



EUROPEAN PARLIAMENT

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*Committee on Legal Affairs*

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8.12.2010

## **NOTICE TO MEMBERS**

**(30/2010)**

**Subject:** Reasoned opinion from the Seimas of the Republic of Lithuania on the proposal for regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers  
(COM(2010)0539 – C7-0294/2010 – 2010/0267(COD))

Under Article 6 of Protocol No 2 on the application of the principles of subsidiarity and proportionality, national Parliaments may, within eight weeks from the date of the transmission of a draft legislative act, send to the Presidents of the Parliament, the Council and the Commission a reasoned opinion stating why they consider that the draft in question does not comply with the principle of subsidiarity.

According to the European Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for the respect of the principle of subsidiarity.

Please find attached for your information a reasoned opinion from the Seimas of the Republic of Lithuania on the above proposal.

LIETUVOS RESPUBLIKOS SEIMO EUROPOS  
REIKALŲ KOMITETAS SEIMAS OF THE  
REPUBLIC OF LITHUANIA  
COMMITTEE ON EUROPEAN AFFAIRS

53 Gedimino Ave., LT-01109 Vilnius, LITHUANIA Tel. +370 5 239 65 83 Fax +370 5 239 64 09 E-mail: [erk@lrs.lt](mailto:erk@lrs.lt)

Paolo DE CASTRO  
Chair of the Committee on Agriculture and Rural Development  
European Parliament  
Bat. Altiero Spinelli 15G305  
60 rue Wiertz/Wiertzstraat 60B-1047  
Brussels

29 11 2010 No.S-2010-11241  
PE – COURRIER  
EP – ENTREE  
30-11-2010  
No 13086

**ON THE POSSIBLE CONTRADICTION OF THE EU DRAFT LEGISLATION WITH  
THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY**

Dear Chair of the Committee,

The issue of the possible contradiction of this EU draft legislation with the principles of subsidiarity and proportionality was debated in a plenary session of the Seimas of the Republic of Lithuania on 23 November 2010:

- ‘Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers’ (COM(2010)539 final);

I would like to inform you that the Seimas of the Republic of Lithuania has approved the statement (reasoned opinion) of the Seimas on this matter, which states that the proposal is possibly in contradiction with the principles of subsidiarity and proportionality.

ATTACHED:

1. Extract (English) from the Conclusion of 17 November 2010 of the Committee on European Affairs of the Seimas of the Republic of Lithuania, 2 pages.
2. Statement of the Seimas of the Republic of Lithuania ‘on the possible contradiction of the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers’ with the principles of subsidiarity and proportionality’ (English), 1 page.

Yours faithfully,

Chair of the Committee on European Affairs  
Česlovas Vytautas Stankevičius

*Contacts:*

*Laimonas Čiakas, advisor on agriculture and rural development, tel. + 37052 396762; [laimonas.ciakas@lrs.lt](mailto:laimonas.ciakas@lrs.lt):*

*Julijus Glebovas, advisor on subsidiarity check coordination and relations with the EP, tel. +37052396861:*

*[julijus.glebovas@lrs.lt](mailto:julijus.glebovas@lrs.lt)*



SEIMAS OF THE REPUBLIC OF LITHUANIA

COMMITTEE ON EUROPEAN AFFAIRS

CONCLUSION

**ON THE POSSIBLE CONTRADICTION OF THE PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 73/2009 ESTABLISHING COMMON RULES FOR DIRECT SUPPORT SCHEMES FOR FARMERS UNDER THE COMMON AGRICULTURAL POLICY AND ESTABLISHING CERTAIN SUPPORT SCHEMES FOR FARMERS WITH THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY**

Document No. COM(2010) 539 final  
17 November 2010, No. 100-P-53,  
Vilnius  
Relevance for Lithuania: relevant

<b>On the possible contradiction of the EU legislative proposal with the principle of subsidiarity:</b>	<p><i>Having examined the conclusions of the Seimas Committee on Rural Affairs; having considered the conclusions of the European Law Department under the Ministry of Justice, and having analysed the EC proposal, the Committee on European Affairs, hereby states that:</i></p> <ol style="list-style-type: none"><li>1. It is important to thoroughly consider which provisions, under the proposal, are to be regulated by means of delegated acts (the ones Member States do not vote for as they are unilaterally set forth by the EC) and which ones are to be regulated by means implementing acts (involving Member States in deliberation and voting), i.e., whether the Commission is really delegated more essential powers;</li><li>2. There are inconsistencies between the Lithuanian translation and the English text of the draft document;</li><li>3. Article 12 suggests that, "In order to guarantee the proper functioning of the farm advisory system, the Commission may</li></ol>
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	<p>adopt, by means of delegated acts, provisions aiming at rendering such system fully operational. These provisions may relate, amongst others, to the scope of the farm advisory system and the accessibility criteria for farmers". In fact, proper functioning of the farm advisory system is ensured and implemented by Member States in a more expedient manner, considering the needs of Member States' farmers and questioning whether the rules adopted by the EC delegated acts will fully ensure qualitative functioning of the system.</p> <p>4. Certain requirements exist within the agricultural sector (e.g., cross-compliance), and compliance with these requirements is related to direct support payment. Therefore, proper functioning of the farm advisory system in the country is necessary seeking to ensure provision of Information on these requirements. A member state will thus best ensure proper functioning of such advisory system.</p> <p>5. Article 45a refers to essential and principal issues, such as the rules on the eligibility and the access to the single payment scheme of farmers, including in case of inheritance and anticipated inheritance, inheritance under a lease, change of legal status or denomination and in case of merger or scission of the holding or rules on the calculation of the unit value of payment entitlements and for the modification of payment entitlements, in particular in the case of fractions of entitlements. First of all, when proposing to implement a portion of such rights by means of delegated acts, even though they represent essential legally binding provisions of a legal act, Member States need to be consulted on the issue before taking a decision.</p> <p>6. The draft proposes the regulation by delegated legal acts of such essential issues for Member States as the rules on the access of farmers in such special situations to payment entitlements and specific circumstances when the single area payment scheme may be applied, etc. Member States must necessarily take part in the deliberation of such issues.</p> <p>7. The draft legal act with regard to subsidiarity principle is limited to the explanation that, "Agricultural policy is of shared competence between the EU and the Member States. This means that as long as the EU does not legislate in the sector, Member States maintain their competence. As regards direct payments a Community approach already exists, and it is justified to simplify the current rules". The draft legal act with regard to the principle of proportionality is limited to the explanation that, "The proposal complies with the proportionality principle". (...) The amendments aiming at simplification are of limited scope and purely technical nature. It has to be acknowledged that the explanations with regard to the compliance with the principles of subsidiarity and proportionality are not exhaustive or sufficient.</p> <p>In view of the arguments listed above and considering the proposal to implement, by means of the EC delegated acts, essential legally binding provisions of the acts or systems which may be implemented by Member States in a more expedient manner (e.g., functioning of the advisory system),</p>
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	<p>the Committee has decided as follows:</p> <p><i>the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers</i> is in contradiction with the principles of subsidiarity and proportionality.</p>
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Česlovas Vytautas Stankevičius  
Chairman                      /stamp/

**SEIMAS OF THE REPUBLIC OF LITHUANIA**

**STATEMENT**

**ON THE POSSIBLE CONTRADICTION OF THE PROPOSAL FOR A REGULATION  
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL  
REGULATION (EC) NO 73/2009 ESTABLISHING COMMON RULES FOR DIRECT  
SUPPORT SCHEMES FOR FARMERS UNDER THE COMMON AGRICULTURAL  
POLICY AND ESTABLISHING CERTAIN SUPPORT SCHEMES FOR FARMERS  
WITH THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY**

23<sup>rd</sup> November 2010

Vilnius

The Seimas of the Republic of Lithuania,

having deliberated the conclusion of the Seimas Committee on European Affairs *On the possible contradiction of the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers with the principles of subsidiarity and proportionality*, under Article 180<sup>6</sup> of the Statute of the Seimas,

hereby *approves* the conclusion of the Seimas Committee on European Affairs *On the possible contradiction of the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers with the principles of subsidiarity and proportionality*.

SPEAKER OF THE SEIMAS  
IRENA DEGUTIENĖ