



2018/0217(COD)

3.12.2018

AMENDMENTS

38 - 123

Draft opinion

Franč Bogovič

(PE629.655v01-00)

Financing, management and monitoring of the common agricultural policy

Proposal for a regulation

(COM(2018)0393 – C8-0247/2018 – 2018/0217(COD))

Amendment 38
Laurențiu Rebega

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 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.

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 **and rural development**.

Or. ro

Amendment 39
Bronis Ropé

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) Member States should refrain from adding rules that complicate the use of EAGF and EAFRD for the beneficiary.

Or. en

Amendment 40
Daniel Buda

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) It is necessary to provide for the accreditation of paying agencies and coordinating bodies by Member States and for the establishment of the procedures for obtaining management declarations and annual performance reports, and for obtaining the certification of management and monitoring systems, of reporting systems and the certification of annual accounts by independent bodies. Moreover, in order to ensure the transparency of the system of checks to be carried out at national level, in particular as regards procedures for authorisation, validation and payment and to reduce the administrative and audit burden for the Commission and for the Member States where accreditation of each individual paying agency is required, the number of authorities and bodies to which those responsibilities are delegated should be restricted while respecting the constitutional provisions of each Member State.

Amendment

(9) It is necessary to provide for the accreditation of paying agencies and coordinating bodies by Member States and for the establishment of the procedures for obtaining management declarations and annual performance reports, and for obtaining the certification of management and monitoring systems, of reporting systems and the certification of annual accounts by independent bodies. ***Farmers should be offered financial compensation for any delayed payment by paying agencies due to administrative errors.*** Moreover, in order to ensure the transparency of the system of checks to be carried out at national level, in particular as regards procedures for authorisation, validation and payment and to reduce the administrative and audit burden for the Commission and for the Member States where accreditation of each individual paying agency is required, the number of authorities and bodies to which those responsibilities are delegated should be restricted while respecting the constitutional provisions of each Member State.

Or. ro

Amendment 41
Daniel Buda

Proposal for a regulation
Recital 10

Text proposed by the Commission

(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

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 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.

various accredited paying agencies, and to ensure that the information requested by 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. ***Payment agencies should step up their advisory role in their relations with farmers and strive to simplify procedures and comply with standards at European level.***

Or. ro

Amendment 42 **Laurențiu Rebega**

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 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. For this purpose a derogation from Article 12(2)(d) is necessary, allowing for non-

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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 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 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. 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.***

committed appropriations of the agricultural reserve to be carried over without time limitation to finance the agricultural reserve in the following financial year(s).

Or. ro

Amendment 43
Daniel Buda

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In order to avoid an excessive administrative burden for national administrations and farmers provision should be made that reimbursement of the amounts carried over from the preceding financial year in relation to financial discipline applied, should not take place either where financial discipline is applied for a second subsequent year (year N+1), or where the overall amount of non-committed appropriations represents less than 0,2% of the EAGF annual ceiling.

Amendment

(15) In order to avoid an excessive administrative burden for national administrations and farmers ***and to simplify procedures as much as possible,*** provision should be made that reimbursement of the amounts carried over from the preceding financial year in relation to financial discipline applied, should not take place either where financial discipline is applied for a second subsequent year (year N+1), or where the overall amount of non-committed appropriations represents less than 0,2% of the EAGF annual ceiling.

Or. ro

Amendment 44
Laurențiu Rebega

Proposal for a regulation
PE631.861v01-00

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Equalising the level of direct payments among the Member States is essential in order to ensure a level playing field in the EU's single market. There is an urgent need for a fair distribution of direct payments between Member States.

Or. ro

Amendment 45 Laurențiu Rebega

Proposal for a regulation Recital 21

Text proposed by the Commission

Amendment

(21) In order to provide the Commission with, in particular, the means to manage agricultural markets, to facilitate the monitoring of agricultural expenditure ***and*** to monitor agricultural resources in the medium and long term, the use of the agro-meteorological system and the acquisition and improvement of satellite data should be provided for.

(21) In order to provide the Commission with, in particular, the means to manage agricultural markets, to facilitate the monitoring of agricultural expenditure, to monitor agricultural resources in the medium and long term ***and to assess the situation and provide prompt assistance in response to natural disasters***, the use of the agro-meteorological system and the acquisition and improvement of satellite data should be provided for.

Or. ro

Amendment 46 Bronis Ropé

Proposal for a regulation Recital 25

Text proposed by the Commission

Amendment

(25) In accordance with the architecture and the key characteristics of the new CAP delivery model the eligibility of payments made by Member States for Union

(25) In accordance with the architecture and the key characteristics of the new CAP delivery model the eligibility of payments made by Member States for Union

financing should no longer depend on the legality and regularity of payments to individual beneficiaries. Instead, as regards types of interventions referred to in Regulation (EU).../[CAP Strategic Plan Regulation], Member States' payments should be eligible if they are matched by corresponding output and in compliance with the applicable basic Union requirements.

financing should no longer depend on the legality and regularity of payments to individual beneficiaries. Instead, as regards types of interventions referred to in Regulation (EU).../[CAP Strategic Plan Regulation], Member States' payments should be eligible if they are matched by corresponding output and in compliance with the applicable basic Union requirements. ***It is necessary to underline that the new CAP delivery model should not remove the need to check legality and regularity of expenditure.***

Or. en

Amendment 47
Stanislav Polčák

Proposal for a regulation
Recital 66

Text proposed by the Commission

(66) The publication of the name of the beneficiaries of the Funds provides a means of reinforcing the public control of the use of the Funds and is necessary to ensure an adequate level of protection of the Union's financial interest. That is achieved partly by the preventive and deterrent effect of such publication, partly by discouraging individual beneficiaries from irregular behaviour and also partly by reinforcing the personal accountability of the farmers for use of public funds received. The publication of the relevant information is consistent with recent case-law of the Court of Justice of the European Union and also with the approach as set out in Regulation (EU, Euratom) **No 966/2012**.

Amendment

(66) The publication of the name of the beneficiaries of the Funds provides a means of reinforcing the public control of the use of the Funds and is necessary to ensure an adequate level of protection of the Union's financial interest. That is achieved partly by the preventive and deterrent effect of such publication, partly by discouraging individual beneficiaries from irregular behaviour and also partly by reinforcing the personal accountability of the farmers for use of public funds received, ***and by helping to ensure that the rules against conflicts of interests are complied with.*** The publication of the relevant information is consistent with recent case-law of the Court of Justice of the European Union and also with the approach as set out in Regulation (EU, Euratom) **No 966/2012**. ***In the case of recipients who have economic, family or other ties with persons working for the public authorities of a Member State, this information may also be published.***

Amendment 48
Stanislav Polčák

Proposal for a regulation
Recital 67

Text proposed by the Commission

(67) In this context the role played by civil society, including by the media and non-governmental organisations and their contribution to reinforcing the administrations' control framework against fraud and any misuse of public funds, should be properly recognised.

Amendment

(67) In this context the role played by civil society, including by the media and non-governmental organisations and their contribution to reinforcing the administrations' control framework against fraud and any misuse of public funds, should be properly recognised, ***in particular in the case of beneficiaries who have economic, family or other ties with persons working for the public authorities of a Member State, this information may also be published.***

Or. cs

Amendment 49
Stanislav Polčák

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

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. ***When recipients have economic, family or other ties with persons working for the public authorities of a Member State, that information should be provided in such a***

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.

way that will make it possible for the public to identify any potential conflict of interest. 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.

Or. cs

Amendment 50
Laurențiu Rebega

Proposal for a regulation
Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) ***a severe*** natural disaster gravely affecting the holding;

Amendment

(a) ***a*** natural disaster gravely affecting the holding;

Or. ro

Amendment 51
Bronis Ropé

Proposal for a regulation
Article 7 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(h a) indirect costs and direct personnel costs incurred by the local rural communities and other similar local actors implementing LEADER operations, referred to as community-led local development in Article 25 of Regulation (EU) [CPR];

Or. en

Amendment 52
Laurențiu Rebega

Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The deadline of 15 February referred to in the first subparagraph may be exceptionally extended by the Commission to 1 **March**, upon request by the Member State concerned, as provided for in the second subparagraph Article 63(7) of the Financial Regulation.

Amendment

The deadline of 15 February referred to in the first subparagraph may be exceptionally extended by the Commission to 1 **June**, upon request by the Member State concerned, as provided for in the second subparagraph Article 63(7) of the Financial Regulation.

Or. ro

Amendment 53
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The deadline of 15 February referred to in the first subparagraph may be exceptionally extended by the Commission to 1 **March**, upon request by the Member State concerned, as provided for in the second subparagraph Article 63(7) of the Financial Regulation.

Amendment

The deadline of 15 February referred to in the first subparagraph may be exceptionally extended by the Commission to 1 **May**, upon request by the Member State concerned, as provided for in the second subparagraph Article 63(7) of the Financial Regulation.

Or. en

Justification

The timeframe of four months for the completion, certification and the Management Committee procedure of the performance report would be shorter than the current reporting timeframe under Pillar II. This might turn to be challenging which is why the possibility for extension should not be restricted.

Amendment 54
Laurențiu Rebega

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. The competent authority shall, by way of a formal act, decide on the issuing or, following a review, the withdrawal of the accreditation of the paying agency and the coordinating body on the basis of an examination of the accreditation criteria to be adopted by the Commission in accordance with point (a) of Article 10(1). The competent authority shall inform the Commission of accreditations and withdrawals of accreditations without delay.

Amendment

2. The competent authority shall, by way of a formal act, decide on the issuing or, following a review, the withdrawal of the accreditation of the paying agency and the coordinating body on the basis of an examination of the accreditation criteria to be adopted by the Commission in accordance with point (a) of Article 10(1), ***taking into account the principle of proportionality***. The competent authority shall inform the Commission of accreditations and withdrawals of accreditations without delay.

Or. ro

Amendment 55

Iratxe García Pérez

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 4 – point 1 (new)

Text proposed by the Commission

Amendment

(1) However, Member States which authorise more than one certifying body may also appoint a public body at national level, which will be entrusted with coordination tasks.

Or. es

Amendment 56

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The annual ceiling for EAGF expenditure shall be constituted by the maximum amounts set for it under

1. The annual ceiling for EAGF expenditure shall be constituted by the maximum amounts set for it under

Regulation (EU, Euratom)[COM(2018)
322 final].

Regulation (EU, Euratom)[COM(2018)
322 final] *that sets the limits for the
Member States.*

Or. en

Justification

It is very important that the Member States have the limits concerning payments so that there is no possibility for those MS who uses first to have the most.

Amendment 57
Iratxe García Pérez

Proposal for a regulation
Article 14 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

*Moreover, by derogation from point (d) of
Article 12(2) of the Financial Regulation,
the total unused amount of the crisis
reserve available at the end of year 2020
shall be carried over to the year 2021
without being returned to the budgetary
lines which cover the actions referred to
in point (c) of Article 5(2) and made
available for the financing of the
agricultural reserve.*

deleted

Or. es

Amendment 58
Laurențiu Rebega

Proposal for a regulation
Article 14 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

*Moreover, by derogation from point (d) of
Article 12(2) of the Financial Regulation,
the total unused amount of the crisis
reserve available at the end of year 2020
shall be carried over to the year 2021
without being returned to the budgetary
lines which cover the actions referred to*

deleted

in point (c) of Article 5(2) and made available for the financing of the agricultural reserve.

Or. ro

Amendment 59
Laurențiu Rebega

Proposal for a regulation
Article 15 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The adjustment rate shall only apply to direct payments in excess of EUR 2000 to be granted to farmers in the corresponding calendar year.

Or. ro

Amendment 60
Bronis Ropé

Proposal for a regulation
Article 15 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The adjustment rate shall only apply to direct payments in excess of EUR 2 000 to be granted to farmers in the corresponding calendar year.

Or. en

Amendment 61
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. Until 1 **December** of the calendar

2. Until 1 **November** of the calendar

year in respect of which the adjustment rate applies, the Commission may, on the basis of new information, adopt implementing acts adapting the adjustment rate set in accordance with paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 101(2).

year in respect of which the adjustment rate applies, the Commission may, on the basis of new information, adopt implementing acts adapting the adjustment rate set in accordance with paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 101(2).

Or. en

Justification

The adjustment of the financial discipline has to be made so early that the payments can be made in due time.

Amendment 62

Bronis Ropé

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) in 2021: **1** % of the amount of support from the EAFRD for the entire duration of the CAP Strategic Plan;

Amendment

(a) in 2021: **2** % of the amount of support from the EAFRD for the entire duration of the CAP Strategic Plan;

Or. en

Amendment 63

Bronis Ropé

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) in 2022: **1** % of the amount of support from the EAFRD for the entire duration of the CAP Strategic Plan;

Amendment

(b) in 2022: **2** % of the amount of support from the EAFRD for the entire duration of the CAP Strategic Plan;

Or. en

Amendment 64

Bronis Ropé

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) in 2023: **1** % of the amount of support from the EAFRD for the entire duration of the CAP Strategic Plan.

Amendment

(c) in 2023: **2** % of the amount of support from the EAFRD for the entire duration of the CAP Strategic Plan.

Or. en

Amendment 65

Iratxe García Pérez

Proposal for a regulation

Article 29 – paragraph 4

Text proposed by the Commission

4. Interest generated on the prefinancing shall be used for the CAP Strategic Plan concerned and deducted from the amount of public expenditure indicated on the final declaration of expenditure.

Amendment

4. Interest generated on the prefinancing shall be used for the CAP Strategic Plan ***or the Regional Intervention Programme*** concerned and deducted from the amount of public expenditure indicated on the final declaration of expenditure.

Or. es

Amendment 66

Iratxe García Pérez

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. Interim payments shall be made for each CAP Strategic Plan. They shall be calculated by applying the contribution rate for each type of intervention to the public expenditure effected pertaining to it as referred to in Article 85 of Regulation (EU) .../...[CAP Strategic Plan Regulation].

Amendment

1. Interim payments shall be made for each CAP Strategic Plan ***or for each Regional Intervention Programme, as applicable***. They shall be calculated by applying the contribution rate for each type of intervention to the public expenditure effected pertaining to it as referred to in Article 85 of Regulation (EU) .../...[CAP

Amendment 67
Iratxe García Pérez

Proposal for a regulation
Article 30 – paragraph 3

Text proposed by the Commission

3. Where financial instruments are implemented in accordance with Article 52 of Regulation (EU).../... [CPR], the declaration of expenditure shall include the total amounts disbursed or, in the case of guarantees, the amounts set aside as agreed in guarantee contracts, by the managing authority, to final recipients as referred to in points (a), (b) and (c) of [Article 74(5) of Regulation (EU) .../... CAP Strategic Plan – eligibility rules or financial instruments].

Amendment

3. Where financial instruments are implemented in accordance with Article 52 of Regulation (EU).../... [CPR], the declaration of expenditure shall include the total amounts disbursed or, in the case of guarantees, the amounts set aside as agreed in ***the corresponding*** guarantee contracts, by the managing authority, to final recipients as referred to in points (a), (b) and (c) of [Article 74(5) of Regulation (EU) .../... CAP Strategic Plan – eligibility rules or financial instruments].

Amendment 68
Iratxe García Pérez

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. After receiving the last annual performance report on the implementation of a CAP Strategic Plan, the Commission shall pay the balance, subject to the availability of resources, on the basis of the financial plan in force at the level of the types of EAFRD interventions, the annual accounts for the last execution year for the relevant CAP Strategic Plan and of the corresponding clearance decisions. Those accounts shall be presented to the Commission no later than six months after

Amendment

1. After receiving the last annual performance report on the implementation of a CAP Strategic Plan, the Commission shall pay the balance, subject to the availability of resources, on the basis of the financial plan in force at the level of the types of EAFRD interventions, the annual accounts for the last execution year for the relevant CAP Strategic Plan ***or, if applicable, the Regional Intervention Programme*** and of the corresponding clearance decisions. Those accounts shall

the final eligibility date of expenditure provided for in Article 80(3) of Regulation (EU) No.../...[CAP Strategic Plan Regulation] and shall cover the expenditure effected by the paying agency up to the last eligibility date of expenditure.

be presented to the Commission no later than six months after the final eligibility date of expenditure provided for in Article 80(3) of Regulation (EU) No.../...[CAP Strategic Plan Regulation] and shall cover the expenditure effected by the paying agency up to the last eligibility date of expenditure.

Or. es

Amendment 69

Bronis Ropé

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

1. The Commission shall automatically decommit any portion of a budget commitment for rural development interventions in a CAP Strategic Plan that has not been used for the purposes of prefinancing or for making interim payments or for which no declaration of expenditure fulfilling the requirements laid down in Article 30(3) has been presented to it in relation to expenditure effected by 31 December of the **second** year following that of the budget commitment.

Amendment

1. The Commission shall automatically decommit any portion of a budget commitment for rural development interventions in a CAP Strategic Plan that has not been used for the purposes of prefinancing or for making interim payments or for which no declaration of expenditure fulfilling the requirements laid down in Article 30(3) has been presented to it in relation to expenditure effected by 31 December of the **third** year following that of the budget commitment.

Or. en

Amendment 70

Elsi Katainen, Petras Auštrevičius

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 71

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 35 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *it has been effected by accredited paying agencies,* *deleted*

Or. en

Amendment 72

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 35 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

Or. en

Amendment 73

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 35 – paragraph 1 – point c – introductory part

Text proposed by the Commission

Amendment

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

Or. en

Amendment 74
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

Point **(c)(i)** of the first paragraph shall not apply to advances paid to beneficiaries under types of interventions referred to in Regulation (EU) No.../...[CAP Strategic Plan Regulation].

Amendment

Point **(b)(i)** of the first paragraph shall not apply to advances paid to beneficiaries under types of interventions referred to in Regulation (EU) No.../...[CAP Strategic Plan Regulation].

Or. en

Amendment 75
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where, in the framework of the annual performance clearance referred to in Article 52, the Commission establishes that the difference between the expenditure declared and the amount corresponding to the relevant reported output is more than 50% and the Member State cannot provide **duly** justified reasons, the Commission may adopt implementing acts suspending the monthly payments referred to in Article 19(3) or the interim payments referred to in Article 30.

Amendment

Where, in the framework of the annual performance clearance referred to in Article 52, the Commission establishes that the difference between the expenditure declared and the amount corresponding to the relevant reported output is more than 50% and the Member State cannot provide justified reasons, the Commission may adopt implementing acts suspending the monthly payments referred to in Article 19(3) or the interim payments referred to in Article 30.

Or. en

Justification

There must be real flexibility that the Commission can take MS justifications into account. For example, severe weather conditions are reasons that should be always taken into account.

Amendment 76
Daniel Buda

Proposal for a regulation

Article 40 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The suspension shall be applied in accordance with the principle of proportionality to the relevant expenditure effected by the Member State where the deficiencies exist, for a period to be determined in the implementing acts referred to in the first subparagraph, which shall not exceed 12 months. If the conditions for the suspension continue to be met, the Commission may adopt implementing acts prolonging that period for further periods not exceeding 12 months in total. The amounts suspended shall be taken into account when adopting the implementing acts referred to in Article 53.

Amendment

The suspension shall be applied in accordance with the principle of proportionality to the relevant expenditure effected by the Member State where the deficiencies exist. ***It shall be applied strictly to the measures or programme in question and not to the entire funding package*** for a period to be determined in the implementing acts referred to in the first subparagraph, which shall not exceed 12 months. If the conditions for the suspension continue to be met, the Commission may adopt implementing acts prolonging that period for further periods not exceeding 12 months in total. The amounts suspended shall be taken into account when adopting the implementing acts referred to in Article 53.

Or. ro

Amendment 77

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 42 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(a) prior to 1 December but not before 16 October, pay advances of up to **50** % for direct payments interventions;

Amendment

(a) prior to 1 December but not before 16 October, pay advances of up to **75** % for direct payments interventions;

Or. en

Justification

Given that both Pillar interventions are under the same CAP plan, harmonized timetables and percentages for advances between direct payments interventions and rural development would serve the goal of simplification.

Amendment 78

Laurențiu Rebega

Proposal for a regulation

Article 42 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) prior to 1 December but not before 16 October, pay advances of up to **50** % for direct payments interventions;

(a) prior to 1 December but not before 16 October, pay advances of up to **75** % for direct payments interventions;

Or. ro

Amendment 79

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 42 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

In the event of an emergency, the Commission may adopt implementing acts to resolve specific problems in relation to the application of this Article. Those implementing acts may derogate from paragraph 2, but only to the extent that, and for such a period, as is strictly necessary.

In the event of an emergency, the Commission may adopt ***as soon as possible*** implementing acts to resolve specific problems in relation to the application of this Article. Those implementing acts may derogate from paragraph 2, but only to the extent that, and for such a period, as is strictly necessary.

Or. en

Justification

The possibility to use implementing act as soon as possible in crises situations is very important. The process concerning implementing act is barely fast enough for beneficiaries who are struggling with finance. There should be no delay or uncertainty for the MS and beneficiaries in order to help farmers and ease farmers situation.

Amendment 80

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt
PE631.861v01-00

The Commission is empowered to adopt
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delegated acts in accordance with Article 100 in order to supplement this Regulation concerning the conditions under which certain types of expenditure and revenue under the Funds are to be compensated.

delegated acts in accordance with Article 100 in order to supplement this Regulation concerning the conditions *of details of expenditure declarations* under which certain types of expenditure and revenue under the Funds are to be compensated.

Or. en

Justification

This empowerment is too broad – it should be limited e.g. to the conditions of the declaration of expenditure, otherwise the empowerment would enable preventing all expenditure of aid measures in an approved CAP Strategic Plan.

Amendment 81

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Without prejudice to the checks carried out by Member States under national law, regulations and administrative provisions or Article 287 of the Treaty or to any check organised under Article 322 of the Treaty or based on Council Regulation (Euratom, EC) No 2185/96, the Commission may organise checks in Member States with a view to verifying in particular:

Amendment

Without prejudice to the checks carried out by Member States under national law, regulations and administrative provisions or Article 287 of the Treaty or to any check organised under Article 322 of the Treaty or based on Council Regulation (Euratom, EC) No 2185/96, the Commission may organise checks in Member States with *the exception of conditionality with* a view to verifying in particular:

Or. en

Justification

The procedures and rules of controls are in place with relation to conditionality including extending of controls still to the final beneficiary, which is against the spirit of simplification. It should be clearly noted in this Article it does not concern conditionality.

Amendment 82

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 50 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 100 supplementing this Regulation ***with specific obligations to be complied with by the Member States under this Chapter and with rules in particular on the criteria for determining the cases of irregularity within the meaning of Regulation (EU, Euratom) No 2988/95 and other cases of non-compliance with the conditions established by Member States in the CAP Strategic Plan, to be reported and*** the data to be provided.

1. The Commission is empowered to adopt delegated acts in accordance with Article 100 supplementing this Regulation ***concerning*** the data to be provided ***for OLAF purposes.***

Or. en

Justification

In this Article should be more detailed delegation of powers instead of the words used now i.e. “specific obligations”. Instead of “delegated acts with specific obligations” the delegation of powers should be more clearly stated. If it is a question of information needs of OLAF, this is possible. The definition of irregularities should also be up to the Member States in order to guarantee subsidiarity.

Amendment 83

Elsi Katainen, Petras Auštrevičius

**Proposal for a regulation
Article 53 – paragraph 2**

Text proposed by the Commission

Amendment

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the deficiencies found.

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the deficiencies found.
Financial corrections concerning conditionality shall be based on calculated deficiency of the administrative penalties not applied. Where this cannot be identified with proportionate effort, flat-rate corrections are used.

Or. en

Justification

The Commission has told that flat rate is the only acceptable method to count financial corrections. When conditionality is concerned, there should be possibility to calculate the expenditure, which is not effected in conformity with Union law, same way as at present assessing the risk of financial damage resulting from the non-application of administrative penalties. It should be possible to identify more precisely the financial damage caused to the Union than flat-rate correction.

Amendment 84

Iratxe García Pérez

Proposal for a regulation

Article 54 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Member States shall deduct any sums paid unduly as a result of an outstanding irregularity by a beneficiary, under the terms set out in this Article, from any future payments from the paying agency to the beneficiary.

Or. es

Amendment 85

Iratxe García Pérez

Proposal for a regulation

Article 55 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Where irregularities and other cases of non-compliance by beneficiaries with the conditions of the rural development interventions referred to in the CAP Strategic Plan are detected, Member States shall make financial adjustments by totally or partially cancelling the Union financing concerned. Member States shall take into consideration the nature and gravity of the non-compliance detected and the level of the financial loss to the EAFRD.

Where irregularities and other cases of non-compliance by beneficiaries with the conditions of the rural development interventions referred to in the CAP Strategic Plan ***or the Regional Intervention Programmes*** are detected, Member States shall make financial adjustments by totally or partially cancelling the Union financing concerned. Member States shall take into consideration the nature and gravity of the non-compliance detected and the level of the financial loss to the EAFRD.

Amendment 86
Iratxe García Pérez

Proposal for a regulation
Article 55 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amounts of the Union financing under the EAFRD which are cancelled and amounts recovered, and the interest thereon, shall be reallocated to other rural development interventions in the CAP Strategic Plan. However, the cancelled or recovered Union Funds may be reused by Member States only for a rural development operation under the national CAP Strategic Plan and provided the funds are not reallocated to rural development operations which have been the subject of a financial adjustment.

Amendment

Amounts of the Union financing under the EAFRD which are cancelled and amounts recovered, and the interest thereon, shall be reallocated to other rural development interventions in the CAP Strategic Plan ***or the corresponding Regional Intervention Programme***. However, the cancelled or recovered Union Funds may be reused by Member States only for a rural development operation under the national CAP Strategic Plan and provided the funds are not reallocated to rural development operations which have been the subject of a financial adjustment.

Or. es

Amendment 87
Iratxe García Pérez

Proposal for a regulation
Article 55 – paragraph 1 – subparagraph 2 – point 1 (new)

Text proposed by the Commission

Amendment

(1) Member States shall deduct any sums paid unduly as a result of an outstanding irregularity by a beneficiary, under the terms set out in this Article, from any future payments to the beneficiary from the paying agency.

Or. es

Amendment 88

Franč Bogovič

Proposal for a regulation

Article 58 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall ensure a level of checks needed for an effective management of the risks.

Amendment

Member States shall ensure a level of checks needed for an effective management of the risks, ***taking into account the size of the parcels being checked.***

Or. en

Justification

When using the area monitoring system for the purpose of checks, MS should have the possibility of focusing on parcels that are bigger. In some MS, a great amount of parcels are below 0,5 ha, which mean that 100% follow-up actions on small parcels will need to be taken due to the relatively low resolution of the images for motoring system. This would be difficult to perform them on time and would also represent a big financial burden. Small parcels do not represent a significant financial risk for the EU budget, but they represent a disproportionate financial and administrative burden for MS.

Amendment 89

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 58 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall ensure a level of checks needed for an effective management of the risks.

Amendment

Member States shall ensure a level of checks needed for an effective management of the risks ***in form their find most suitable.***

Or. en

Justification

Subsidiarity and proportionality should be underlined. There is no need to mix control rules of MS and the Commission to cause administrative burden for MS and beneficiaries. MS does not want to control same, good beneficiaries, year after year, but put the efforts to risks and fraudulent beneficiaries and they have to have all tools to set up efficient and cost-effective control system.

Amendment 90
Laurențiu Rebega

Proposal for a regulation
Article 58 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall ensure a level of checks needed for an effective management of the risks.

Amendment

Member States shall ensure a ***proportionate*** level of checks needed for an effective management of the risks.

Or. ro

Amendment 91
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 60 – paragraph 1

Text proposed by the Commission

Without prejudice to specific provisions, Member States shall take effective and proportionate measures to avoid provisions of Union law to be circumvented and ensure, in particular, that no advantage provided for under sectoral agricultural legislation shall be granted in favour of a natural or legal person in respect of whom it is established that the conditions required for obtaining such advantages were created artificially, contrary to the objectives of that legislation.

Amendment

Without prejudice to specific provisions, Member States shall take effective and proportionate measures to avoid provisions of Union law to be circumvented and ensure, in particular, that no advantage provided for under sectoral agricultural legislation shall be granted in favour of a natural or legal person in respect of whom it is established that the conditions required for obtaining such advantages were created artificially, contrary to the objectives of that legislation. ***Member States may give further and more detailed national legislation about artificial conditions.***

Or. en

Justification

The article has proven to be inefficient in practice to fulfill the burden of proof needed to show circumvention and take appropriate action. If the article is not improved, Member States should have the possibility to give further, more detailed national legislation.

Amendment 92
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 63 – paragraph 4 – point c

Text proposed by the Commission

(c) "system for the identification and registration of animals" means the system for the identification and registration of bovine animals laid down by Regulation (EC) No 1760/2000 of the European Parliament and of the Council³³ or the system for the identification and registration of ovine and caprine animals laid down by Council Regulation (EC) No 21/2004³⁴ ;

³³ 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 and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1).

³⁴ Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8).

Amendment

(c) "system for the identification and registration of animals" means the system for the identification and registration of bovine animals laid down by Regulation (EC) No 1760/2000 of the European Parliament and of the Council³³ or the system for the identification and registration of ovine and caprine animals laid down by Council Regulation (EC) No 21/2004³⁴ ***or the system for the identification and registration of pigs laid down by Council Directive 2008/71/EC and other databases for animals in use.***

³³ 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 and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1).

³⁴ Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8).

Or. en

Justification

"System for the identification and registration of animals" excludes porcine animals. Also, other databases for animals established by Member States should also be used even if they are not based on individual animals to avoid communication of the same information twice.

Amendment 93

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 63 – paragraph 4 – point f

Text proposed by the Commission

(f) "claimless system" means **an** application system for area- or animal-based interventions in which necessary data required by the administration on at least individual areas or animals claimed for aid is available in official computerised databases managed by the Member State.

Amendment

(f) "claimless system" means **a** ***prefilled or some other kind of*** application system for area- or animal-based interventions in which necessary data required by the administration on at least individual areas or animals claimed for aid is available in official computerised databases managed by the Member State. ***Claimless system enables the administration to make the payments to the farmers concerning all interventions and measures the farmer is eligible for based on the details in the official computerised databases, supplemented with additional information from the farmer, where necessary.***

Or. en

Justification

Subsidiarity should be underlined so that the Member States can use their IT-systems and all information in the way they find most suitable and to ease the farmers in most practical way.

Amendment 94

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 65 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The data and documentation referred to in the first subparagraph relating to the current calendar year or marketing year and to the previous ten calendar years or marketing years shall be accessible for consultation through the digital databases of the competent authority of the Member State.

Amendment

The data and documentation referred to in the first subparagraph relating to the current calendar year or marketing year and to the previous ten calendar years or marketing years shall be accessible for consultation through the digital databases of the competent authority of the Member State. ***Relevant information from the database can also be provided in form of summaries.***

Or. en

Justification

There is concerns relating to the costs of all data keeping required. The accessibility provided for time frame of ten years, may occur very expensive to implement. Similar and relevant information can be provided in a form of summaries much cheaper way.

Amendment 95

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 66 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) contains any information relevant for the reporting on the indicators referred to in Article 7 of Regulation (EU) .../...[CAP Strategic Plan Regulation]; **deleted**

Or. en

Justification

Point d) states that the identification system for agricultural parcels (LPIS) shall contain any information relevant for the reporting on the indicators referred to in Article 7 of Regulation (EU) .../...[CAP Strategic Plan Regulation. This means that in the LPIS there must be layers for every year which must be kept for 10 years and which thus is very costly. LPIS should only contain background information related to area ready to be transferred to other databases .

Amendment 96

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 68 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall set up and operate an area monitoring system.

1. Member States shall set up and operate an area monitoring system. ***On duly justified grounds, the Commission may grant a transitional period regarding area monitoring system for Member States that have not used a remote sensing system during the recent years.***

Or. en

Justification

There should be a transitional period regarding the new compulsory area monitoring system for Member States that have not used a remote sensing system before, in order to give them the opportunity to finalise the system and make it work in practice.

Amendment 97

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 74

Text proposed by the Commission

Amendment

Article 74

deleted

Scope and definitions

1. This Chapter lays down specific rules on the scrutiny of the commercial documents of those entities receiving or making payments relating directly or indirectly to the system of financing by the EAGF, or representatives of those entities (hereinafter 'undertakings') in order to ascertain whether transactions forming part of the system of financing by the EAGF have actually been carried out and have been executed correctly.

2. This Chapter shall not apply to interventions covered by the integrated system referred to in Chapter II of this Title and by Chapter III of Title III of Regulation (EU) .../... [CAP Strategic Plan Regulation]. The Commission is empowered to adopt delegated acts in accordance with Article 100 supplementing this Regulation with the establishment of a list of interventions which, due to their design and control requirements, are unsuited for additional ex-post controls by way of scrutiny of commercial documents and, therefore, are not to be subject to such scrutiny under this Chapter.

3. For the purposes of this Chapter the following definitions shall apply:

(a) "commercial document" means all books, registers, vouchers and supporting

documents, accounts, production and quality records, correspondence relating to the undertaking's business activity, and commercial data, in whatever form they may take, including electronically stored data, in so far as these documents or data relate directly or indirectly to the transactions referred to in paragraph 1;

(b) "third party" means any natural or legal person directly or indirectly connected with transactions carried out within the financing system by the EAGF.

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutiny transactions if the amount of these is under certain limit.

Amendment 98

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 75

Text proposed by the Commission

Amendment

Article 75

deleted

Scrutiny by Member States

1. Member States shall carry out systematic scrutiny of the commercial documents of undertakings taking account of the nature of the transactions to be scrutinised. Member States shall ensure that the selection of undertakings for scrutiny gives the best possible assurance of the effectiveness of the measures for preventing and detecting irregularities. The selection shall take account, inter alia, of the financial importance of the undertakings in that system and of other risk factors.

2. In appropriate cases, the scrutiny

provided for in paragraph 1 shall be extended to natural and legal persons with whom undertakings are associated and to such other natural or legal persons as may be relevant for the pursuit of the objectives set out in Article 76.

3. The scrutiny carried out pursuant to this Chapter shall not prejudice the checks undertaken pursuant to Articles 47 and 48.

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutiny transactions if the amount of these is under certain limit.

Amendment 99

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 76

Text proposed by the Commission

Amendment

Article 76

deleted

Cross-checks

1. The accuracy of primary data under scrutiny shall be verified by a number of cross-checks, including, where necessary, the commercial documents of third parties, appropriate to the degree of risk presented, including:

(a) comparisons with the commercial documents of suppliers, customers, carriers and other third parties;

(b) physical checks, where appropriate, upon the quantity and nature of stocks;

(c) comparison with the records of financial flows leading to or consequent upon the transactions carried out within the financing system by the EAGF;

(d) checks, in relation to bookkeeping, or records of financial movements showing, at the time of the scrutiny, that the documents held by the paying agency by way of justification for the payment of aid to the beneficiary are accurate.

2. Where undertakings are required to keep particular book records of stock in accordance with Union or national provisions, scrutiny of those records shall, in appropriate cases, include a comparison with the commercial documents and, where appropriate, with the actual quantities in stock.

3. In the selection of transactions to be checked, full account shall be taken of the degree of risk presented.

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutinise transactions if the amount of these is under certain limit.

Amendment 100

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 77

Text proposed by the Commission

Amendment

Article 77

deleted

Access to commercial documents

1. The persons responsible for the undertaking, or a third party, shall ensure that all commercial documents and additional information are supplied to the officials responsible for the scrutiny or to the persons authorised to carry it out on their behalf. Electronically stored data shall be provided on an appropriate data support medium.

2. The officials responsible for the scrutiny or the persons authorised to carry it out on their behalf may require that extracts or copies of the documents referred to in paragraph 1 be supplied to them.

3.

Where, during scrutiny carried out pursuant to this Chapter, the commercial documents maintained by the undertaking are considered inadequate for scrutiny purposes, the undertaking shall be directed to maintain in future such records as are required by the Member State responsible for the scrutiny, without prejudice to obligations laid down in other Regulations relating to the sector concerned.

Member States shall determine the date from which such records are to be established.

Where some or all of the commercial documents required to be scrutinised pursuant to this Chapter are located with an undertaking in the same commercial group, partnership or association of undertakings managed on a unified basis as the undertaking scrutinised, whether located inside or outside the territory of the Union, the undertaking shall make those commercial documents available to officials responsible for the scrutiny, at a place and time to be determined by the Member States responsible for carrying out the scrutiny.

4. Member States shall ensure that officials responsible for scrutiny are entitled to seize commercial documents, or have them seized. This right shall be exercised with due regard to the relevant national provisions and shall be without prejudice to the application of rules governing proceedings in criminal matters concerning the seizure of documents.

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutinize transactions if the amount of these is under certain limit.

Amendment 101

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 78

Text proposed by the Commission

Amendment

Article 78

deleted

Mutual assistance

1.

Member States shall assist each other for the purposes of carrying out the scrutiny provided for in this Chapter in the following cases:

(a) where an undertaking or third party is established in a Member State other than that in which payment of the amount in question has or should have been made or received;

(b) where an undertaking or third party is established in a Member State other than that in which the documents and information required for scrutiny are to be found.

The Commission may coordinate joint actions involving mutual assistance between two or more Member States.

2. Member States shall send the Commission a list of undertakings established in a third country for which payment of the amount in question has or should have been made or received in that Member State.

3.

If additional information is required in another Member State as part of the

scrutiny of an undertaking in accordance with Article 75, and in particular cross-checks in accordance with Article 76, specific scrutiny requests may be made indicating the reasons for the request.

The scrutiny request shall be fulfilled not later than six months after its receipt; the results of the scrutiny shall be communicated without delay to the requesting Member State.

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutiny transactions if the amount of these is under certain limit.

Amendment 102

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 79

Text proposed by the Commission

Amendment

Article 79

deleted

Programming

1. Member States shall draw up programmes for scrutiny to be carried out pursuant to Article 75 during the subsequent scrutiny period.

2. Each year, before 15 April, Member States shall send the Commission their programme as referred to in paragraph 1 and shall specify:

(a) the number of undertakings to be scrutinised and their breakdown by sector on the basis of the amounts relating to them;

(b) the criteria adopted for drawing up the programme.

3. The programmes established by the

Member States and forwarded to the Commission shall be implemented by the Member States, if, within eight weeks, the Commission has not made known its comments.

4. Paragraph 3 shall apply mutatis mutandis to the amendments to the programme made by the Member States.

5. At any stage, the Commission may request the inclusion of a particular category of undertaking in the programme of a Member States.

6.

Undertakings for which the sum of the receipts or payments amounted to less than EUR 40 000 shall be scrutinised in accordance with this Chapter only for specific reasons to be indicated by the Member States in their annual programme referred to in paragraph 1 or by the Commission in any proposed amendment to that programme.

The Commission is empowered to adopt delegated acts in accordance with Article 101 amending the threshold set out in the first subparagraph.

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutiny transactions if the amount of these is under certain limit.

Amendment 103
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 80

Text proposed by the Commission

Amendment

Article 80

deleted

Special departments

1.

In each Member State, a special department shall be responsible for monitoring the application of this Chapter. Those departments shall, in particular, be responsible for:

(a) the performance of the scrutiny provided for in this Chapter by officials employed directly by that special department; or

(b) the coordination and general surveillance of the scrutiny carried out by officials belonging to other departments.

Member States may also provide that scrutiny to be carried out pursuant to this Chapter is allocated between the special departments and other national departments, provided that the former is responsible for its coordination.

2. *The department or departments responsible for the application of this Chapter shall be organised in such a way as to be independent of the departments or branches of departments responsible for the payments and the scrutiny checks carried out prior to payment.*

3. *The special department referred to in paragraph 1 shall take all the measures necessary, and it shall be entrusted by the Member State concerned with all the powers necessary, to perform the tasks referred to in this Chapter.*

4. *Member States shall adopt appropriate measures to penalise natural or legal persons who fail to fulfil their obligations under this Chapter.*

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutiny transactions if the amount of these is under certain limit.

Amendment 104
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 81

Text proposed by the Commission

Amendment

Article 81

deleted

Reports

1.

Before 1 January, following the scrutiny period, Member States shall send the Commission a detailed report on the application of this Chapter.

The report referred to in the first subparagraph shall also contain an overview of the specific scrutiny requests referred to in Article 78(3) and the results of the scrutiny following those requests.

2. The Member States and the Commission shall have regular exchanges of views on the application of this Chapter.

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutinise transactions if the amount of these is under certain limit.

Amendment 105
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 82

Text proposed by the Commission

Amendment

Article 82

deleted

Access to information and scrutiny by the Commission

1. In accordance with the relevant national laws, Commission officials shall have access to all documents prepared either with a view to or following the scrutiny organised under this Chapter and to the data held, including those stored in the data-processing systems. That data shall be provided upon request on an appropriate data support medium.

2. The scrutiny referred to in Article 75 shall be carried out by the officials of the Member States. Officials of the Commission may participate in that scrutiny. They may not themselves exercise the powers of scrutiny accorded to national officials. However, they shall have access to the same premises and to the same documents as the officials of the Member States.

3.

In the case of scrutiny taking place under Article 78, officials of the requesting Member State may be present, with the agreement of the requested Member State, at the scrutiny in the requested Member State and have access to the same premises and the same documents as the officials of that Member State.

Officials of the requesting Member State present at scrutiny in the requested Member State shall at all time be able to furnish proof of their official capacity. The scrutiny shall at all times be carried out by officials of the requested Member State.

4. Without prejudice to the provisions of Regulations (EU, Euratom) No 883/2013, (Euratom, EC) No 2988/95 (Euratom, EC) No 2185/96 and (EU) 2017/1939, where national provisions concerning criminal procedure reserve certain acts for officials specifically designated by the national law, neither the officials of the Commission, nor the officials of the Member State referred to in paragraph 3, shall take part in these acts. In any event,

they shall, in particular not take part in home visits or the formal interrogation of persons in the context of the criminal law of the Member State concerned. They shall, however, have access to information thus obtained.

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutiny transactions if the amount of these is under certain limit.

Amendment 106

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation Article 83

Text proposed by the Commission

Amendment

Article 83

deleted

Implementing powers

The Commission shall adopt implementing acts laying down rules necessary for the uniform application of this Chapter and in particular relating to the following:

(a) the performance of the scrutiny referred to in Article 75 as regards the selection of undertakings, rate and the timescale for the scrutiny;

(b) the conservation of commercial documents and the types of documents to maintain or data to record;

(c) the performance and coordination of joint actions referred to in Article 78(1);

(d) the details and specifications regarding the content, form and means of submission of requests, the content, form and means of notification, submission and exchange of information required

under this Chapter;

(e) conditions and means of publication or specific rules and conditions for the diffusion or making available by the Commission to the competent authorities of the Member States of the information needed under this Regulation;

(f) the responsibilities of the special department referred to in Article 80;

(g) the content of reports referred to in Article 81 and any other notification needed under this Chapter.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 101(3).

Or. en

Justification

The Commission proposal includes detailed requirements for the scrutiny of transactions (Art 74 to 83). Because of the small numbers of such transactions, the need for this heavy control system is questionable, both now and in the future. Alternative solution could be to give Member States the possibility not to scrutiny transactions if the amount of these is under certain limit.

Amendment 107

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 84 – paragraph 3 – point d

Text proposed by the Commission

(d) establish the control sample for the checks referred to in point (a) to be carried out each year on the basis of a risk analysis and shall include a random component and shall provide the control sample to cover at least 1% of beneficiaries receiving the aid provided for in Section 2 of Chapter 1 of Title III of Regulation (EU) .../... [CAP Strategic Plan Regulation].

Amendment

(d) establish the control sample for the checks referred to in point (a) to be carried out each year on the basis of a risk analysis and shall include a random component and shall provide the control sample to cover at least 1% of beneficiaries receiving the aid provided for in Section 2 of Chapter 1 of Title III of Regulation (EU) .../... [CAP Strategic Plan Regulation]. ***By way of derogation from the previous point, Member States may decide to reduce the minimum control rate of 0,5 % at the level of each act or standard or group of acts or***

standards, if the rate of non-compliances found in the random sample checked on the spot shall not exceed 2 % in the preceding two claim years.

Or. en

Justification

It should be possible in the system of conditionality to reduce minimum control rate of 1% if small amount of non-compliances has been found in the previous years.

Amendment 108

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 85 – paragraph 2 – point c

Text proposed by the Commission

(c) shall provide that no administrative penalty be imposed *where the non-compliance is due to force majeure.*

Amendment

(c) shall provide that no administrative penalty be imposed *in the following cases:*

Or. en

Justification

Article 85(2)(c) states that no administrative penalty is imposed where the non-compliance is due to force majeure. Article 57(3) lists also other cases where penalties are not imposed, e.g. where the non-compliance is due to an error of an authority. All these other points in Article 57(3) should also be applicable to the system of conditionality

Amendment 109

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 85 – paragraph 2 – point c – point i (new)

Text proposed by the Commission

Amendment

i) where the non-compliance is due to force majeure.

Or. en

Justification

Article 85(2)(c) states that no administrative penalty is imposed where the non-compliance is due to force majeure. Article 57(3) lists also other cases where penalties are not imposed, e.g. where the non-compliance is due to an error of an authority. All these other points in Article 57(3) should also be applicable to the system of conditionality

Amendment 110

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 85 – paragraph 2 – point c – point ii (new)

Text proposed by the Commission

Amendment

ii) where the non-compliance is due to an error of the competent authority or another authority, and where the error could not reasonably have been detected by the person concerned by the administrative penalty.

Or. en

Justification

Article 85(2)(c) states that no administrative penalty is imposed where the non-compliance is due to force majeure. Article 57(3) lists also other cases where penalties are not imposed, e.g. where the non-compliance is due to an error of an authority. All these other points in Article 57(3) should also be applicable to the system of conditionality

Amendment 111

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 85 – paragraph 2 – point c – point iii (new)

Text proposed by the Commission

Amendment

iii) where the person concerned can demonstrate to the satisfaction of the competent authority that he or she is not at fault for the non-compliance with the obligations referred to in paragraph 1 or if the competent authority is otherwise satisfied that the person concerned is not at fault.

Justification

Article 85(2)(c) states that no administrative penalty is imposed where the non-compliance is due to force majeure. Article 57(3) lists also other cases where penalties are not imposed, e.g. where the non-compliance is due to an error of an authority. All these other points in Article 57(3) should also be applicable to the system of conditionality

Amendment 112

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation**Article 86 – paragraph 1 – subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

In those Member States where animal-related voluntary coupled support and animal-related rural development support are applied, an administrative penalty based on non-compliance of animal-related statutory management requirements should apply only to animal-related voluntary coupled support and animal-related rural development support of the beneficiary. Likewise, an administrative penalty based on non-compliance of area-related statutory management requirements and/or good agricultural and environmental standards should apply only to area-related direct payments and area-related rural development support of the beneficiary.

Or. en

Justification

At the moment the penalties relating to cross compliance are not equitable and proportionate, especially for farmers in different production sectors (animal husbandry/crop production). For example, farms only with a few animals but hundreds of hectares have a non-compliance in animal relates cross compliance requirements and when the penalty is applied to all area-based direct payments and rural development payments, the penalty seems to be too big in relation to the animal number. This applies also vice versa, with farms of only a few hectares but lot of animals. This unfair situation should be changed in the system of conditionality. Therefore, the new subparagraph should be inserted after the first subparagraph of Article 86(1) for those Member States where animal-related voluntary coupled support and animal-related rural development support are applied.

Amendment 113

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 86 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the calculation of those reductions and exclusions, account shall be taken of the severity, extent, permanence, reoccurrence **or intentionality** of the non-compliance determined. The penalties imposed shall be dissuasive and proportionate, and compliant with the criteria set out in paragraphs 2 and 3 of this Article.

Amendment

For the calculation of those reductions and exclusions, account shall be taken of the severity, extent, permanence **or** reoccurrence of the non-compliance determined. The penalties imposed shall be dissuasive and proportionate, and compliant with the criteria set out in paragraphs 2 and 3 of this Article.

Or. en

Justification

Assessing intent has proven extremely difficult and might lead to ambiguous interpretations where farmers are not treated equally. It should also be taken into account that the definition of “intentionality” does not apply to the aid schemes (see Article 57(3), first subparagraph where intentionality is not mentioned.

Amendment 114

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation

Article 86 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In the case of non-compliance due to negligence, the percentage of reduction shall be as a general rule 3% of the total amount of the payments referred to in paragraph 1 of this Article.

Amendment

deleted

Or. en

Justification

The paragraph sets out quite strict general rule (3 %) for penalties. Either the paragraph should be deleted or penalties should be stated as 1 %, 3 % and 5 %.

Amendment 115
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 86 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States may set up an early warning system that applies to individual cases of non-compliance occurring for the first time and which, given their minor severity, extent and permanence, shall not lead to a reduction or exclusion. Where a subsequent check within three consecutive calendar years establishes that the non-compliance has not been remedied, the reduction pursuant to the first subparagraph shall be applied *retroactively*.

Amendment

Member States may set up an early warning system that applies to individual cases of non-compliance occurring for the first time and which, given their minor severity, extent and permanence, shall not lead to a reduction or exclusion. Where a subsequent check within three consecutive calendar years establishes that the non-compliance has not been remedied, the reduction pursuant to the first subparagraph shall be applied *for the year when the non-compliance was found not to have been remedied*.

Or. en

Justification

As regards, early warning system administrative penalties should not be applied retroactively, because the retroactive penalties are complicated both for the farmers and for the administration. Thus, it should be enough to apply a penalty only for the year when the non-compliance was found not to have been remedied.

Amendment 116
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 86 – paragraph 5

Text proposed by the Commission

5. In order to ensure a level-playing field between Member States and the effectiveness and dissuasive effect of the penalty system, the Commission shall be empowered to adopt delegated acts in accordance with Article 100 supplementing this Regulation with further rules on the application and calculation of penalties.

Amendment

deleted

Justification

All rules on the administrative penalties should be known to Member States as from the moment the Horizontal regulation is adopted. Further regulation through delegated acts doesn't support subsidiarity and complicates the process of drafting the CAP Plan.

Amendment 117

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation**Article 88 – paragraph 2***Text proposed by the Commission*

2. ***Member States shall inform*** the Commission ***regularly of the application of*** the integrated system referred to in Chapter II of Title IV. ***The Commission shall organise exchanges of views on this subject*** with the Member States.

Amendment

2. The Commission ***shall organise exchanges of views on*** the integrated system referred to in Chapter II of Title IV with the Member States.

Justification

In the article, it is unclear what kind of information the Commission is waiting on the application of IACS and when. This should be more precise.

Amendment 118

Elsi Katainen, Petras Auštrevičius

Proposal for a regulation**Article 90 – paragraph 1 – point a – point vii***Text proposed by the Commission*

(vii) information on the measures taken pursuant to Article 57; ***deleted***

*Amendment**Justification*

It is unclear what kind of information the Commission is waiting about the application of protection of the financial interests of the Union, and this should be more precise.

Amendment 119
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 90 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the notifications to the Commission by Member States of information, documents, statistics and reports, and the deadlines and methods for their notification.

deleted

Or. en

Justification

For planning the data systems it is very important to know beforehand what kind of information, documents etc. have to be communicated and what are the deadlines and methods for these notifications.

Amendment 120
Stanislav Polčák

Proposal for a regulation
Article 96 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure annual ex-post publication of the beneficiaries of the Funds in accordance with [Article 44(3)-(5) of Regulation (EU) .../...CPR Regulation] and paragraphs 2, 3 and 4 of this Article.

1. Member States shall ensure annual ex-post publication of the beneficiaries of the Funds in accordance with [Article 44(3)-(5) of Regulation (EU) .../...CPR Regulation] and paragraphs 2, 3 and 4 of this Article, ***including information on the existence of economic, family or other ties to persons working for the public authorities of a Member State.***

Or. cs

Amendment 121
Bronis Ropé

Proposal for a regulation
Article 96 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure **annual** ex-post publication of the beneficiaries of the Funds **in accordance** with [Article 44(3)-(5) of Regulation (EU) .../... CPR Regulation] and paragraphs 2, 3 and 4 of this Article.

Amendment

1. Member States shall ensure **timely** ex-post publication of the beneficiaries of the Funds **every three months in accordance** with [Article 44(3)-(5) of Regulation (EU) .../... CPR Regulation] and paragraphs 2, 3 and 4 of this Article.

Or. en

Amendment 122
Stanislav Polčák

Proposal for a regulation
Article 96 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The information referred to in Article 44(3)-(5) of that Regulation 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.

Amendment

The information referred to in Article 44(3)-(5) of that Regulation 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. ***When that information also includes information on the existence of economic, family or other ties with a person working for the public authorities of a Member State, that information must be available for at least five years from the date of first publication.***

Or. cs

Amendment 123
Elsi Katainen, Petras Auštrevičius

Proposal for a regulation
Article 103 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article

101 supplementing this Regulation with derogations from, and additions to, the rules provided for in this Regulation, where necessary.

101 supplementing this Regulation with derogations from, and additions to, the rules provided for in this Regulation, where necessary. ***These acts shall be drafted immediately after the need has appeared.***

Or. en

Justification

There may be need for many kinds of derogations etc. to help the beneficiaries because it is not possible to anticipate everything beforehand. And these acts should be done as soon as possible when the need is noticed.