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*Committee on Agriculture and Rural Development*

**2009/0011(CNS)**

18.3.2009

## **AMENDMENTS 14 – 44**

**Draft report**

**Petya Stavreva**

(PE421.192v01-00)

on the proposal for a Council regulation amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

Proposal for a regulation – amending act  
(COM(2009)0038 – C6-0051/2009 – 2009/0011(CNS))

AM\_Com\_LegReport

**Amendment 14**  
**Esther De Lange**

**Proposal for a regulation – amending act**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Financing of the European economic recovery plan should be carried out in accordance with the provisions of the Interinstitutional Agreement of 17 May 2006.***

Or. en

**Amendment 15**  
**Esther De Lange**

**Proposal for a regulation – amending act**  
**Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1b) The current margins in heading 2 cannot be taken for granted and any agreement on the economic recovery plan should not put at risk future needs within any category of expenditure.***

Or. en

**Amendment 16**  
**Constantin Dumitriu, Alexandru Nazare**

**Proposal for a regulation – amending act**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) In order to ensure that the breakdown

(4) In order to ensure that the breakdown

of the additional Community contribution in each Member State is used consistently with the objectives of the two policy packages (new challenges and broadband internet), Member States should specify in their national strategy plans the indicative amount, resulting from the compulsory modulation together with the unused funds generated under Article 136 of Regulation (EC) No ... and the increase of the global commitments as laid down by Council Decision 2006/493/EC as amended by Decision ..... These amounts will be devoted to broadband internet infrastructure in rural areas ***on the one hand and*** to the "new challenges" ***on the other***.

of the additional Community contribution in each Member State is used consistently with the objectives of the two policy packages (new challenges and broadband internet), Member States should specify in their national strategy plans the indicative amount, resulting from the compulsory modulation together with the unused funds generated under Article 136 of Regulation (EC) No ... and the increase of the global commitments as laid down by Council Decision 2006/493/EC as amended by Decision ..... These amounts will be devoted to broadband internet infrastructure in rural areas, to the "new challenges", ***and to other measures aimed at improving take-up of the funds and creating new jobs***.

Or. ro

#### *Justification*

*Not all Member States have the same problems, and a degree of flexibility is needed to ensure maximum utilisation of these funds.*

#### **Amendment 17** **Katerina Batzeli**

#### **Proposal for a regulation – amending act** **Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) For the purposes of dealing with the effect of the economic crisis on the agriculture sector, the Member States also should be able to use resources to set up a fund for the reduction of production costs and the provision of loan guarantees.***

Or. el

**Amendment 18**  
**Esther De Lange, Ivo Belet**

**Proposal for a regulation – amending act**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Member States or regions which have a level of broadband coverage of 95 % or more should be rewarded for their previous efforts and should therefore be able to divert the resources earmarked for broadband internet infrastructure to the new challenges.***

Or. en

*Justification*

*According to Commission Communication COM (2009)0103 and Commission working document SEC(2009)0254, some Member States already have a very high level of broadband coverage in rural areas. In such cases, the resources available should be handled more flexibly.*

**Amendment 19**  
**Ioannis Gklavakis**

**Proposal for a regulation – amending act**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) The Conclusions of the European Council of 12 December 2008 record the European Council's supports under the EERP, in particular, developing broadband internet, including in areas that are poorly served. Because rural areas often suffer from insufficient internet access, support for broadband infrastructures in rural areas should be strengthened under the support of EAFRD. Given the importance of this priority, Member States should provide in

(6) The Conclusions of the European Council of 12 December 2008 record the European Council's supports under the EERP, in particular, developing broadband internet, including in areas that are poorly served. Because rural areas often suffer from insufficient internet access, support for broadband infrastructures ***and related facilities*** in rural areas should be strengthened under the support of EAFRD. Given the importance of this priority,

their programmes for operations related to this priority by the end of 2009. A list of types of operations related to broadband infrastructures should be established in order to allow Member States to identify the relevant operations in the context of the legal framework for rural development.

Member States should provide in their programmes for operations related to this priority by the end of 2009. A list of types of operations related to broadband infrastructures should be established in order to allow Member States to identify the relevant operations in the context of the legal framework for rural development.

Or. el

*Justification*

*Eligible measures must be extended to include related facilities so as to improve as much as possible the accessibility and utilisation of broadband network services.*

**Amendment 20**  
**Constantin Dumitriu, Alexandru Nazare**

**Proposal for a regulation – amending act**  
**Recital 7**

*Text proposed by the Commission*

(7) As the additional funds from the EERP will be made available to all Member States in 2009, all Member States should provide in their rural development programmes for types of operations related to the new challenges already in that year.

*Amendment*

(7) As the additional funds from the EERP will be made available to all Member States in 2009, all Member States should provide in their rural development programmes for types of operations related to the new challenges already in that year ***and to other measures aimed at improving take-up of the funds and creating new jobs.***

Or. ro

*Justification*

*Not all Member States have the same problems, and a degree of flexibility is needed to ensure maximum utilisation of these funds.*

**Amendment 21**  
**Ioannis Gklavakis**

**Proposal for a regulation – amending act**  
**Recital 10**

*Text proposed by the Commission*

(10) Rural areas often lack broadband infrastructure both small and larger scale. The latter *may be* crucial for serving less accessible rural areas. In order to ensure the most effective use of available resources and to allow a substantive development of the broadband internet in rural areas, the pertinent operations should be considered eligible without limitation in the size of the related infrastructure. Therefore, the existing limitation in size for infrastructure in basic services for economy and rural population should not apply to the operations related to broadband infrastructures.

*Amendment*

(10) Rural areas often lack broadband infrastructure both small and larger scale. The latter *are* crucial for serving less accessible rural areas *such as islands and mountain regions*. In order to ensure the most effective use of available resources and to allow a substantive development of the broadband internet in rural areas, the pertinent operations should be considered eligible without limitation in the size of the related infrastructure. Therefore, the existing limitation in size for infrastructure in basic services for economy and rural population should not apply to the operations related to broadband infrastructures.

Or. el

*Justification*

*The special geomorphologic characteristics of these areas place them at a disadvantage regarding access to goods and services and the distribution thereof. Under a previous resolution by the European Parliament's Committee on Transport (A5-0188/2003), the less-favoured regions of Europe are defined as being principally made up of such areas.*

**Amendment 22**  
**Esther De Lange**

**Proposal for a regulation – amending act**  
**Recital 10**

*Text proposed by the Commission*

(10) Rural areas often lack broadband infrastructure both small and larger scale. The latter may be crucial for serving less accessible rural areas. In order to ensure

*Amendment*

(10) Rural areas often lack broadband infrastructure both small and larger scale. The latter may be crucial for serving less accessible rural areas. In order to ensure

the most effective use of available resources and to allow a substantive development of the broadband internet in rural areas, the pertinent operations should be considered eligible without limitation in the size of the related infrastructure. Therefore, the existing limitation in size for infrastructure in basic services for economy and rural population should not apply to the operations related to broadband infrastructures.

the most effective use of available resources **and existing infrastructure**, and to allow a substantive development of the broadband internet in rural areas, the pertinent operations should be considered eligible without limitation in the size of the related **active or passive infrastructure or part thereof**. Therefore, the existing limitation in size for infrastructure in basic services for economy and rural population should not apply to the operations related to broadband infrastructures.

Or. en

**Amendment 23**  
**Marusya Ivanova Lyubcheva**

**Proposal for a regulation – amending act**  
**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) Special measures for the provision of educational and training courses on the use of broadband infrastructures and facilities in rural communities should be established, with special attention to the vocational training of agricultural specialists, whose practical skills could then be utilised. In that respect, stimulation of the research sector should be considered a priority;***

Or. en

**Amendment 24**  
**Katerina Batzeli**

**Proposal for a regulation – amending act**  
**Article 1 – point 1**  
Regulation (EC) No 1698/2005  
Article 11 – paragraph 3 – point d



*Text proposed by the Commission*

*Amendment*

"(d) a list of the rural development programmes implementing the national strategy plan, an indicative EAFRD allocation for each programme, including the amounts provided for in Article 12(2) of Regulation (EC) No 1290/2005, and a separate indication of the **total of the amounts referred to in Article 69(5a) of this Regulation specifying which is the amount to be spent on operations of the type referred to in Article 16a(1)(g) of this Regulation;**"

"(d) a list of the rural development programmes implementing the national strategy plan, an indicative EAFRD allocation for each programme, including the amounts provided for in Article 12(2) of Regulation (EC) No 1290/2005, and a separate indication of **measures of the kind referred to in Article 16a(1)(a) to (ga);**"

Or. el

#### **Amendment 25**

**Czesław Adam Siekierski**

#### **Proposal for a regulation – amending act**

#### **Article 1 – point 3**

Regulation (EC) No 1698/2005

Article 16 a – paragraph 1 – point g

*Text proposed by the Commission*

*Amendment*

(g) broadband internet infrastructure in rural areas.

(g) broadband internet infrastructure in rural areas **or facilities for public Internet access in rural communities.**

Or. pl

#### *Justification*

*Biorąc pod uwagę realia gospodarcze na wielu obszarach wiejskich, nie wszyscy obywatele będą mogli korzystać z prywatnego dostępu do szerokopasmowego Internetu. Obok zaproponowanych działań związanych z infrastrukturą państwa członkowskie powinny zatem mieć możliwość wspierania publicznych urzędów dostępu do Internetu we wspólnotach wiejskich (np. w księgarniach publicznych lub w urzędach miejskich). Taka opcja byłaby w pełni zgodna z duchem art. 56 dotyczącego podstawowych usług dla gospodarki i ludności wiejskiej. Nie powinna ona jednak obejmować szkolenia i oprogramowania.*

**Amendment 26**  
**Ioannis Gklavakis**

**Proposal for a regulation – amending act**

**Article 1 – point 3**

Regulation (EC) No 1698/2005

Article 16 a – paragraph 1 – point g

*Text proposed by the Commission*

(g) broadband internet infrastructure in rural areas.

*Amendment*

(g) broadband internet infrastructure **and related facilities** in rural areas.

Or. el

*Justification*

*Eligible measures must be extended to include related facilities so as to improve as much as possible the accessibility and utilisation of broadband network services.*

**Amendment 27**  
**Katerina Batzeli**

**Proposal for a regulation – amending act**

**Article 1 – point 3**

Regulation (EC) No 1698/2005

Article 16 a – paragraph 1 – point g a (new)

*Text proposed by the Commission*

*Amendment*

***(ga) economic crisis management in the agricultural sector, principally to provide support for infrastructures and for the networking of producers and organisations.***

Or. el

**Amendment 28**  
**Constantin Dumitriu, Alexandru Nazare**

**Proposal for a regulation – amending act**  
**Article 1 – point 3**

Regulation (EC) No 1698/2005  
Article 16 a – paragraph 1 – point g a (new)

*Text proposed by the Commission*

*Amendment*

***(ga) measures to preserve or create jobs in rural areas.***

Or. ro

**Amendment 29**  
**Donato Tommaso Veraldi, Francesco Ferrari**

**Proposal for a regulation – amending act**  
**Article 1 – point 3**

Regulation (EC) No 1698/2005  
Article 16 a – paragraph 1 – point g a (new)

*Text proposed by the Commission*

*Amendment*

***(ga) support measures for young farmers***

Or. it

*Justification*

*Support for young farmers will, in the medium term, facilitate an economic relaunch centred on growth in the rural economies.*

**Amendment 30**  
**Constantin Dumitriu, Alexandru Nazare**

**Proposal for a regulation – amending act**  
**Article 1 – point 3**

Regulation (EC) No 1698/2005  
Article 16 a – paragraph 3 – point b

*Text proposed by the Commission*

(b) a table setting out, for the period from 1 January 2009 to 31 December 2013, the total Community contribution for types of operations referred to in points (a) to (f) of paragraph 1 and the Community contribution for types of operations referred to in point (g) of paragraph 1.

*Amendment*

(b) a table setting out, for the period from 1 January 2009 to 31 December 2013, the total Community contribution for types of operations referred to in points (a) to (f) **and (ga)** of paragraph 1 and the Community contribution for types of operations referred to in point (g) of paragraph 1).

Or. ro

**Amendment 31**  
**Katerina Batzeli**

**Proposal for a regulation – amending act**  
**Article 1 – point 6 – subpoint a**  
Regulation (EC) No 1698/2005  
Article 69 – paragraph 2 a

*Text proposed by the Commission*

"2a. The part of the amount referred to in paragraph 1 of this Article resulting from the increase of the global commitments as laid down by Council Decision 2006/493/EC as amended by Decision ..... shall be available as from 1 January 2009. It shall be devoted to types of operations related to priorities laid down in Article 16a(1) **and it shall be spent as follows:**

(a) **one third** (EUR 0.5 billion) on types of operations related to priorities laid down in Article 16a(1)(a) to (f);

(b) **two thirds** (EUR 1 billion) on types of operations related to priority laid down in Article 16a(1)(g)."

*Amendment*

"2a. The part of the amount referred to in paragraph 1 of this Article resulting from the increase of the global commitments as laid down by Council Decision 2006/493/EC as amended by Decision ..... shall be available as from 1 January 2009. It shall be devoted to types of operations related to priorities laid down in Article 16a(1):

(a) EUR **1.2** billion on types of operations related to priorities laid down in Article 16a(1)(a) to (f) **and economic crisis management in the agricultural sector, principally to provide support for infrastructures and for the networking of producers and organisations;**

(b) EUR **0.3** billion on types of operations related to priority laid down in Article 16a(1)(g)."

**Amendment 32**  
**Constantin Dumitriu, Alexandru Nazare**

**Proposal for a regulation – amending act**  
**Article 1 – point 6 – subpoint a**  
 Regulation (EC) No 1698/2005  
 Article 69 – paragraph 2 a

*Text proposed by the Commission*

"(2a) The part of the amount referred to in paragraph 1 of this Article resulting from the increase of the global commitments as laid down by Council Decision 2006/493/EC as amended by Decision ..... shall be available as from 1 January 2009. It shall be devoted to types of operations related to priorities laid down in Article 16a(1) and it shall be spent as follows:

- (a) **one third (EUR 0.5 billion)** on types of operations related to priorities laid down in Article 16a(1)(a) to (f);
- (b) **two thirds (EUR 1 billion)** on types of operations related to priority laid down in Article 16a(1)(g)."

*Amendment*

"(2a) The part of the amount referred to in paragraph 1 of this Article resulting from the increase of the global commitments as laid down by Council Decision 2006/493/EC as amended by Decision ..... shall be available as from 1 January 2009. It shall be devoted to types of operations related to priorities laid down in Article 16a(1) and it shall be spent as follows:

- (a) **one half (EUR 0.75 billion)** on types of operations related to priorities laid down in Article 16a(1)(a) to (f) **and (ga)**;
- (b) **one half (EUR 0.75 billion)** on types of operations related to priority laid down in Article 16a(1)(g)."

Or. ro

*Justification*

*Introducing broadband is certainly a priority, but there are Member States which have to deal with severer problems, such as fighting desertification or supporting milk-sector producers. It follows that the financial resources need to be distributed on an equal basis.*

**Amendment 33**  
**Ioannis Gklavakis**

**Proposal for a regulation – amending act**  
**Article 1 – point 6 – subpoint a a (new)**  
Regulation (EC) No 1698/2005  
Article 69 – paragraph 4

*Text proposed by the Commission*

*Amendment*

*(aa) At the end of paragraph 4, a new subparagraph is added:*

*The amount referred to in paragraph 2a shall be allocated taking account also of the extent to which Member States have fallen behind regarding broadband network coverage particularly in areas where access is difficult.*

Or. el

*Justification*

*In distributing resources for agricultural development, it will be necessary to take into account the extent to which Member States have fallen behind with regard to broadband network coverage together with certain objective factors such as difficulty of access.*

**Amendment 34**  
**Katerina Batzeli**

**Proposal for a regulation – amending act**  
**Article 1 – point 6 – subpoint b**  
Regulation (EC) No 1698/2005  
Article 69 – paragraph 5 a

*Text proposed by the Commission*

*Amendment*

"5a. An amount equal to the aggregate of the amounts resulting from the application of the compulsory modulation under Article [9(4)] and Article [10(4)] together with, as from 2011, the amounts generated under Article 136 of Regulation (EC) No ... and one third of the Member States' share of the amount referred to in

"5a. An amount equal to the aggregate of the amounts resulting from the application of the compulsory modulation under Article [9(4)] and Article [10(4)] together with, as from 2011, the amounts generated under Article 136 of Regulation (EC) No ... and one third of the Member States' share of the amount referred to in

paragraph 2a, as set out in the Commission Decision fixing the breakdown by Member State, shall be exclusively spent by Member States from 1 January 2009 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1)(a) to (f) of this Regulation.

*Two thirds* of the Member States' share of the amount referred to in paragraph 2a as set out in the Commission Decision fixing the breakdown by Member State shall be exclusively spent by Member States from 1 January 2009 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1)(g) of this Regulation.

paragraph 2a, as set out in the Commission Decision fixing the breakdown by Member State, shall be exclusively spent by Member States from 1 January 2009 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1)(a) to (f) of this Regulation.

**EUR 0.3 billion** of the Member States' share of the amount referred to in paragraph 2a as set out in the Commission Decision fixing the breakdown by Member State shall be exclusively spent by Member States from 1 January 2009 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1)(g) of this Regulation.

Or. el

### **Amendment 35**

**Constantin Dumitriu, Alexandru Nazare**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 6 – subpoint b**

Regulation (EC) No 1698/2005

Article 69 – paragraph 5 a

#### *Text proposed by the Commission*

"5a. An amount equal to the aggregate of the amounts resulting from the application of the compulsory modulation under Article [9(4)] and Article [10(4)] together with, as from 2011, the amounts generated under Article 136 of Regulation (EC) No ... and **one third** of the Member States' share of the amount referred to in paragraph 2a, as set out in the Commission Decision fixing the breakdown by Member State, shall be exclusively spent by Member States from 1 January 2009 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1)(a)

#### *Amendment*

"5a. An amount equal to the aggregate of the amounts resulting from the application of the compulsory modulation under Article [9(4)] and Article [10(4)] together with, as from 2011, the amounts generated under Article 136 of Regulation (EC) No ... and **one half** of the Member States' share of the amount referred to in paragraph 2a, as set out in the Commission Decision fixing the breakdown by Member State, shall be exclusively spent by Member States from 1 January 2009 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1)(a)

to (f) of this Regulation.

**Two thirds** of the Member States' share of the amount referred to in paragraph 2a as set out in the Commission Decision fixing the breakdown by Member State shall be exclusively spent by Member States from 1 January 2009 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1)(g) of this Regulation.

to (f) **and (ga)** of this Regulation.

**One half** of the Member States' share of the amount referred to in paragraph 2a as set out in the Commission Decision fixing the breakdown by Member State shall be exclusively spent by Member States from 1 January 2009 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1)(g) of this Regulation.

Or. ro

#### *Justification*

*Introducing broadband is certainly a priority, but there are Member States which have to deal with severer problems, such as fighting desertification or supporting milk-sector producers. It follows that the financial resources need to be distributed on an equal basis.*

#### **Amendment 36**

**Esther De Lange, Ivo Belet**

**Proposal for a regulation – amending act**

#### **Article 1 – point 6 – subpoint b**

Regulation (EC) No 1698/2005

Article 69 – paragraph 5 a – Subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***All Member States or regions which have a level of broadband coverage of 95 % or more may divert the amount earmarked for operations of the types referred to in Article 16a(1)(g) of this Regulation, to operations of the types referred to in Article 16a(1)(a) to (f) of this Regulation.***

Or. en



## *Justification*

*According to Commission Communication COM (2009) 103 and Commission working document SEC (2009) 254, some Member States already have a very high level of broadband coverage in rural areas. In such cases, the resources available should be handled more flexibly.*

### **Amendment 37** **Katerina Batzeli**

#### **Proposal for a regulation – amending act**

#### **Article 1 – point 6 – subpoint b**

Regulation (EC) No 1698/2005

Article 69 – paragraph 5 b

#### *Text proposed by the Commission*

5b. If, at the closure of the programme, the actual amount of Community contribution spent on the operations referred to in Article 16a(1) is lower than the total of the amounts referred to in paragraph 5a of this Article, the difference shall be **reimbursed** by the Member State **to the general budget of the European Communities** up to the amount by which the total allocations available for operations other than those referred to in Article 16a(1) have been exceeded.

***In addition, if, at the closure of the programme, the actual amount of Community contribution spent on the operations referred to in Article 16a(1)(a) to (f) is lower than the amount referred to in paragraph 5a of this Article for those types of operations, the difference shall be reimbursed by the Member State to the general budget of the European Communities up to the amount by which the allocations available for operations referred to in Article 16a(1)(g) have been exceeded. However, if the actual amount of Community contribution spent on the operations other than those referred to in Article 16a(1) is lower than the allocations available for those types of operations, the amount to be reimbursed***

#### *Amendment*

5b. If, at the closure of the programme, the actual amount of Community contribution spent on the operations referred to in Article 16a(1) is lower than the total of the amounts referred to in paragraph 5a of this Article, the difference shall be **incorporated** by the Member State **in its agricultural development** budget up to the amount by which the total allocations available for operations other than those referred to in Article 16a(1) have been exceeded.

*shall be reduced of that difference.*

*In parallel, if at the closure of the programme, the actual amount of Community contribution spent on the operations referred to in Article 16a(1)(g) is lower than the amount referred to in paragraph 5a of this Article for those types of operations, the difference shall be reimbursed by the Member State to the general budget of the European Communities up to the amount by which the allocations available for operations referred to in Article 16a(1)(a) to (f) have been exceeded. However, if the actual amount of Community contribution spent on the operations other than those referred to in Article 16a(1) is lower than the allocations available for those types of operations, the amount to be reimbursed shall be reduced of that difference.*

Or. el

#### **Amendment 38**

**Donato Tommaso Veraldi, Francesco Ferrari**

#### **Proposal for a regulation – amending act**

**Article 1 – point 6 – subpoint b a (new)**

Regulation (EC) No 1698/2005

Article 69 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) A new paragraph 6a is inserted:*

*"6a. By way of derogation from Article 29(1) of Regulation (EC) No 1290/2005, in the case of Member States which have opted for regionalised programming, the automatic release of the financial resources shall be effected at Member State level."*

Or. it

## *Justification*

*This provision should preferably be applied at Member State level, thus opening up the possibility of temporary financial compensations as between regional programmes and enabling regions faced with momentary difficulties not to have valuable financial resources permanently cut off.*

### **Amendment 39** **Katerina Batzeli**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 7**

Regulation (EC) No 1698/2005

Article 70 – paragraph 4

#### *Text proposed by the Commission*

"Notwithstanding the ceilings set out in paragraph 3, the EAFRD contribution may be increased to **90%** for convergence and to **75%** for non-convergence regions for the operations of the types referred to in Article 16a(1) of this Regulation, up to the amount resulting from the application of the compulsory modulation under Article 9(4) and Article 10(3) of Regulation (EC) No ..., the amount referred to in Article 69(2a) of this Regulation and, as from 2011, the amounts generated under Article 136 of Regulation (EC) No ....";

#### *Amendment*

"Notwithstanding the ceilings set out in paragraph 3, the EAFRD contribution may be increased to **100%** for convergence and to **85%** for non-convergence regions for the operations of the types referred to in Article 16a(1) of this Regulation, up to the amount resulting from the application of the compulsory modulation under Article 9(4) and Article 10(3) of Regulation (EC) No ..., the amount referred to in Article 69(2a) of this Regulation and, as from 2011, the amounts generated under Article 136 of Regulation (EC) No ....";

Or. el

### **Amendment 40** **Ioannis Gklavakis**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 7**

Regulation (EC) No 1698/2005

Article 70 – paragraph 4

#### *Text proposed by the Commission*

"Notwithstanding the ceilings set out in

#### *Amendment*

"Notwithstanding the ceilings set out in

paragraph 3, the EAFRD contribution may be increased to **90%** for convergence and to 75% for non-convergence regions for the operations of the types referred to in Article 16a(1) of this Regulation, up to the amount resulting from the application of the compulsory modulation under Article 9(4) and Article 10(3) of Regulation (EC) No ..., the amount referred to in Article 69(2a) of this Regulation and, as from 2011, the amounts generated under Article 136 of Regulation (EC) No ....";

paragraph 3, the EAFRD contribution may be increased to **100%** for convergence and to 75% for non-convergence regions for the operations of the types referred to in Article 16a(1) of this Regulation, up to the amount resulting from the application of the compulsory modulation under Article 9(4) and Article 10(3) of Regulation (EC) No ..., the amount referred to in Article 69(2a) of this Regulation and, as from 2011, the amounts generated under Article 136 of Regulation (EC) No ....";

Or. el

#### *Justification*

*In view of the principle of territorial cohesion and the provisions of Article 69(4)(c) of Regulation (EC) No 1698/2005, an EAFRD contribution of up to 100% is considered appropriate for the measures referred to under Article 16a(1) of this regulation, so as to ensure a maximum contribution to the modernisation of the agricultural areas concerned.*

#### **Amendment 41**

**Czesław Adam Siekierski**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 8 a (new)**

Regulation (EC) No 1698/2005

Article 71 – paragraph 3 – point a

*Text proposed by the Commission*

*Amendment*

***(8a) In Article 71(3), point (a) is replaced by the following: ‘(a) recoverable VAT’.***

Or. pl

#### *Justification*

*Obecny zapis art. 71 rozporządzenia Rady 1698/2005 określa, iż podatek VAT może stanowić koszt kwalifikowany w ramach operacji współfinansowanych ze środków EFRROW jeżeli spełnione są jednocześnie dwa warunki:*

1. *beneficjent nie jest podmiotem publicznym (władzą państwową, samorządową,*

agencją państwową) niepodlegającym opodatkowaniu podatkiem VAT (non-taxable persons)

2. VAT w żaden sposób nie może być odzyskany przez beneficjenta.

*Obecny przepis stanowi poważne utrudnienie dla realizacji projektów przez podmioty publiczne, w tym samorządy lokalne. Będzie stanowił bardzo istotną przeszkodę także w przypadku operacji związanych z publicznym dostępem do Internetu, których dotyczy obecna nowelizacja rozporządzenia Rady 1698/2006. Nie bez znaczenia jest kontekst kryzysu finansowego.*

*Dlatego też postuluje się zmianę obecnego zapisu polegającą na ujednoczeniu go z przepisem art. 7 ust. 1 lit d rozporządzenia Parlamentu i Rady 1080/2006, który określa kwalifikowalność podatku VAT w ramach EFRR*

**Amendment 42**  
**Ioannis Gklavakis**

**Proposal for a regulation – amending act**  
**Annex**  
Regulation (EC) No 1698/2005  
Annex III – Title

*Text proposed by the Commission*

*Amendment*

List with types of operations related to the priority under Article 16a(1)(g)

***Indicative*** list with types of operations related to the priority under Article 16a(1)(g)

Or. el

*Justification*

*It is considered appropriate to give the Member States the flexibility necessary to enable them to support operations under Article 16a(1)(g) in addition to those listed in Annex III.*

**Amendment 43**  
**Donato Tommaso Veraldi, Francesco Ferrari**

**Proposal for a regulation – amending act**  
**Annex**  
Regulation (EC) No 1698/2005  
Annex 3 – column 1 – line 1

*Text proposed by the Commission*

Creation of new broadband infrastructure including backhaul facilities (e.g. fixed, terrestrial wireless, satellite-based or combination of technologies)

*Amendment*

Creation of new broadband infrastructure including backhaul facilities (e.g. fixed, terrestrial wireless, satellite-based or combination of technologies) ***and other necessary forms of support (e.g. installation and maintenance)***

Or. it

**Amendment 44**  
**Esther De Lange**

**Proposal for a regulation – amending act**

**Annex**

Regulation (EC) No 1698/2005

Annex 3 – column 1 – line 1

*Text proposed by the Commission*

Creation of ***new*** broadband infrastructure including backhaul facilities (e.g. fixed, terrestrial wireless, satellite-based or combination of technologies)

*Amendment*

Creation of, ***and the enabling of access to,*** broadband infrastructure including backhaul facilities ***and ground equipment*** (e.g. fixed, terrestrial wireless, satellite-based or combination of technologies)

Or. en