

**Question for written answer E-009004/2014
to the Commission**

Rule 130

Norbert Erdős (PPE)

Subject: How does the Commission justify its discriminatory rules on the inclusion of individual landscape features in ecological focus areas?

According to the established case law of the European Court of Justice, matters 'which, in order to be adopted, require political choices falling within the responsibilities of the European Union legislature' fall outside the competence of the Commission. 'It follows from this that implementing measures [taken by the Commission] cannot amend essential elements of basic legislation or supplement it by new essential elements.' (Case C-355/10).

The Commission, in setting the conversion factors for ecological focus areas, has arbitrarily exceeded its powers. Departing from the authorisation delegated to it in Article 46(9)(c) of Regulation No 1307/2013/EU on direct payments to farmers, in the Annex to Delegated Regulation No 639/2014/EU it has set these factors at a rate strikingly lower than the 100% inclusion rate for areas with protein crops, nitrogen fixing crops, and short rotation coppice. This constitutes a legally unjustifiable discrimination against other landscape features, and the Commission has thus altered the regulatory content of the Regulation on direct payments in a way which is disadvantageous to farmers. Setting such factors (particularly factors which differ in size) is clearly a political matter, as farmers will decide in the light of this what landscape features they will establish, and what they will plant in ecological focus areas.

1. How does the Commission justify its discriminatory rules on the inclusion of individual landscape features?
2. How and when does the Commission propose to amend Regulation No 639/2014/EU to correct the above-mentioned errors?