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A7-0204/ 001-008

AMENDMENTS 001-008

by the Committee on Agriculture and Rural Development

Report

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A7-0204/2011

System of financing by the European Agricultural Guarantee Fund

Proposal for a regulation (COM(2010)0761 – C7-0002/2011 – 2010/0366(COD))

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) *The Commission should have the power to adopt **delegated** acts in accordance with Article 290 of the Treaty **in order to supplement or amend** certain non-essential elements of Regulation (EC) No 485/2008. The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.*

(3) *In order to ensure the proper functioning of the regime established by Regulation (EC) No 485/2008, the power to adopt acts in accordance with Article 290 of the Treaty **on the Functioning of the European Union should be delegated to the Commission in respect of establishing a list of measures, which are by their nature unsuited for ex-post control by way of scrutiny of commercial documents, to which this Regulation is not to apply. 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 to the Council.***

Justification

Adaptation of legal text in accordance with the Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFEU).

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In order to **guarantee a uniform application** of Regulation (EC) No 485/2008 **in all Member States, the Commission should be empowered to adopt implementing acts in accordance with Article 291 of the Treaty. The Commission should in particular be empowered to adopt uniform rules on the exchange of information. The Commission should adopt those implementing acts with the assistance of the Committee on the Agricultural funds established by Article 41d(1) of Council Regulation (EC) 1290/2005 of 21 June 2005 on the financing of the common agricultural policy⁶ in accordance with the provisions of Regulation (EU) No XX/XXXX of the European Parliament and the Council on...**[to be completed following the adoption of the regulation on control mechanisms, as referred to in Article 291(3) of the TFEU, currently the subject of discussion by the European Parliament and the Council]

Amendment

(4) In order to **ensure uniform conditions for the implementation** of Regulation (EC) No 485/2008, **implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹.**

¹ *OJ L 55, 28.2.2011, p. 13.*

Justification

In accordance with the templates for provisions on implementing acts subject to control by Member States; in line with the Regulation (EU) No 182/2011 of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Amendment 3

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 485/2008

Article 1 - paragraph 2

Text proposed by the Commission

In Article 1(2), the second sentence is replaced by the following:

In order to exclude from the application of this Regulation those measures which are by their nature unsuited for ex-post control by way of scrutiny of commercial documents, the Commission may, by means of delegated acts in accordance with the conditions referred to in **Articles 13a, 13b and 13c** of this Regulation, establish a list of other measures to which this Regulation does not apply.

Amendment

Article 1(2) ***is replaced*** by the following:

2. This Regulation shall not apply to measures covered by the integrated administration and control system falling within Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes¹.

In order to exclude from the application of this Regulation those measures which are by their nature unsuited for ex-post control by way of scrutiny of commercial documents, the Commission may, by means of delegated acts in accordance with the conditions referred to in **Article 13a** of this Regulation, establish a list of other measures to which this Regulation does not apply.

¹ ***OJ L 30, 31.1.2009, p. 16.***

Justification

Regulation 73/2009 has since repealed Regulation 1782/2003.

Amendment 4

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 485/2008

Article 13 a

Text proposed by the Commission

The ***powers*** to adopt ***the*** delegated acts ***referred to in this Regulation shall be***

Amendment

1. The power to adopt delegated acts ***is*** conferred on the Commission ***subject to***

conferred on the Commission *for an indeterminate period of time*.

As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

the conditions laid down in this Article.

*2. The delegation of power referred to in Article 1(2) shall be conferred on the Commission for a period of five years from ... *. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

3. The delegation of power referred to in Article 1(2) may be revoked at any time by the European Parliament or by the Council. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 1(2) shall enter into force only if no objection has been expressed either by the Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

**Date of entry into force of this Regulation*

Justification

Adaptation of wording in accordance with the Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFUE).

Amendment 5

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 485/2008

Article 13 b

Text proposed by the Commission

Amendment

The delegation of power referred to in Article 13a may be revoked by the European Parliament or by the Council. ***deleted***

The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Justification

Adaptation of wording in accordance with the Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFUE).

Amendment 6

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 485/2008

Article 13c

Text proposed by the Commission

Amendment

The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month. ***deleted***

If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections

If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Justification

Adaptation of wording in accordance with the Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFUE).

Amendment 7

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 485/2008

Article 13 d

Text proposed by the Commission

The Commission shall, ***where necessary***, by means of implementing acts ***in accordance with the procedure referred to in Article 42d(2) of Regulation (EC) No 1290/2005, adopt the provisions aiming at reaching a uniform application of this Regulation in the Union, in particular*** relating to the following:

- (a) the coordination of joint actions referred to in Article 7(1);
- (b) details and specifications regarding the content, form and way of submission of requests, the content, form and way of notification and the submission in exchange of information required in the framework of this Regulation
- (c) conditions and means of publication or specific rules and conditions for the diffusion of making available by the Commission to the competent authorities of the Member States of the information needed in the framework of this Regulation.

Amendment

The Commission shall by means of implementing acts ***adopt the specific provisions*** relating to the following:

- (a) the coordination of joint actions referred to in Article 7(1);
- (b) details and specifications regarding the content, form and way of submission of requests, the content, form and way of notification and the submission in exchange of information required in the framework of this Regulation
- (c) conditions and means of publication or specific rules and conditions for the diffusion of making available by the Commission to the competent authorities of the Member States of the information needed in the framework of this Regulation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13e(2).

Justification

In accordance with the templates for provisions on implementing acts subject to control by Member States, in line with the proposed Regulation of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Amendment 8

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 485/2008

Article 13 e (new)

Text proposed by the Commission

Amendment

Article 13e

1. The Commission shall be assisted by the Committee on the Agricultural Funds established by Article 41 of Regulation (EC) No 1290/2005. That committee is a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Justification

In accordance with the templates for provisions on implementing acts subject to control by Member States, in line with the proposed Regulation of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.