



2018/0217(COD)

.2.2019

OPINION

of the Committee on Budgetary Control

for the Committee on Agriculture and Rural Development

on the proposal for a regulation of the European Parliament and of the Council
on the financing, management and monitoring of the common agricultural
policy
(COM(2018)0393 – C8-0247/2018 – 2018/0217(COD))

Rapporteur for opinion: Claudia Schmidt

PA_Legam

SHORT JUSTIFICATION

The Committee on budgetary Control welcomes the Commission's attempt to move from a compliance-based towards a performance -based delivery model of the CAP

However, as stated by the European Court of auditors in its opinion 7/2018, "this move would not remove the need to check legality and regularity". If, in the Commission proposal, the Member States' supervisory role does not change, control of legality and regularity by the certification bodies is, according to the Court, no longer mandatory. It is unclear whether the certification bodies' check would cover definitions and specific eligibility criteria laid down in the CAP strategic plans. The reporting and the assurance the Commission obtains changes significantly. The Commission would receive neither control statistics from paying agencies, nor assurance on payments to individual farmers from certification bodies.

In accordance with the Treaty of the Functioning of the European Union the Commission remains ultimately responsible for implementing the budget in cooperation with the Member States, including the payments made within Member States. The Commission proposal will have the impact of weakening Commission accountability over this.

The Commission would no longer be able to quantify the extent to which payments breached rules. The proposal would also make it harder to apply a single audit approach, notably because of the reduced role for certification bodies. The recent murders of investigative journalists remind us that it is no time to weaken the EU chain of controls on the financial transactions until the final beneficiaries.

AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Agriculture and Rural Development, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'The Future of Food and Farming' of 29 November 2017 concludes that the Common Agricultural Policy (hereinafter 'CAP') should continue to step up its response to future challenges and opportunities, by boosting

Amendment

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'The Future of Food and Farming' of 29 November 2017 concludes that the Common Agricultural Policy (hereinafter 'CAP') should continue to step up its response to future challenges and opportunities, by boosting

employment, growth and investment, fighting and adapting to climate change **and bringing** research and innovation **out of** the laboratories **and onto** fields and markets. The CAP should furthermore address citizens' concerns regarding sustainable agriculture production.

employment, growth and investment, fighting and adapting to climate change, **adapting them and transferring** research and innovation **from** the laboratories **to** fields and markets. The CAP should furthermore address citizens' concerns regarding sustainable agriculture production.

Amendment 2

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) In accordance with Article 208 of the Treaty on the Functioning of the European Union (TFEU), the implementation of the CAP shall be in coherence with the objectives of development cooperation, including, inter alia, the 2030 Agenda for Sustainable Development. Measures taken under this Regulation should jeopardise neither the food production capacity and long-term food security of developing countries, in particular least developed countries (LDCs), nor the achievement of the Union's climate change mitigation obligations under the Paris Agreement.

Amendment 3

Proposal for a regulation Recital 10

Text proposed by the Commission

Amendment

(10) Where a Member State accredits more than one paying agency, it should designate a single public coordinating body in order to ensure consistency in the management of Funds, to provide for a liaison between the Commission and the various accredited paying agencies, and to ensure that the information requested by

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the Commission concerning the operations of several paying agencies is provided promptly. The coordinating body should also take and coordinate actions with a view to resolving any deficiencies of a common nature encountered at national level and should keep the Commission informed of any follow-up.

the Commission concerning the operations of several paying agencies is provided promptly. The coordinating body should also take and coordinate actions with a view to resolving any deficiencies of a common nature encountered at national level and should keep the Commission informed of any follow-up. ***Paying agencies should develop their role as advisors to farmers and make efforts towards the simplification of procedures and ensuring compliance with standards at European level., In addition, in recognition of New Delivery Model Member States shall establish a functionally independent mediation and appeals body comprising the required expertise and stakeholder representation;***

Amendment 4

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) With a view to ensuring that the amounts for the financing of the CAP comply with the annual ceilings, the financial discipline mechanism by which the level of direct support is adjusted, should be maintained. However, the threshold of **EUR 2000** should be abolished. An agricultural reserve should be maintained to support the agricultural sector in the event of market developments or major crises affecting the agricultural production or distribution. Article 12(2)(d) of Regulation (EU, Euratom) [New Financial Regulation] foresees that non-committed appropriations may be carried over **to** to the following financial year only. In order to significantly simplify the implementation for beneficiaries and national administrations, a roll-over mechanism should be used, using any unused amounts of the reserve for crises in the agricultural sector established in 2020.

Amendment

(14) With a view to ensuring that the amounts for the financing of the CAP comply with the annual ceilings, the financial discipline mechanism by which the level of direct support is adjusted, should be maintained. However, the threshold of **EUR2000** should be abolished. An agricultural reserve should be maintained to support the agricultural sector in the event of market developments or major crises affecting the agricultural production or distribution. ***The crisis reserve should be a functioning flexible tool, a mechanism which would enable the EU to better respond to any crisis that has EU-wide consequences on any of the agricultural sectors, especially in terms of the economy.*** Article 12(2)(d) of Regulation (EU, Euratom) [New Financial Regulation] foresees that non-committed appropriations may be carried over to the following financial year only. In order to

For this purpose a derogation from Article 12(2)(d) is necessary, allowing for non-committed appropriations of the agricultural reserve to be carried over without time limitation to finance the agricultural reserve in the following financial year(s). Furthermore, as regards the financial year 2020, a second derogation is necessary as the total unused amount of the reserve available at the end of year 2020 should be carried over to the year 2021 to the corresponding line of the new agricultural reserve without being returned to the budgetary lines which cover direct payment interventions under the CAP Strategic Plan.

significantly simplify the implementation for beneficiaries and national administrations, a roll-over mechanism should be used, using any unused amounts of the reserve for crises in the agricultural sector established in 2020. For this purpose a derogation from Article 12(2)(d) is necessary, allowing for non-committed appropriations of the agricultural reserve to be carried over without time limitation to finance the agricultural reserve in the following financial year(s). Furthermore, as regards the financial year 2020, a second derogation is necessary as the total unused amount of the reserve available at the end of year 2020 should be carried over to the year 2021 to the corresponding line of the new agricultural reserve without being returned to the budgetary lines which cover direct payment interventions under the CAP Strategic Plan.

Amendment 5

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) As regards the multi-annual performance monitoring the Commission should also have the power to suspend payments. Accordingly in cases of delayed or insufficient progress towards targets, set out in the national CAP Strategic Plan, the Commission should be empowered to request the Member State concerned to take the necessary remedial actions in accordance with an action plan to be established in consultation with the Commission and containing clear progress indicators, by means of an implementing act. Where the Member State fails to submit or to implement the action plan or where the action plan is manifestly insufficient to remedy the situation, the Commission should have the power to suspend the monthly or interim payments,

Amendment

(30) As regards the multi-annual performance monitoring the Commission should also have the power to suspend payments. Accordingly in cases of delayed or insufficient progress towards targets, set out in the national CAP Strategic Plan, the Commission should be empowered to request the Member State concerned to take the necessary remedial actions in accordance with an action plan to be established in consultation with the Commission and containing clear progress indicators, by means of an implementing act. Where the Member State fails to submit or to implement the action plan or where the action plan is manifestly insufficient to remedy the situation, the Commission should have the power to suspend the monthly or interim payments,

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Particular attention should be paid to respect of the Union's environmental legislation as well as EU and Member States' commitments to the 2030 Agenda for Sustainable Development and Treaty obligations.

Amendment 6

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) The existing main elements of the integrated system and, in particular, the provisions concerning a system for identifying agricultural parcels, a geo-spatial and an animal-based application system, a system for identifying and registering payment entitlements, a system for recording the identity of beneficiaries and a control and penalties system should be maintained. Member States should continue to use data or information products provided by the Copernicus programme, in addition to information technologies such as GALILEO and EGNOS in order to ensure that comprehensive and comparable data is available throughout the Union for the purposes of monitoring agri-environment-climate policy and for the purposes of boosting the use of full, free and open data and information captured by Copernicus Sentinels satellites and services. To this end, the integrated system should include also an area monitoring system.

Amendment

(47) The existing main elements of the integrated system and, in particular, the provisions concerning a system for identifying agricultural parcels, a geo-spatial and an animal-based application system, a system for identifying and registering payment entitlements, a system for recording the identity of beneficiaries and a control and penalties system should be maintained. Member States should continue to use data or information products provided by the Copernicus programme, in addition to information technologies such as GALILEO and EGNOS in order to ensure that comprehensive and comparable data is available throughout the Union for the purposes of monitoring agri-environment-climate policy and for the purposes of boosting the use of full, free and open data and information captured by Copernicus Sentinels satellites and services. To this end, the integrated system should include also an area monitoring system. ***The purpose of using such technology should be to limit the amount of on farm inspections that are required and reduce the administrative burden on farmers.***

Amendment 7

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) The integrated system, as part of the governance systems which should be in place in order to implement the CAP, should ensure that the aggregate data provided in the annual performance reporting is reliable and verifiable. Given the importance of a properly functioning integrated system, it is necessary to set quality requirements. Member States should carry out an annual quality assessment of the identification system for agricultural parcels, of the geo-spatial application system and of the area monitoring system. Member States should also address any deficiencies and, if so requested by the Commission, set up an action plan.

Amendment

(48) The integrated system, as part of the governance systems which should be in place in order to implement the CAP, should ensure that the aggregate data provided in the annual performance reporting is **accurate**, reliable and verifiable. Given the importance of a properly functioning integrated system, it is necessary to set quality requirements. Member States should carry out an annual quality assessment of the identification system for agricultural parcels, of the geo-spatial application system and of the area monitoring system. Member States should also address any deficiencies and, if so requested by the Commission, set up an action plan.

Amendment 8

Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) While Member States should be allowed to set out the details on penalties, those penalties should be proportionate, effective and dissuasive and should be without prejudice to other penalties laid down under Union or national law. To ensure an effective and coherent approach by Member States, it is necessary to provide for a minimum penalty rate at Union level for non-compliance occurring for the first time due to negligence, while reoccurrence should lead to a higher percentage and intentionality may result in the total exclusion from the payment. To ensure proportionality of the penalties, where the non-compliance is of a minor nature and occurs for the first time, Member States should be allowed to

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(57) While Member States should be allowed to set out the details on penalties, those penalties should be proportionate, effective and dissuasive and should be without prejudice to other penalties laid down under Union or national law. To ensure an effective and coherent approach by Member States, it is necessary to provide for a minimum penalty rate at Union level for non-compliance occurring for the first time due to negligence, while reoccurrence should lead to a higher percentage and intentionality may result in the total exclusion from the payment. To ensure proportionality of the penalties, where the non-compliance is of a minor nature and occurs for the first time, Member States should be allowed

introduce an early warning system.

to introduce an early warning system ***and a right for beneficiaries to regularise their personal situation.***

Amendment 9

Proposal for a regulation Recital 69

Text proposed by the Commission

(69) If the objective of the public control of the use of the money from the Funds is to be achieved, a certain level of information about beneficiaries needs to be brought to the attention of the public. That information should include data on the identity of the beneficiary, the amount awarded and the fund from which it comes, and the purpose and nature of the type of intervention or measure concerned. The publication of that information should be made in such a way as to cause less interference with the beneficiaries' right to respect for their private life, and to their right to protection of their personal data, both rights which are recognised in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.

Amendment

(69) If the objective of the public control of the use of the money from the Funds is to be achieved, a certain level of information about beneficiaries needs to be brought to the attention of the public. That information should include data on the identity of the beneficiary, the amount awarded and the fund from which it comes, and the purpose and nature of the type of intervention or measure concerned ***and should be published in an open and machine-readable format.*** The publication of that information should be made in such a way as to cause less interference with the beneficiaries' right to respect for their private life, and to their right to protection of their personal data, both rights which are recognised in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.

Amendment 10

Proposal for a regulation Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) "governance systems" means the governance bodies referred to in Chapter II of Title II of this Regulation and the basic Union requirements laid down in this Regulation and Regulation (EU) .../... [CAP Strategic Plan Regulation], including the reporting system put in place for the purposes of the annual performance report

Amendment

(b) "governance systems" means the governance bodies referred to in Chapter II of Title II of this Regulation and the basic Union requirements laid down in this Regulation and Regulation (EU) .../... [CAP Strategic Plan Regulation], including ***Member States' obligations with regard to the effective protection of the financial***

referred to in Article 121 of Regulation (EU) .../... [CAP Strategic Plan Regulation];

interests of the Union referred to in Article 57 of this Regulation and the reporting system put in place for the purposes of the annual performance report referred to in Article 121 of Regulation (EU) .../... [CAP Strategic Plan Regulation];

Amendment 11

Proposal for a regulation

Article 7 – paragraph 1 – point f

Text proposed by the Commission

(f) studies on the CAP and evaluations of measures financed by the Funds, including improvement of evaluation methods and exchange of information on practices under the CAP, as well as studies carried out with the European Investment Bank (EIB);

Amendment

(f) studies on the CAP and evaluations of measures financed by the Funds, including improvement of evaluation methods and exchange of information on practices under the CAP, ***including consultations with local, regional, national, and international stakeholders, academic experts, NGOs,*** as well as studies carried out with the European Investment Bank (EIB);

Amendment 12

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

(d) the expenditure ***for the measures laid down in Regulation (EU) No 1308/2013*** for which reimbursement has been requested from the Commission is legal and regular. ;

Amendment

(d) the expenditure for which reimbursement has been requested from the Commission, ***and in particular for the measures laid down in regulation (EU) N)1308/2013, Regulation (EU) No 228/2013, Regulation (EU) No 229/2013 and Regulation (EU) 1144/2014*** is legal and regular. ;

Justification

It is key that the certification bodies provide an opinion on all the expenditures paid to final beneficiaries for which reimbursement has been requested from the Commission.

Amendment 13

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The certification body shall have the necessary technical expertise. It shall be operationally independent from the paying agency and the coordinating body concerned as well as from the authority which has accredited that agency and the bodies responsible for the implementation and the monitoring of the CAP.

Amendment

2. The certification body shall have the necessary technical expertise, ***not solely from a financial management aspect but also related to achieving the intended aims of the interventions and payments rewarding public goods. All data and information used to enable the certifying bodies to give assurance that the objectives and targets of the CAP are indeed being reached, as well as the assumptions made, shall be made available transparently and shall be evidence based and verifiable by third parties.*** It shall be operationally independent from the paying agency and the coordinating body concerned as well as from the authority which has accredited that agency and the bodies responsible for the implementation and the monitoring of the CAP.

Amendment 14

Proposal for a regulation Article 35 – paragraph 1 – introductory part

Text proposed by the Commission

The expenditure referred to in Article 5(2) and Article 6 may be financed by the Union only if:

Amendment

The expenditure referred to in Article 5(2) and Article 6 may be financed by the Union only if ***it has been effected by accredited paying agencies and:***

Amendment 15

Proposal for a regulation Article 35 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) it has been effected in accordance with the applicable Union rules, or

Amendment 16

Proposal for a regulation

Article 35 – paragraph 1 – point -a a (new)

Text proposed by the Commission

Amendment

(-aa) as regards types of interventions referred to in Regulation (EU) .../... [CAP Strategic Plan Regulation],

Amendment 17

Proposal for a regulation

Article 35 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) it has been effected in accordance with the applicable governance systems, **not** extending to the eligibility conditions for individual beneficiaries laid down in the national CAP Strategic Plans.

(ii) it has been effected in accordance with the applicable governance systems, extending to the eligibility conditions for individual beneficiaries laid down in the national CAP Strategic Plans.

Justification

The respect of all eligibility conditions for individual beneficiaries including those laid down in the national strategic plans must be guaranteed by the paying agencies in conformity with the principle of the single audit scheme.

Amendment 18

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

Amendment

Point **(c)(i)** of the first paragraph shall not apply to advances paid to beneficiaries under types of interventions referred to in

Point **(b)(i)** of the first paragraph shall not apply to advances paid to beneficiaries under types of interventions referred to in

Amendment 19

Proposal for a regulation

Article 40 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In case of serious deficiencies in the functioning of the governance systems, the Commission **may** ask the Member State concerned to implement the necessary remedial actions in accordance with an action plan with clear progress indicators, to be established in consultation with the Commission.

Amendment

In case of serious deficiencies in the functioning of the governance systems, the Commission **shall, where necessary**, ask the Member State concerned to implement the necessary remedial actions in accordance with an action plan with clear progress indicators, to be established in consultation with the Commission.

Amendment 20

Proposal for a regulation

Article 46 – paragraph 1

Text proposed by the Commission

For the purposes of Article 127 of the Financial Regulation, the Commission **shall** take assurance from the work of the certification bodies referred to in Article 11 of this Regulation, unless it has informed the Member State that it cannot rely on the work of the certification body for a given financial year, and it shall take it into account in its risk assessment of the need for Commission audits in the Member State concerned.

Amendment

For the purposes of Article 127 of the Financial Regulation, the Commission **may** take assurance from the work of the certification bodies referred to in Article 11 of this Regulation, unless it has informed the Member State that it cannot rely on the work of the certification body for a given financial year, and it shall take it into account in its risk assessment of the need for Commission audits in the Member State concerned.

Justification

Single audit scheme does not imply that the Commission is obliged to take assurance from the work of the Member States bodies.

Amendment 21

Proposal for a regulation

Article 53 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The first subparagraph shall not ***apply*** to cases of non-compliance with the eligibility conditions for individual beneficiaries laid down in the national CAP Strategic Plans and national rules.

Amendment

The first subparagraph shall not ***extend*** to cases of non-compliance with the eligibility conditions for individual beneficiaries laid down in the national CAP Strategic Plans and national rules.

Amendment 22

Proposal for a regulation

Article 57 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall take appropriate precautions ensuring ***the*** the penalties applied as referred to in point (d) of paragraph 1 are proportionate and graduated according to the severity, extent, duration and reoccurrence of the non-compliance found.

Amendment

Member States shall take appropriate precautions ensuring the penalties applied as referred to in point (d) of paragraph 1 are proportionate and graduated according to the severity, extent, duration and reoccurrence of the non-compliance found.

Amendment 23

Proposal for a regulation

Article 58 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Checks of operations receiving aid from financial instruments as referred to in [CPR Article 52] of Regulation (EU) .../... shall be carried out ***only*** at the level of the bodies implementing financial instruments.

Amendment

Checks of operations receiving aid from financial instruments as referred to in [CPR Article 52] of Regulation (EU) .../... shall be carried out at the level of the bodies implementing financial instruments.

Amendment 24

Proposal for a regulation

Article 58 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Checks **shall not** be carried out at the level of the EIB or other international financial institutions in which a Member State is a shareholder.

Amendment

Checks **may also** be carried out at the level of the EIB or other international financial institutions in which a Member State is a shareholder.

Amendment 25

Proposal for a regulation
Article 64 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the responsibilities of the Member States for the implementation and application of the integrated system, the Commission **may** seek the assistance of specialised bodies or persons in order to facilitate the establishment, monitoring and operation of the integrated system, in particular, with a view to providing the competent authorities of the Member States with technical advice.

Amendment

3. Without prejudice to the responsibilities of the Member States for the implementation and application of the integrated system, the Commission **shall, where necessary,** seek the assistance of specialised bodies or persons in order to facilitate the establishment, monitoring and operation of the integrated system, in particular, with a view to providing the competent authorities of the Member States with technical advice.

Amendment 26

Proposal for a regulation
Article 65 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall record and keep any data and documentation on the annual outputs reported in the context of the annual performance clearance as referred to in Article 52, and the **reported** progress towards targets as set out in the CAP Strategic Plan and monitored in accordance with Article 115 of Regulation (EU) .../...[CAP Strategic Plan Regulation].

Amendment

Member States shall record and keep any data and documentation on the annual outputs **which are** reported in the context of the annual performance clearance as referred to in Article 52, and the progress **reported** towards targets as set out in the CAP Strategic Plan and monitored in accordance with Article 115 of Regulation (EU) .../...[CAP Strategic Plan Regulation].

Amendment 27

Proposal for a regulation

Article 65 – paragraph 5

Text proposed by the Commission

5. Member States **shall** limit public access to data sets referred to in paragraphs 3 and 4 where such access would adversely affect the confidentiality of personal data, in accordance with Regulation (EU) 2016/679.

Amendment

5. Member States **may** limit public access to data sets referred to in paragraphs 3 and 4 where such access would adversely affect the confidentiality of personal data, in accordance with Regulation (EU) 2016/679.

Amendment 28

Proposal for a regulation

Article 84 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

Member States **shall** make use of their existing control systems and administration to ensure compliance with the rules on conditionality.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Financing, management and monitoring of the common agricultural policy						
References	COM(2018)0393 – C8-0247/2018 – 2018/0217(COD)						
Committee responsible Date announced in plenary	AGRI 11.6.2018						
Opinion by Date announced in plenary	CONT 11.6.2018						
Rapporteur Date appointed	Claudia Schmidt 12.7.2018						
Date adopted	29.1.2019						
Result of final vote	<table> <tr> <td>+: </td><td>17</td></tr> <tr> <td>–: </td><td>1</td></tr> <tr> <td>0: </td><td>1</td></tr> </table>	+:	17	–:	1	0:	1
+:	17						
–:	1						
0:	1						
Members present for the final vote	Nedzhmi Ali, Inés Ayala Sender, Zigmantas Balčytis, Jonathan Bullock, Luke Ming Flanagan, Ingeborg Gräßle, Jean-François Jalkh, Bogusław Liberadzki, Georgi Pirinski, José Ignacio Salafranca Sánchez-Neyra, Claudia Schmidt, Bart Staes, Indrek Tarand, Derek Vaughan, Tomáš Zdechovský						
Substitutes present for the final vote	Karin Kadenbach, Andrey Novakov, Miroslav Poche, Patricija Šulin						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

17	+
ALDE	Nedzhmi Ali
GUE/NGL	Luke Ming Flanagan
PPE	Ingeborg Gräßle, Andrey Novakov, José Ignacio Salafranca Sánchez-Neyra, Claudia Schmidt, Patricija Šulin, Tomáš Zdechovský
S&D	Inés Ayala Sender, Zigmantas Balčytis, Karin Kadenbach, Bogusław Liberadzki, Georgi Pirinski, Miroslav Poche, Derek Vaughan
VERTS/ALE	Bart Staes, Indrek Tarand

1	-
EFDD	Jonathan Bullock

1	0
ENF	Jean-François Jalkh

Key to symbols:

+ : in favour

- : against

0 : abstention