits of the management and control systems;*
- voluntary participation in management schemes certified on the basis of recognised international standards.*

Or. en

Amendment 109

Proposal for a regulation Article 64

Text proposed by the Commission

1. In order to ensure correct and efficient *application of the checks* and that the verification of the eligibility conditions is carried out in an efficient, coherent and non-discriminatory way which protects the financial interest of the Union, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 concerning *the situations where beneficiaries or their representatives prevent checks from being carried out.*

2. The Commission shall, by means of implementing acts, adopt the necessary rules aiming at reaching a uniform application of this Chapter in the Union.

Amendment

1. In order to ensure *that the application of the checks is* correct and efficient and that the verification of the eligibility conditions is carried out in an efficient, coherent and non-discriminatory way which protects the financial interest of the Union, the Commission shall be empowered to adopt delegated acts in accordance with Article 111, concerning, *in particular, the following:*

Those rules may, in particular, relate to the following:

(a) the rules concerning administrative and on-the-spot checks to be conducted by the Member States with regard to the respect of obligations, commitments and eligibility criteria resulting from the application of Union legislation;

(b) the rules on the minimum level of on-the-spot checks necessary for an effective management of the risks, as well as the conditions under which Member States have to increase such checks, or may reduce them where the management and control systems function properly and the error rates are at an acceptable level;

(c) the rules and methods on the reporting of the checks and verification carried out and their results;

(d) the authorities responsible for performing the checks for compliance as well as to the content, the frequency and the marketing stage to which those checks shall apply;

(e) where the *specific needs for* proper management of the system so require, rules introducing additional requirements with respect to customs procedures, in particular as laid down in Regulation (EC) No 450/2008 of the European Parliament and of the Council;

(f) with regard to hemp as referred to in Article 38 of Regulation (EU) No xxx/xxx [DP], rules on the specific control measures and methods for determining tetrahydrocannabinol levels;

(g) with regard to cotton as referred to in Article 42 of Regulation (EU) No xxx/xxx [DP], a system for checks on the approved

(-a) the rules concerning situations where beneficiaries or their representatives prevent checks from being carried out;

(a) the rules concerning administrative and on-the-spot checks to be conducted by the Member States *in accordance with a proportionate and risk-based approach*, with regard to the respect of obligations, commitments and eligibility criteria resulting from the application of Union legislation;

(c) the rules and methods on the reporting of the checks and verification carried out and their results;

(d) *rules on the designation of* the authorities responsible for performing the checks for compliance as well as the content, the frequency and the marketing stage to which such checks shall apply;

(e) where the proper management of the system so requires, rules introducing additional requirements with respect to customs procedures, in particular as laid down in Regulation (EC) No 450/2008 of the European Parliament and of the Council;

(f) with regard to hemp as referred to in Article 38 of Regulation (EU) No xxx/xxx [DP], rules on the specific control measures and methods for determining tetrahydrocannabinol levels;

(g) with regard to cotton as referred to in Article 42 of Regulation (EU) No xxx/xxx [DP], a system for checks on the approved

interbranch organisations;

(h) with regard to wine as referred to in Regulation (EU) No sCMO/xxx, rules on the measurement of areas, as well as relating to checks and rules governing the specific financial procedures for the improvement of checks;

(i) the tests and methods to be applied for establishing the eligibility of products for public intervention and private storage, as well as the use of tendering procedures, both **for public intervention and for private storage**.

The implementing acts provided for in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 112(3) or in the corresponding Article of Regulation (EU) No xxx/xxx[DP], Regulation (EU) No xxx/xxx[RD] or Regulation (EU) No xxx/xxx[sCMO] respectively.

interbranch organisations;

(h) with regard to wine as referred to in Regulation (EU) No sCMO/xxx, rules on the measurement of areas, as well as relating to checks and rules governing the specific financial procedures for the improvement of checks;

(i) the tests and methods to be applied for establishing the eligibility of products for public intervention and private storage, as well as the use of tendering procedures, **for both**.

1a. The Commission shall adopt implementing acts laying down time limits by which the Commission is to respond to an indication that the Member State intends to reduce the number of its on-the-spot checks.

The implementing acts provided for in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 112(3) or in the corresponding Article of Regulation (EU) No xxx/xxx[DP], Regulation (EU) No xxx/xxx[RD] or Regulation (EU) No xxx/xxx[sCMO] respectively.

Or. en

Amendment 110

Proposal for a regulation Article 65

Text proposed by the Commission

1. Where it is found that a beneficiary does not comply with the eligibility criteria **or the commitments relating to the conditions for granting the aid** as provided for in the sectoral agricultural legislation the aid shall be withdrawn in full **or in part**.

Amendment

1. Where it is found that a beneficiary does not comply, **in whole or in part**, with the eligibility criteria **for a certain aid scheme**, as provided for in the sectoral agricultural legislation, the **corresponding part of the** aid shall be withdrawn in full.

In particular, in the case of non-compliance with eligibility criteria relating to countable units such as hectares of land or number of animals the aid shall be withdrawn in full for those units, for which the eligibility criteria are not fulfilled.

1a. Where aid is linked to the fulfilment of specific commitments and it is found that a beneficiary does not comply with these commitments the corresponding aid shall be withdrawn in full or in part.

2. Where *Union law* so provides, Member States shall also impose penalties *by way* of reductions or exclusions of the payment or part of the payment granted or to be granted in respect of which the eligibility criteria or the commitments have been met.

2. Where *legislative acts within the meaning of Article 289(3) of the Treaty* so provide - *where relevant, subject to further details laid down in delegated acts*- Member States shall also impose *administrative* penalties *in the form* of reductions or exclusions of the payment or part of the payment granted or to be granted in respect of which the eligibility criteria or the commitments have been met.

The amount of the reduction of aid shall be graduated according to the severity, extent, duration and reoccurrence of the non compliance found and may go as far as total exclusion from one or several aid schemes or support measures *for one or more calendar years*.

The amounts *of the withdrawal referred to in paragraph 1a and the administrative penalties referred to in paragraph 2* shall be graduated according to the *nature, severity, extent, duration, and reoccurrence* of the non compliance found and may go as far as total exclusion *for one or more calendar years* from one or several aid schemes or support measures *that are the subject of the non compliance*.

2a. The graduation of penalties shall be based on the following general criteria:

- the 'severity' of non-compliance shall depend, in particular, on the importance of the consequences of the non-compliance, in particular the risk it represents for the Union fund concerned, and consistently taking account of the aims of the requirement or standard concerned;

- the 'extent' of non-compliance shall be determined taking account, in particular, of whether the non-compliance has a far-

reaching impact or whether it is limited to the farm itself;

- the 'duration' of non-compliance shall be determined by the competent authority taking account, in particular, of the estimated length of time for which the effect lasts or the potential for terminating those effects by reasonable means;

- 'reoccurrence' of non-compliance shall mean that the non-compliance with the same requirement, standard or obligation has been determined more than once within a consecutive period of three calendar years, provided the beneficiary has been informed of a previous non-compliance and, where applicable, has had the possibility to take the necessary measures to terminate that previous non-compliance;

3. The amounts concerned by the withdrawal *referred to in paragraph 1* and by the penalties referred to in *paragraph 2* shall be recovered in full.

3. The amounts concerned by the withdrawal and by the *administrative* penalties referred to in *the previous paragraphs* shall be recovered in full.

Or. en

Amendment 111

Proposal for a regulation Article 65 a (new)

Text proposed by the Commission

Amendment

Article 65a

Withdrawals and reductions as regards payment for agricultural practices beneficial for the climate and the environment

Notwithstanding Article 65, the sum of the withdrawals and reductions applied in accordance with that Article as a result of non-compliance with the obligations referred to in Title III of Chapter 2 of Regulation ... (Direct Payments) shall not

exceed the amount of the payment referred to in that Chapter.

Or. en

Amendment 112

Proposal for a regulation Article 66 – paragraph 1 – point a

Text proposed by the Commission

(a) the suspension of the right to participate in an aid scheme, the exclusion and suspension of payment or a reduction rate of aids, payments or refunds *or any other penalty, in particular* in case time limits have not been respected, the product, size or quantity is not in conformity with the application, the evaluation of a scheme or the notification of information did not take place, is incorrect or is not notified on time;

Amendment

(a) the suspension of the right to participate in an aid scheme, the exclusion and suspension of payment or a reduction rate of aids, payments or refunds, in case time limits have not been respected, the product, size or quantity is not in conformity with the application, the evaluation of a scheme or the notification of information did not take place, is incorrect or is not notified on time;

Or. en

Amendment 113

Proposal for a regulation Article 66 – paragraph 1 – point g

Text proposed by the Commission

(g) the withdrawal or suspension of an approval or a recognition, *in particular* when an operator, producer organisation, association of producer organisations, producer group or inter-branch organisation fails to respect or no longer meets the conditions required, including failure to make notifications;

Amendment

(g) the withdrawal or suspension of an approval or a recognition, when an operator, producer organisation, association of producer organisations, producer group or inter-branch organisation fails to respect or no longer meets the conditions required, including failure to make notifications;

Or. en

Amendment 114

Proposal for a regulation

Article 66 – paragraph 1 — subparagraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) the procedures and technical criteria related to the measures and penalties in points (a) to (i), where non-compliance with any of the obligations resulting from the application of the relevant legislation is found;

Or. en

Amendment 115

Proposal for a regulation

Article 66 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the procedures and technical criteria related to the measures and penalties referred to in paragraph 1 where non-compliance with any of the obligations resulting from the application of the relevant legislation is found; *deleted*

Or. en

Amendment 116

Proposal for a regulation

Article 66 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the **rules and** procedures regarding the recovery of undue payments resulting from the application of the relevant legislation.

(b) the procedures regarding the recovery of undue payments resulting from the application of the relevant legislation.

Amendment 117

Proposal for a regulation Article 68

Text proposed by the Commission

1. Each Member State shall set up and operate an integrated administration and control system (hereinafter referred to as the ‘integrated system’).
2. The integrated system shall apply to the support schemes listed in Annex I of Regulation (EU) No xxx/xxx [DP] and to the support granted in accordance with Articles 22(1)(a) and (b), 29 to 32, 34 and 35 of Regulation xxx/xxx [RD] and where applicable Article 28(1)(b) of regulation (EU) CR/xxx..
However, this Chapter shall not apply to measures referred to in Article 29(9) of Regulation (EU) No xxx/xxx[RD], as well as to measures under Article 22(1)(a) and (b) of that Regulation as far as the establishment cost is concerned.
3. To the extent necessary, the integrated system shall also apply to the control of cross-compliance as laid down in Title VI.

Amendment

1. Each Member State shall set up and operate an integrated administration and control system (hereinafter referred to as the ‘integrated system’).
2. The integrated system shall apply to the support schemes listed in Annex I of Regulation (EU) No xxx/xxx [DP] and to the support granted in accordance with Articles 22(1)(a) and (b), 29 to 32, 34 and 35 of Regulation xxx/xxx [RD] and where applicable Article 28(1)(b) of regulation (EU) CR/xxx..
However, this Chapter shall not apply to measures referred to in Article 29(9) of Regulation (EU) No xxx/xxx[RD], as well as to measures under Article 22(1)(a) and (b) of that Regulation as far as the establishment cost is concerned.
3. To the extent necessary, the integrated system shall also apply to the control of cross-compliance as laid down in Title VI.
3a. Member States shall make appropriate use of technology when setting up their integrated system, in order to reduce administrative burdens and ensure that controls are carried out in an efficient and effective manner.

Amendment 118

Proposal for a regulation Article 70 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This database shall in particular allow consultation through the competent authority of the Member State, of the data relating to the calendar and/or marketing years, starting from 2000. It shall also allow direct and immediate consultation of the data relating to at least the previous five consecutive calendar years.

Amendment

This database shall in particular allow consultation through the competent authority of the Member State, of the data relating to the calendar and/or marketing years, starting from 2000. ***However, the Member States which acceded to the Union in 2004 shall only be required to ensure consultation of the data from 2004.*** It shall also allow direct and immediate consultation of the data relating to at least the previous five consecutive calendar years.

Or. en

Amendment 119

**Proposal for a regulation
Article 73 — paragraph 2 and 2a (new)**

Text proposed by the Commission

2. Member States shall provide, inter alia by the use of electronic means, preestablished forms based on the areas determined in the previous year as well as graphic material indicating the location of those areas. A Member State may decide that the aid application needs to contain only changes with respect to the aid application submitted the previous year. However, as concerns the small farmers scheme as provided for in Title V of Regulation (EU) No DP/xxx this possibility shall be given to all farmers concerned.

Amendment

2. Member States shall provide, inter alia by the use of electronic means, preestablished forms based on the areas determined in the previous year as well as graphic material indicating the location of those areas. A Member State may decide that the aid application needs to contain only changes with respect to the aid application submitted the previous year. However, as concerns the small farmers scheme as provided for in Title V of Regulation (EU) No DP/xxx this possibility shall be given to all farmers concerned.

2a. Member States may decide that an aid application or a payment claim that fulfils the requirements laid down in paragraph 1 is to remain valid for a number of years provided that the beneficiaries concerned are under an obligation to report any change to the information they first

submitted. The multiannual application shall however be conditional upon annual confirmation by the beneficiary.

Or. en

Amendment 120

Proposal for a regulation Article 75

Text proposed by the Commission

1. In accordance with Article 61, Member States, through the paying agencies or the bodies delegated by them, shall carry out administrative checks on the aid application to verify the eligibility conditions for the aid. Those checks shall be supplemented by on-the-spot checks.
2. For the purpose of on the spot checks Member States shall draw up a sampling plan of ***agricultural holdings and/or*** beneficiaries.
3. Member States may use remote sensing and Global Navigation Satellite System (GNSS) techniques as a means of carrying out on-the-spot checks on agricultural parcels.
4. In case of non compliance with the eligibility conditions Article 65 shall apply.

Amendment

1. In accordance with Article 61, Member States, through the paying agencies or the bodies delegated by them, shall carry out administrative checks on the aid application to verify the eligibility conditions for the aid. Those checks shall be supplemented by on-the-spot checks ***the purpose of which shall be to monitor compliance with the provisions of the aid schemes and the level of inherent risk.***
2. For the purpose of on the spot checks Member States shall draw up a sampling plan of beneficiaries ***comprising of both a random part, in order to obtain a representative error rate, and a risk-based part, enabling a primary focus on high-risk claims.***
3. Member States may use remote sensing and Global Navigation Satellite System (GNSS) techniques as a means of carrying out on-the-spot checks on agricultural parcels.
4. In case of non compliance with the eligibility conditions Article 65 shall apply.

Or. en

Amendment 121

Proposal for a regulation
Article 76

Text proposed by the Commission

1. The payments under the support schemes and measures referred to in Article 68(2) shall be made within the period from 1 December to 30 June of the following calendar year. Payments shall be made in up to two instalments within that period.

Payments shall be made in up to two instalments within that period.

However Member States may pay advances up to 50 % as regards direct payments and 75% for the support granted under rural development as referred to in Article 68(2) prior to 1 December and not before 16 October.

2. Payments referred to in the paragraph 1 shall not be made before the verification of eligibility conditions, to be carried out by the Member States pursuant to Article 75, has been finalised.

Amendment

1. The payments under the support schemes and measures referred to in Article 68(2) shall be made within the period from 1 December to 30 June of the following calendar year. Payments shall be made in up to two instalments within that period.

Payments shall be made in up to two instalments within that period.

However Member States may pay advances up to 50 % as regards direct payments and 75% for the support granted under rural development as referred to in Article 68(2) prior to 1 December and not before 16 October.

Without prejudice to the application of the third subparagraph, the Commission may adopt implementing acts authorising the Member States to increase the percentage of advances to 80 % in regions in which farmers face serious financial difficulties due to exceptional conditions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

2. Payments referred to in the paragraph 1 shall not be made before the verification of eligibility conditions, to be carried out by the Member States pursuant to Article 75, has been finalised.

2a. By way of derogation from paragraph 2 of this Article, Member States may decide, taking into account the risk of overpayment, to pay up to 50 % of the applicable payment referred to in Title III of Regulation (EU) xxx/xxx [DP] and 75 % of the support granted under rural development as referred to in Article 68(2) after completion of the administrative checks provided for in Article 61(1). The percentage payment shall be the same for

all beneficiaries of the measure or of the set of operations.

2b. The Commission may, at the request of one or more Member State, under exceptional circumstances and where the necessary budgetary resources are available, authorise advances to be paid before 16 October.

Or. en

Amendment 122

Proposal for a regulation
Article 77 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) rules on the use of technology when setting up the integrated system to ensure their optimisation;

Or. en

Amendment 123

Proposal for a regulation
Article 77 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the basic features, definitions and quality requirements for the computerised database provided for in Article 70;

Or. en

Amendment 124

Proposal for a regulation
Article 77 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the basic features, definitions and quality requirements for the identification system for agricultural parcels, provided for in Article 71, and for the identification of the beneficiaries, provided for in Article 74;

Or. en

Amendment 125

**Proposal for a regulation
Article 77 – paragraph 1 – point b c (new)**

Text proposed by the Commission

Amendment

(bc) the basic features, definitions and quality requirements for the system for the identification and registration of payment entitlements provided for in Article 72;

Or. en

Amendment 126

**Proposal for a regulation
Article 77 – paragraph 1 – point b d (new)**

Text proposed by the Commission

Amendment

(bd) rules on the aid application and payments claims provided for in Article 73, and the application for payment entitlements, including the final date for submission of applications, the requirements as to the minimum amount of information to be included in the application, provisions for amendments to or the withdrawal of aid applications, exemption from the requirement to submit

an aid application and provisions which allow Member States to apply simplified procedures or to correct obvious errors;

Or. en

Amendment 127

Proposal for a regulation Article 77 – paragraph 1 – point b e (new)

Text proposed by the Commission

Amendment

(be) rules on the carrying out of checks in order to verify compliance with obligations, and the correctness and completeness of the information provided in the aid application or payment claim;

Or. en

Amendment 128

Proposal for a regulation Article 77 — paragraph 2 — point b

Text proposed by the Commission

Amendment

(b) provisions required for a harmonised definition of the basis for calculation of aid, including rules on how to deal with certain cases where eligible areas contain landscape features or trees;

(b) provisions required for a harmonised definition of the basis for calculation of aid, including rules on how to deal with certain cases where eligible areas contain landscape features or trees; ***without prejudice to Article 9 of Regulation (EU) No xxx/xxx [DP], eligibility rules shall be consistent with meeting the challenges of climate change and biodiversity loss, and shall not, therefore, penalise high nature value farming or grazed agro-forestry systems, or cause decreases in environmental quality; flexibility, justified on agronomic or ecological grounds, shall be allowed on the basis of the customary standards of the Member State or region***

concerned;

Or. en

Amendment 129

Proposal for a regulation Article 77 – paragraph 3 – point b

Text proposed by the Commission

(b) provisions to ensure a harmonised and proportionate treatment of *intentional* irregularities, situations of minor errors, accumulation of reductions and simultaneous application of different reductions;

Amendment

(b) provisions to ensure a harmonised and proportionate treatment of *severe* irregularities, situations of minor errors, accumulation of reductions and simultaneous application of different reductions;

Or. en

Amendment 130

Proposal for a regulation Article 78 – paragraph 1 – point a

Text proposed by the Commission

(a) the basic features, definitions and quality requirements for the computerised database provided for in Article 70;

Amendment

deleted

Or. en

Amendment 131

Proposal for a regulation Article 78 – paragraph 1 – point b

Text proposed by the Commission

(b) the basic features, definitions and quality requirements for the identification

Amendment

deleted

system for agricultural parcels provided for in Article 71 and for the identification of the beneficiaries as provided for in Article 74;

Or. en

Amendment 132

Proposal for a regulation Article 78 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the basic features, definitions and quality requirements for the system for the identification and registration of payment entitlements provided for in Article 72; **deleted**

Or. en

Amendment 133

Proposal for a regulation Article 78 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) rules on the aid application and payments claims provided for in Article 73, and the application for payment entitlements, including the final date for submission of applications, the requirements as to the minimum amount of information to be included in the application, provisions for amendments to or the withdrawal of aid applications, exemption from the requirement to submit an aid application and provisions which allow Member States to apply simplified procedures or to correct obvious errors; **deleted**

Or. en

Amendment 134

Proposal for a regulation
Article 78 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) rules on the carrying out of checks in order to verify compliance with obligations, and the correctness and completeness of the information provided in the aid application or payment claim; ***deleted***

Or. en

Amendment 135

Proposal for a regulation
Article 78 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) technical definitions needed for the purpose of the uniform implementation of this Chapter; ***deleted***

Or. en

Amendment 136

Proposal for a regulation
Article 88 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission shall, where necessary, by means of implementing acts adopt the provisions aiming at reaching a uniform application of this ***Regulation in the Union***, in particular relating to the following:

The Commission shall, where necessary, by means of implementing acts adopt the provisions aiming at reaching a uniform application of this ***Chapter***, in particular relating to the following:

Or. en

Amendment 137

**Proposal for a regulation
Article 90 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

(3a) The Commission shall be empowered to adopt delegated acts, in accordance with Article 111, concerning the following:

(a) the actions to be implemented by the Member States to prevent the unlawful use of protected designations of origin and protected geographical indications;

(b) relevant checks and verification to be carried out by the Member States, including testing.

Or. en

Amendment 138

**Proposal for a regulation
Article 90 – paragraph 4 – subparagraph 1 – point c**

Text proposed by the Commission

Amendment

(c) the actions to be implemented by the Member States to prevent the unlawful use of protected designations of origin and protected geographical indications;

deleted

Or. en

Amendment 139

**Proposal for a regulation
Article 90 – paragraph 4 – subparagraph 1 – point d**

Text proposed by the Commission

Amendment

(d) checks and verification to be carried out by the Member States, including testing.

deleted

Or. en

Amendment 140

Proposal for a regulation

Article 91 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the non-compliance is the result of an act or omission directly attributable to the beneficiary concerned;

a) the non-compliance is the result of an act or omission directly ***and unequivocally*** attributable to the beneficiary concerned;

Or. en

Amendment 141

Proposal for a regulation

Article 91 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the non-compliance is related to the agricultural activity of the beneficiary; ***and***

(b) the non-compliance is related to the agricultural activity of the beneficiary; ***or***

Or. en

Amendment 142

Proposal for a regulation

Article 93 – paragraph 3

Text proposed by the Commission

Amendment

Directive 2000/60/EC of 23 October 2000 establishing a framework for Community

deleted

action in the field of water policy will be considered as being part of Annex II once this Directive is implemented by all Member States and the obligations directly applicable to farmers have been identified. In order to take account of those elements the Commission shall be empowered to adopt delegated acts in accordance with Article 111 for the purpose of amending the Annex II within 12 months starting at the moment the last Member State has notified the implementation of the Directive to the Commission.

Or. en

Amendment 143

Proposal for a regulation Article 93 – paragraph 4

Text proposed by the Commission

Amendment

Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides will be considered as being part of Annex II once this Directive is implemented by all Member States and the obligations directly applicable to farmers have been identified. In order to take account of those elements the Commission shall be empowered to adopt delegated acts in accordance with Article 111 for the purpose of amending the Annex II within 12 months starting at the moment the last Member State has notified the implementation of the Directive to the Commission, including the obligations relating to integrated pest management.

deleted

Or. en

Amendment 144

Proposal for a regulation Article 93 — paragraph 5

Text proposed by the Commission

In addition, as regards the years 2014 and 2015, the rules on cross compliance shall also comprise the maintenance of permanent grassland. **The** Member States which were Member **of the Union at 1** January 2004 shall ensure that land which was under permanent grassland at the date provided for the area aid applications for 2003 is maintained under permanent grassland within defined limits. **The** Member States which became **Member of the Union** in 2004 shall ensure that land which was under permanent grassland on 1 May 2004 is maintained under permanent grassland within defined limits. Bulgaria and Romania shall ensure that land which was under permanent grassland on 1 January 2007 is maintained under permanent grassland within defined limits.

Amendment

In addition, as regards the years 2014 and 2015, the rules on cross compliance shall also include the maintenance of permanent grassland **and permanent pasture**. Member States which were **Member States before 1** January 2004 shall ensure that land which was under permanent grassland **and permanent pasture** at the date provided for the area aid applications for 2003 is maintained under permanent grassland **and permanent pasture** within defined limits. Member States which became **Member States** in 2004 shall ensure that land which was under permanent grassland **and permanent pasture** on 1 May 2004 is maintained under permanent grassland **and permanent pasture** within defined limits. Bulgaria and Romania shall ensure that land which was under permanent grassland **and permanent pasture** on 1 January 2007 is maintained under permanent grassland **and permanent pasture** within defined limits.

However, a Member State may, in duly justified circumstances, derogate from the first subparagraph, provided that it takes action to prevent a significant decrease in its total permanent grassland and permanent pasture area.

Or. en

Amendment 145

Proposal for a regulation Article 93 – paragraph 8

Text proposed by the Commission

Furthermore, the Commission shall, **by means of implementing acts, adopt** the methods for the determination of the ratio of permanent grassland and agricultural land that has to be maintained. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).**

Amendment

The Commission shall **be empowered to adopt delegated acts, in accordance with Article 111, laying down** the methods for the determination of the ratio of permanent grassland and agricultural land that has to be maintained.

Or. en

Amendment 146

Proposal for a regulation Article 94

Text proposed by the Commission

Member States shall ensure that all agricultural area, **including land which is no longer used for production purposes**, is maintained in good agricultural and environmental condition. Member States shall define, at national or regional level, minimum standards for beneficiaries for good agricultural and environmental condition of land on the basis of Annex II, taking into account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures. Member States shall not define minimum requirements which are not established in Annex II.

Amendment

Member States shall ensure that all agricultural area is maintained in good agricultural and environmental condition. Member States shall define, at national or regional level, minimum standards for beneficiaries for good agricultural and environmental condition of land on the basis of Annex II, taking into account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures. Member States shall not define minimum requirements which are not established in Annex II.

Or. en

Amendment 147

Proposal for a regulation Article 96 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States may make use of their existing administration and control systems to ensure compliance with the rules on cross compliance.

Amendment

Member States may make use of their existing administration and control systems to ensure compliance with the rules on cross compliance ***and shall define a set of verifiable requirements and standards to be applied at farm level.***

Or. en

Amendment 148

Proposal for a regulation Article 96 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Checks of requirements, standards, acts or areas of cross compliance may take account of the following factors:
- farmers' participation in the farm advisory system provided for in Title III of this Regulation;
- farmers' participation in a certification system, if such system covers the requirements and standards concerned.

Or. en

Amendment 149

Proposal for a regulation Article 96 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall carry out on-the-spot checks to verify whether a beneficiary

3. Member States shall carry out on-the-spot checks to verify whether a beneficiary

complies with the obligations laid down in this Title.

complies with the obligations laid down in this Title. *In doing so, Member States shall focus primarily on claims with the highest risks according to the principle of proportionality.*

Or. en

Amendment 150

Proposal for a regulation

Article 96 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Commission shall, *by means of implementing* acts, adopt rules on the carrying out of checks in order to verify compliance with the obligations referred to in this Title.

Amendment

The Commission shall *be empowered to adopt delegated* acts, *in accordance with Article 111, laying down* rules on the carrying out of checks in order to verify compliance with the obligations referred to in this Title.

Or. en

Amendment 151

Proposal for a regulation

Article 96 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Amendment

deleted

Or. en

Amendment 152

Proposal for a regulation

Article 97 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The penalty provided for in Article 91 shall be applied when the rules on cross compliance are not complied with at any time in a given calendar year (hereinafter referred to as ‘the calendar year concerned’), and the non-compliance in question is attributable to the beneficiary who submitted the aid application or the payment claim in the calendar year concerned.

Amendment

1. The penalty provided for in Article 91 shall be applied when the rules on cross compliance are not complied with at any time in a given calendar year (hereinafter referred to as ‘the calendar year concerned’), and the non-compliance in question is ***directly and unequivocally*** attributable to the beneficiary who submitted the aid application or the payment claim in the calendar year concerned.

Or. en

Amendment 153

Proposal for a regulation

Article 97 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where a Member State decides to make use of the option provided for in the first subparagraph, the competent authority shall, for a sample of beneficiaries, take in the following year the actions necessary to verify that the beneficiary has remedied the findings of non-compliance concerned. The finding and the obligation to take remedial action shall be notified to the beneficiary.

Amendment

deleted

Or. en

Amendment 154

Proposal for a regulation
Article 99

Text proposed by the Commission

1. The penalty provided for in Article 91 shall be applied by means of reduction or exclusion of the total amount of the payments listed in Article 92 granted or to be granted to that beneficiary related to the calendar year concerned or the years concerned.

For the calculation of those reductions and exclusions account shall be taken of the severity, extent, permanence and reoccurrence of the non-compliance found as well as of the criteria set out in paragraphs 2, 3 and 4.

2. In the case of *non compliance* due to negligence, the percentage of reduction shall not exceed 5 % and, in the case of repeated non-compliance, 15 %.

In duly justified cases Member States may decide that no reduction *shall* be applied where, given its severity, extent and duration, a case of non-compliance *is to be* considered *as* minor. However, cases of non-compliance which constitute a direct risk to public or animal health shall not be considered *as* minor. *The finding and the obligation to take remedial action shall be notified to the beneficiary.*

Amendment

1. The penalty provided for in Article 91 shall be applied by means of reduction or exclusion of the total amount of the payments listed in Article 92 granted or to be granted to that beneficiary related to the calendar year concerned or the years concerned.

For the calculation of those reductions and exclusions *proportionate* account shall be taken of the *nature*, severity, extent, duration and reoccurrence of the non-compliance found as well as of the criteria set out in paragraphs 2, 3 and 4.

2. In the case of *non-compliance* due to negligence, the percentage of reduction shall not exceed 5 % and, in the case of repeated non-compliance, *shall not exceed* 15 %.

In duly justified cases Member States may decide that no reduction *is to be* applied where, given its severity, extent and duration, a case of non-compliance *should* be considered *to be* minor. However, cases of non-compliance which constitute a direct risk to public or animal health shall not be considered *to be* minor.

Furthermore, Member States may set up an early warning system applying to cases of first non-compliance that are not considered to be severe. Where a Member State decides to make use of this option, the competent authority shall send an initial warning to the beneficiary, notifying it of the finding and of the obligation to take remedial action. The impact of such system shall be limited to holding the beneficiary responsible for the non-compliance. The warning shall be followed by appropriate checks within the

following year to verify whether the non-compliance has been remedied. If it has been remedied, no reduction shall be applied. If it has not been remedied, the reduction pursuant to the first subparagraph shall be applied retroactively. However, cases of non-compliance which constitute a direct risk to public or animal health shall always be considered to be severe.

3. In the case of *intentional* non-compliance, the percentage of reduction shall in principle not be less than 20 % and may go as far as total exclusion from one or several aid schemes and apply for one or more calendar years.

4. In any case, the total amount of reductions and exclusions for one calendar year shall not be more than the total amount referred to in the first subparagraph of paragraph 1.

3. In the case of *severe* non-compliance *resulting from gross negligence*, the percentage of reduction shall in principle not be less than 20 % and may go as far as total exclusion from one or several aid schemes and apply for one or more calendar years.

4. In any case, the total amount of reductions and exclusions for one calendar year shall not be more than the total amount referred to in the first subparagraph of paragraph 1.

Or. en

Amendment 155

Proposal for a regulation Article 101

Text proposed by the Commission

1. In order to ensure a correct distribution of the funds to the entitled beneficiaries, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 to establish a harmonised basis for calculation of penalties due to cross compliance, taking into account reductions due to financial discipline.

2. In order to ensure that cross compliance is carried out in an efficient, coherent and non discriminatory way, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 concerning

Amendment

1. In order to ensure a correct distribution of the funds to the entitled beneficiaries, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 to establish a harmonised basis for calculation of penalties due to cross compliance, taking into account reductions due to financial discipline.

2. In order to ensure that cross compliance is carried out in an efficient, *risk-based and proportionate*, coherent and non discriminatory way, the Commission shall be empowered to adopt delegated acts, in

the calculation and application of penalties.

accordance with Article 111, concerning the calculation and application of penalties. *Those delegated acts shall in particular contain rules for cases where administrative penalties are not to be imposed for non-compliance due to technical failure of the systems for identification and registration of animals, referred to in Annex II, SMR 7 and SMR 8, which does not result from an act or omission directly attributable to the beneficiary concerned.*

Or. en

Amendment 156

Proposal for a regulation

Article 102 – paragraph 1 – subparagraph 1 – point c – point v

Text proposed by the Commission

(v) **a** summary of the results of all available audits and checks carried out in accordance with the schedule and detailed provisions laid down in the sector specific rules.

Amendment

(v) **an annual** summary, **together with the EAGF and EAFRD expenditure account**, of the results of all available audits and checks carried out in accordance with the schedule and detailed provisions laid down in the sector specific rules.

Or. en

Amendment 157

Proposal for a regulation

Article 102 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Where, in order to fulfil their obligations under this Article, Member States are required to carry out statistical analyses, the Commission shall furnish them with all necessary information in good time.

Amendment 158

Proposal for a regulation Article 106 — paragraph 3

Text proposed by the Commission

3. Where a direct payment as provided for in Regulation (EU) No DP/xxx is made to a beneficiary in a currency other than the euro, Member States shall convert the amount of aid expressed in euro into the national currency on the basis of the **most recent** exchange rate set by the European Central Bank prior to 1 October of the year for which the aid is granted.

Amendment

3. Where a direct payment as provided for in Regulation (EU) No DP/xxx is made to a beneficiary in a currency other than the euro, Member States shall convert the amount of aid expressed in euro into the national currency on the basis of the **last monthly average** exchange rate set by the European central bank prior to 1 October of the year for which aid is granted.

Or. en

Amendment 159

Proposal for a regulation Article 107 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The Commission **may, by means of implementing acts**, adopt measures **in order** to safeguard the application of Union legislation if exceptional monetary practices related to national currency are likely to jeopardise it. Those measures may, where necessary, derogate from the existing rules.

Amendment

1. The Commission shall **be empowered to** adopt **delegated acts, in accordance with Article 111, concerning** measures to safeguard the application of Union legislation if exceptional monetary practices related to national currency are likely to jeopardise it. Those measures may, where necessary, derogate from the existing rules.

Or. en

Amendment 160

Proposal for a regulation
Article 110

Text proposed by the Commission

1. A common monitoring and evaluation framework shall be established with a view to measuring the performance of the common agricultural policy. ***It shall include all instruments related to the monitoring and evaluation of common agricultural policy measures*** and in particular of the direct payments provided for in Regulation (EU) No DP/xxx, the market measures provided for in Regulation (EU) No CMO/xxx, the rural development measures provided for in Regulation (EU) No RD/xxx and of the application of the cross compliance provided for in this Regulation.

In order to ensure an effective performance measurement the Commission shall be empowered to adopt delegated acts in accordance with Article 111 regarding the content and construction of that framework.

2. The impact of the common agricultural policy measures referred to in paragraph 1 shall be measured in relation to the following objectives:

(a) viable food production, with a focus on agricultural income, agricultural productivity and price stability;

Amendment

1. A common monitoring and evaluation framework shall be established with a view to measuring the performance of the common agricultural policy, and in particular of:

(a) the direct payments provided for in Regulation (EU) No DP/xxx,

(b) the market measures provided for in Regulation (EU) No CMO/xxx,

(c) the rural development measures provided for in Regulation (EU) No RD/xxx and of,

(d) the application of the cross compliance provided for in this Regulation.

The Commission shall monitor those policy measures on the basis of reporting by Member States in accordance with the rules laid down in this Regulation. The Commission shall establish a multi-annual evaluation plan with periodic evaluations of specific instruments which it will carry out.

2. The impact of the common agricultural policy measures referred to in paragraph 1 shall be measured in relation to the following objectives:

(a) viable food production, with a focus on ***input prices***, agricultural income, agricultural productivity and price stability;

(b) sustainable management of natural resources and climate action, with a focus on greenhouse gas emissions, biodiversity, soil and water;

(c) balanced territorial development, with a focus on rural employment, growth and poverty in rural areas.

The Commission shall define, by means of implementing acts, the set of indicators specific to the objectives referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

3. Member States shall provide the Commission with all the information necessary to permit the monitoring and evaluation of the measures concerned. The Commission shall take into account the data needs and synergies between potential data sources, in particular their use for statistical purposes when appropriate.

The Commission shall adopt, by means of implementing acts, rules on the information to be sent by the Member States, as well as on the data needs and synergies between potential data sources. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

4. The Commission shall present a report on the implementation of this Article to the European Parliament and the Council every four years. The first report shall be presented not later than 31 December 2017.

(b) sustainable management of natural resources and climate action, with a focus on greenhouse gas emissions, biodiversity, soil and water;

(c) balanced territorial development, with a focus on rural employment, growth and poverty in rural areas.

In order to ensure the efficient application of this paragraph the Commission shall be empowered to adopt delegated acts, in accordance with Article 111, regarding the content and construction of the monitoring and evaluation framework, including the set of indicators and the methods for their calculation.

3. Member States shall provide the Commission with all the information necessary to permit the monitoring and evaluation of the measures concerned. ***As far as possible, such information shall be based on established sources of data, such as the Farm Accountancy Data Network and Eurostat.*** The Commission shall take into account the data needs and synergies between potential data sources, in particular their use for statistical purposes when appropriate.

The Commission shall adopt, implementing acts laying down rules on the information to be sent by the Member States, ***without imposing an undue administrative burden on them,*** as well as ***rules*** on the data needs and synergies between potential data sources. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

4. The Commission shall present a report on the implementation of this Article to the European Parliament and the Council every four years. The first report shall be presented not later than 31 December 2017.

Or. en

Amendment 161

Proposal for a regulation Article 110 a

Text proposed by the Commission

Amendment

Article 110a Publication of beneficiaries

deleted

1. Member States shall ensure annual ex post publication of the beneficiaries of the EAGF and the EAFRD. The publication shall contain:

(a) without prejudice to the first paragraph of Article 110b of this Regulation, the name of the beneficiaries, as follows:

(i) the first name and the surname where the beneficiaries are natural persons;

(ii) the full legal name as registered where the beneficiaries are legal persons with the autonomous legal personality pursuant to the legislation of the Member State concerned;

(iii) the full name of the association as registered or otherwise officially recognised where the beneficiaries are associations without an own legal personality;

(b) the municipality where the beneficiary resides or is registered and, where available, the postal code or the part thereof identifying the municipality;

(c) the amounts of payment corresponding to each measure financed by the EAGF and the EAFRD received by each beneficiary in the financial year concerned;

(d) the nature and the description of the measures financed by the EAGF or the EAFRD and under which the payment referred to in point (c) is awarded.

The information referred to in the first subparagraph shall be made available on a single website per Member State. It shall remain available for two years from the date of the initial publication.

2. As regards the payments corresponding to the measures financed by the EAFRD as referred to in point (c) of the first subparagraph of paragraph 1, the amounts to be published shall correspond to the total public funding, including both the Union and the national contribution.

Or. en

Amendment 162

Proposal for a regulation Article 110b

Text proposed by the Commission

Amendment

Article 110b Threshold

deleted

Where the amount of aid received in one year by a beneficiary is equal or less than the amount fixed by a Member State pursuant to Article 49 of Regulation (EU) No DP/xxx that Member State shall not publish the name of that beneficiary as provided for in point (a) of the first subparagraph of Article 110a(1) of this Regulation.

The amounts fixed by a Member State pursuant to Article 49 of Regulation (EU) No DP/xxx and notified to the Commission under that Regulation shall be made public by the Commission in accordance with the rules adopted under Article 110d.

Where the first paragraph of this Article applies the Member States shall publish the information referred to in points (b), (c) and (d) of the first subparagraph of

Article 110a(1) and the beneficiary shall be identified by a code. Member States shall decide on the form of that code.

Or. en

Amendment 163

Proposal for a regulation Article 110 c

Text proposed by the Commission

Amendment

Article 110 c Information of the beneficiaries

deleted

Member States shall inform the beneficiaries that their data will be made public in accordance with Article 110a and that the data may be processed by auditing and investigating bodies of the Union and the Member States for the purpose of safeguarding the Union's financial interests.

In accordance with the requirements of Directive 95/46/EC, where personal data is concerned, the Member States shall inform the beneficiaries of their rights under the data protection rules and of the procedures applicable for exercising those rights.

Or. en

Amendment 164

Proposal for a regulation Article 110 d— subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall, by means of implementing acts, lay down rules:

deleted

(a) on the form, including the way of presentation by measure, and the

calendar of the publication foreseen in Articles 110a and 110b;

(b) for the uniform application of Article 110c;

(c) on the cooperation between the Commission and Member States.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Or. en

Amendment 165

Proposal for a regulation Article 111 – paragraph 2

Text proposed by the Commission

The **delegation of** power referred to in *this Regulation* shall be conferred on the Commission for *an indeterminate period of time from the entry into force of this Regulation*.

Amendment

The power to adopt delegated acts referred to in *Articles ...* shall be conferred on the Commission for *a period of five years from ...**.

**Date of entry into force of this Regulation.*

Or. en

Amendment 166

Proposal for a regulation Article 111 – paragraph 2 — subparagraph 1a (new)

Text proposed by the Commission

Amendment

The Commission shall, not later than nine months before the expiry of a period of five years, submit a report on the delegated powers. The delegation of power shall be extended by the same

period if the European Parliament and the Council agree to this extension not later than three months before the end of each period. To this end, the European Parliament shall decide by a majority of its members and the Council by a qualified majority.

Or. en

Amendment 167

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 1 – indent 1 a (new)

Text proposed by the Commission

Amendment

- Information helping farmers to plan how best to invest in "climate-proofing" their farm systems, and which Union funds they can use to do so; specifically, information on adapting farmland to climatic fluctuations and longer term changes and information on how to adopt practical agronomic measures to increase the resilience of farming systems to floods and droughts and to improve and optimise soil carbon levels.

Or. en

Amendment 168

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 2 – indent 7 a (new)

Text proposed by the Commission

Amendment

- Information on the positive correlation between biodiversity and agro-ecosystem resilience, and the spreading of risk, and also the link between monocultures and susceptibility to crop failure/damage from pests and extreme climatic events

Amendment 169

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 2 – indent 8 a (new)

Text proposed by the Commission

Amendment

- Information on how to best prevent the spread of alien invasive species and why this is important for the effective functioning of the ecosystem and for its resilience against climate change, including information on access to funding for eradication schemes where additional costs are implied

Or. en

Amendment 170

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 3 – indent 5 b (new)

Text proposed by the Commission

Amendment

- Information on sustainable, low volume irrigation systems and on how to optimise rain-fed systems, in order to promote efficient water use.

Or. en

Amendment 171

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 3 – indent 5 c (new)

Text proposed by the Commission

Amendment

- Information on reducing water use in agriculture, including crop choice, on

improving soil humus to increase water retention and on decreasing the need to irrigate.

Or. en

Amendment 172

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 5 – indent 1

Text proposed by the Commission

– Information on *actions targeted towards innovation.*

Amendment

– Information on *the objectives of the European Innovation Partnerships for Agricultural productivity and sustainability as stated on Article 61 of Regulation (EU) No .../.... [RD].*

Or. en

Amendment 173

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 5 – indent 1 a (new)

Text proposed by the Commission

Amendment

- Information on the existing operational groups created under article 62 of Regulation (EU) No .../.... [RD] including their tasks and foster exchange and cooperation with them when appropriate.

Or. en

Amendment 174

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 5 – indent 3 a (new)

Text proposed by the Commission

Amendment

- Information on Rural Development Programmes oriented to the fulfilment of the priorities of knowledge transfer and innovation in agriculture as referred to in Article 5 (1) of Regulation (EU) No .../.... [RD].

Or. en

Amendment 175

Proposal for a regulation

Annex 1 – paragraph 1 – subparagraph 5 a (new)

Text proposed by the Commission

Amendment

Exchange of best practice, training and capacity building (horizontal to all themes mentioned above)

Or. en

Amendment 176

Proposal for a regulation

Annex II — Main Issue ‘Water’ — SMR1 — last column

Text proposed by the Commission

Amendment

Articles 4 and 5

Compliance with the action programme and with the code of good practice for farms in vulnerable areas

Or. en

Amendment 177

Proposal for a regulation

Annex II — Main Issue ‘Water’ — GAEC 3

Text proposed by the Commission

Amendment

Protection of ground water against pollution: prohibition of direct discharge into groundwater and measures to prevent indirect pollution of groundwater through discharge on the ground and percolation through the soil of dangerous substances, as listed in the Annex to the Directive 80/68/EEC

deleted

Or. en

Amendment 178

Proposal for a regulation

Annex II — Main Issue "Soil and carbon stock" — GAEC 4

Text proposed by the Commission

Amendment

Minimum soil cover

deleted

Or. en

Amendment 179

Proposal for a regulation

Annex II — Main Issue "Soil and carbon stock" — GAEC 5

Text proposed by the Commission

Amendment

Minimum land management reflecting site specific conditions to limit erosion

deleted

Or. en

Amendment 180

Proposal for a regulation
Annex II — Main issue "Soil and carbon stock" — GAEC 6

Text proposed by the Commission

Amendment

Maintenance of soil organic matter level including ban on burning arable stubble

Maintenance of soil organic matter level ***through appropriate practices*** including ban on burning arable stubble, ***except for plant health reasons or for pruning residue.***

Or. en

Amendment 181

Proposal for a regulation
Annex II — Main Issue "Soil and carbon stock" — GAEC 7

Text proposed by the Commission

Amendment

Protection of wetland and carbon rich soils including a ban of first ploughing

deleted

Or. en

Amendment 182

Proposal for a regulation
Annexe II — Main Issue "Biodiversity" — SMR 2 — last column

Text proposed by the Commission

Amendment

Article 3(1), Article 3(2)(b) Article 4(1), (2) and (4)

Article 3(1), Article 3(2)(b), Article 4(1), (2) and (4) ***and Article 5(a), (b) and (d)***

Or. en

Amendment 183

Proposal for a regulation
Annexe II — Main Issue "Biodiversity" — SMR 3 — last column

Text proposed by the Commission

Amendment

Article 6 (1) and (2)

Article 6(1) and (2) **and Article 13(1)(a)**

Or. en

Amendment 184

Proposal for a regulation
Annexe II — Main Issue "Landscape, minimum level of maintenance" — GAEC 8

Text proposed by the Commission

Amendment

Retention of landscape features, including where appropriate, hedges, ponds, ditches, trees in line, in group or isolated, field margins and terraces, and including a ban on cutting hedges and trees during the bird breeding and rearing season **and possible measures for avoiding invasive species and pests**

Retention of landscape features, including where appropriate, **semi-natural habitats**, hedges, ponds, ditches, trees in line, in group or isolated, field margins and terraces, and including a ban on cutting hedges and trees during the bird breeding and rearing season.

Or. en

Amendment 185

Proposal for a regulation
Annex II — Main Issue 'Food safety' — SMR 5

Text proposed by the Commission

Amendment

Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and beta-agonists (OJ L125, 23.5.1996, p.3)

deleted

Or. en

Amendment 186

Proposal for a regulation

Annex II — Main Issue ‘Food safety’ — SMR 5 — last column

Text proposed by the Commission

Amendment

Article 3(a), (b), (d) and (e) and Articles 4, 5 and 7 *deleted*

Or. en

Amendment 187

Proposal for a regulation

Annex II — Main Issue "Identification and registration of animals" — SMR 6

Text proposed by the Commission

Amendment

Council Directive 2008/71/EC of 15 July 2008 on identification and registration of pigs (OJ L 213, 8.8.2005, p. 31) *deleted*

Or. en

Amendment 188

Proposal for a regulation

Annex II — Main Issue "Identification and registration of animals" — SMR 7

Text proposed by the Commission

Amendment

Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ L 204, 11.8.2000, p. 1) *deleted*

Or. en

Amendment 189

Proposal for a regulation

Annex II — Main Issue "Identification and registration of animals" — SMR 8

Text proposed by the Commission

Amendment

Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals (OJ L 5, 9.1.2004, p. 8) 8) Articles 3, 4 and 5 *deleted*

Or. en

Amendment 190

Proposal for a regulation

Annex II — Main Issue 'Animal diseases' — SMR 9

Text proposed by the Commission

Amendment

Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1) *deleted*

Or. en

Amendment 191

Proposal for a regulation

Annex II — Main Issue 'Animal diseases' — SMR 9 — last column

Text proposed by the Commission

Amendment

Articles 7, 11, 12, 13 and 15 *deleted*

Or. en

Amendment 192

Proposal for a regulation

Annex II — Main Issue "Action on antimicrobial resistance (AMR)" (new)

Text proposed by the Commission

Amendment

Action on antimicrobial resistance (AMR)

Or. en

Amendment 193

Proposal for a regulation

Annex II — Main Issue "Action on antimicrobial resistance (AMR)" (new) — GAEC 8c (new)

Text proposed by the Commission

Amendment

Commission Action plan against the rising threats from Antimicrobial Resistance, (COM(2011) 748 final, 15.11.2011). For food producing animals: Good Farming Practices to avoid infections including density limits, documentation of treatments including prophylaxis, no use of critically important antimicrobials

Or. en

Amendment 194

Proposal for a regulation

Annex II — Main Issue 'Plant protection products' — SMR 10 — last column

Text proposed by the Commission

Amendment

Article 55, first and second sentence

Correct application of plant protection products; use of authorised products only, in the recommended quantities and in line with the indications on the label. Keeping a record of the name of the product used, its formulation, the date on which it was applied to the parcel of land concerned,

the person applying it and the level of that person's qualifications, the amount applied and the method of application

Or. en