



EUROPEAN PARLIAMENT

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*Committee on Agriculture and Rural Development*

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**2011/0286(COD)**

26.3.2012

# **AMENDMENTS**

## **1 - 14**

**Draft report**

**Luis Manuel Capoulas Santos**

(PE480.631v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 as regards the application of direct payments to farmers in respect of the year 2013

Proposal for a regulation

(COM(2011)0630 – C7-0337/2011 – 2011/0286(COD))

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**EN**

*United in diversity*

**EN**

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**Amendment 1**  
**Lucas Hartong**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Regulation (EC) No 73/2009 has established a system of compulsory, progressive reduction of direct payments ('modulation') including an exemption of direct payments of up to EUR 5 000 to be applicable until calendar year 2012. As a consequence, the total net amounts of direct payments ('net ceilings') which may be granted in a Member State after application of modulation have been fixed until calendar year 2012. In order to maintain the amount of direct payments in calendar year 2013 on a level similar to that of 2012, however with due account taken to phasing-in in the new Member States, it is appropriate to establish an adjustment mechanism for 2013 having an equivalent effect to that of the modulation and the net ceilings. *Due to the specificities of the support in the outermost regions under the common agricultural policy, such adjustment mechanism should not be applied to farmers in those regions.*

*Amendment*

(2) Regulation (EC) No 73/2009 has established a system of compulsory, progressive reduction of direct payments ('modulation') including an exemption of direct payments of up to EUR 5 000 to be applicable until calendar year 2012. As a consequence, the total net amounts of direct payments ('net ceilings') which may be granted in a Member State after application of modulation have been fixed until calendar year 2012. In order to maintain the amount of direct payments in calendar year 2013 on a level similar to that of 2012, however with due account taken to phasing-in in the new Member States, it is appropriate to establish an adjustment mechanism for 2013 having an equivalent effect to that of the modulation and the net ceilings.

Or. nl

**Amendment 2**

**George Lyon, James Nicholson, Brian Simpson, Luis Manuel Capoulas Santos, Paolo De Castro**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) Regulation (EC) 378/2007**

*established a mechanism for voluntary modulation of direct payments, with a view to strengthening rural development policy in certain Member States. It is important, therefore, to provide continuity of funding for the commitments in rural development expenditure for financial year 2014 and to ensure that the amount of direct payments in calendar year 2013 is maintained at a similar level to that of 2012, without prejudice to the establishment of direct payment national ceilings during the next Financial Framework.*

Or. en

#### *Justification*

*The current provision for voluntary modulation of direct payments ends in 2012. The UK is the only Member State to apply this mechanism and therefore faces a significant gap in funding for its rural development programme in 2013. This threatens to undermine the delivery of existing rural development commitments in the financial year in question.*

#### **Amendment 3**

**George Lyon, James Nicholson, Brian Simpson, Luis Manuel Capoulas Santos, Paolo De Castro**

#### **Proposal for a regulation**

##### **Recital 3**

###### *Text proposed by the Commission*

(3) For the smooth functioning of direct payments in calendar year 2013, it is necessary to extend the net ceilings set out for calendar year 2012 to 2013 and adjust them where necessary, in particular as regards the increases resulting from the phasing-in of direct payments in the new Member States *and the cessation of voluntary modulation provided for in Council Regulation (EC) No 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments*

###### *Amendment*

(3) For the smooth functioning of direct payments in calendar year 2013, it is necessary to extend the net ceilings set out for calendar year 2012 to 2013 and adjust them where necessary, in particular as regards the increases resulting from the phasing-in of direct payments in the new Member States.

*provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers .*

Or. en

#### *Justification*

*The current provision for voluntary modulation of direct payments ends in 2012. The UK is the only Member State to apply this mechanism and therefore faces a significant gap in funding for its rural development programme in 2013. This threatens to undermine the delivery of existing rural development commitments in the financial year in question.*

#### **Amendment 4** **Lucas Hartong**

#### **Proposal for a regulation** **Recital 4**

##### *Text proposed by the Commission*

(4) According to the phasing-in mechanism provided for in the Act of Accession of 2005, the level of direct payments in Bulgaria and Romania continues to be below the level of direct payments applicable in the other Member States in 2013 after application of the adjustment of payments to farmers in the transitional period. ***Therefore, the adjustment mechanism should not apply to farmers in Bulgaria and Romania.***

##### *Amendment*

(4) According to the phasing-in mechanism provided for in the Act of Accession of 2005, the level of direct payments in Bulgaria and Romania continues to be below the level of direct payments applicable in the other Member States in 2013 after application of the adjustment of payments to farmers in the transitional period.

Or. nl

#### **Amendment 5** **Luis Manuel Capoulas Santos, Paolo De Castro**

#### **Proposal for a regulation** **Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) In order to ensure the correct implementation of direct payments to be made by the Member States with respect to applications made in 2013, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the relevant rules concerning the basis of calculation for reductions to be applied to the farmers by the Member States in 2013 due to the adjustment of payments and financial discipline. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.***

Or. en

*Justification*

*Adaptation of legal text in accordance with the Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFUE).*

## **Amendment 6**

**Britta Reimers, Peter Jahr, Albert Deß, Marit Paulsen, Ulrike Rodust**

### **Proposal for a regulation**

#### **Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) The financial transfers to the European Agricultural Fund for Rural Development provided for in Articles 134, 135 **and 136** of Regulation (EC) No 73/2009 relate to the 2007-2013 multi-annual financial

(5) The financial transfers to the European Agricultural Fund for Rural Development provided for in Articles 134 **and** 135 of Regulation (EC) No 73/2009 relate to the 2007-2013 multi-annual financial

perspectives. However, calendar year 2013 corresponds to financial year 2014 falling under the next multi-annual financial framework which permanently sets out the amounts available for rural development programming. Consequently, such financial transfers should be abolished.

perspectives. However, calendar year 2013 corresponds to financial year 2014 falling under the next multi-annual financial framework which permanently sets out the amounts available for rural development programming. Consequently, such financial transfers should be abolished.

Or. en

#### *Justification*

*Art. 69(6)(b) of Reg. 73/2009 allows MS to use unused direct payments for specific support measures (Art. 68(1)) or for the EAFRD (Art. 136). The COM proposal repeals Art. 136, while leaving Art. 68/69 in force. This discriminates MS having opted for transfers under Art. 136 since they can use these funds in the calendar year 2013 (=financial year 2014) neither in Pillar I nor in the EAFRD. This unequal treatment can be avoided by not repealing Art. 136.*

#### **Amendment 7** **Lucas Hartong**

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

#### **Article 1 – point 2**

Regulation (EC) No 73/2009

Article 10 a – paragraph 3

*Text proposed by the Commission*

*Amendment*

***3. Paragraphs 1 and 2 shall not apply to direct payments granted to farmers in Bulgaria and in Romania and in the French overseas departments, in the Azores and Madeira, in the Canary Islands and in the Aegean Islands.***

***deleted***

Or. nl

#### **Amendment 8**

**George Lyon, James Nicholson, Brian Simpson, Luis Manuel Capoulas Santos, Paolo De Castro**

**Proposal for a regulation – amending act**  
**Article 1 – point 2 a (new)**  
Regulation (EC) No 73/2009  
Article 10 b (new)

*Text proposed by the Commission*

*Amendment*

**(2a) The following Article is inserted:**

**"Article 10b**

***Voluntary modulation in calendar year  
2013***

***In addition to the adjustments referred to  
in Article 10a, each Member State which  
applied Article 1 of Council Regulation  
(EC) No 378/2007 may apply  
reductions("voluntary modulation"), to  
direct payments granted in their territory  
in the calendar year 2013.***

***The voluntary modulation rates may be  
regionally differentiated where the  
Member State has applied the single  
payment scheme at a regional level.  
The national rate of reduction used in the  
Member States through the voluntary  
modulation mechanism in 2012 shall  
determine the maximum rate applicable in  
calendar year 2013.***

***Within two months of the entry into force  
of this Regulation, Member States shall  
decide on and communicate to the  
Commission the rate of voluntary  
modulation that will apply. The net  
amounts resulting from the application of  
voluntary modulation for participating  
Member States shall be available for  
financing of their rural development  
programmes. "***

Or. en

*Justification*

*The current provision for voluntary modulation of direct payments ends in 2012. The UK is the only Member State to apply this mechanism and therefore faces a significant gap in funding for its rural development programme in 2013. This threatens to undermine the*



*delivery of existing rural development commitments in the financial year in question.*

**Amendment 9**  
**Julie Girling**

**Proposal for a regulation – amending act**  
**Article 1 – point 3**  
Regulation (EC) No 73/2009  
Article 11 - paragraph 1 - subparagraph 2

*Text proposed by the Commission*

However, in financial year 2014, the adjustment referred to in the first subparagraph shall be determined taking into account the forecasts for the financing of the measures under heading 2 of Annex I to the Interinstitutional Agreement referred to in the first subparagraph before the adjustment of direct payments provided for in Article 10a ***but without taking into account the margin of EUR 300 000 000.***

*Amendment*

However, in financial year 2014, the adjustment referred to in the first subparagraph shall be determined taking into account the forecasts for the financing of the measures under heading 2 of Annex I to the Interinstitutional Agreement referred to in the first subparagraph before the adjustment of direct payments provided for in Article 10a.

Or. en

**Amendment 10**  
**Luis Manuel Capoulas Santos, Paolo De Castro**

**Proposal for a regulation – amending act**  
**Article 1 – point 3 a (new)**  
Regulation (EC) No 73/2009  
Article 11 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(3a) In Article 11, paragraph 2 is replaced by the following:***

***"2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure on a proposal from the Commission presented no later than 31 March of the calendar year in respect of which the adjustments referred to in paragraph 1***

apply, shall determine these adjustments no later than 30 June of the same calendar year."

Or. en

*Justification*

*Maintaining Article 11 (regarding financial discipline) unchanged - with the Council acting on a proposal from the Commission - would constitute a continuation of the reservation of Council's implementing powers under the former Article 202 EC. However, in the new legislative context, your rapporteur considers that this reservation of implementing powers for the Council is no longer justified.*

**Amendment 11**

**Luis Manuel Capoulas Santos, Paolo De Castro**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 73/2009

Article 11 a

*Text proposed by the Commission*

***In Article 11a the following paragraph 3 is added:***

***3. In order to ensure an optimal implementation of the adjustment of direct payments in 2013 and financial discipline, the Commission may, by means of delegated acts, adopt rules concerning the basis of calculation for reductions to be applied to the farmers by the Member States due to the adjustment of payments in 2013 and financial discipline as provided for in Articles 10a and 11.***

*Amendment*

***The following Article is inserted:***

***"Article 11a***

***Delegation of powers to the Commission***

***The Commission shall be empowered to adopt delegated acts in accordance with Article 142a establishing rules concerning the basis of calculation for reductions to be applied to the farmers by the Member States in 2013 as a result of the adjustment of payments and financial discipline as provided for in Articles 10a and 11."***

Or. en

*Justification*

*A new Article 11a has to be inserted here since the alignment proposal COM(2010) 539 is not yet adopted. The scope of the delegated acts should be limited in time. The delegation of powers should only concern rules applicable in respect of the year 2013 consistent with the scope and purpose of this proposal.*

**Amendment 12**

**Sandra Kalniete, Ivars Godmanis, Albert Deß, Britta Reimers, Kārlis Šadurskis, Mariya Nedelcheva, Krišjānis Kariņš**

**Proposal for a regulation – amending act**

**Article 1 – point 4 a (new)**

Regulation (EC) No 73/2009

Article 133 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) The following Article is inserted:***

***"Article 133a***

***Transitional national support***

***The new Member States other than Bulgaria, Romania and Cyprus may grant transitional national support in 2013 in a form of decoupled payments to farmers subject to the authorisation by the Commission. The amount of transitional national support may be limited by a specific financial envelope per sector. The sector specific financial envelope shall not exceed the difference between the total level of direct support that the farmers would have been entitled to receive in the sector in the calendar year 2003 under a CAP scheme and the direct support provided to the sector under Regulation No 73/2009."***

Or. en

*Justification*

*Regulation No 73/2009 has established a framework of EU direct payments and complementary national direct payments to be applicable in new MS. As a consequence*

during the last years from 2009 until 2011 total receipts of direct payments for farmers in several new MS in all farming sectors have reached the levels of direct payments received by farmers in the MS applying historical single payment scheme (SPS). Therefore it is important to maintain the amount of direct support in year 2013 and beyond on a level similar to that of 2012 and it is appropriate to establish a transitional mechanism for 2013. To avoid market distortions created due to different manner of implementation of recent CAP reforms in different MS, it is necessary to provide possibility to the new MS to grant transitional national support in 2013 while direct payments will be introduced uniformly in all MS. In order to provide smooth transition from currently applied direct payment system to the reformed and uniformly implemented direct payment system it is appropriate to establish a transitional mechanism for 2013.

### **Amendment 13**

**Britta Reimers, Peter Jahr, Albert Deß, Marit Paulsen, Ulrike Rodust**

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

##### **Article 1 – point 5**

Regulation (EC) No 73/2009

Articles 134, 135, 136

*Text proposed by the Commission*

*Amendment*

(5) Articles 134, 135 **and 136** are deleted.

(5) Articles 134 **and** 135 are deleted.

Or. en

#### *Justification*

*Art. 69(6)(b) of Reg. 73/2009 allows MS to use unused direct payments for specific support measures (Art. 68(1)) or for the EAFRD (Art. 136). The COM proposal repeals Art. 136, while leaving Art. 68/69 in force. This discriminates MS having opted for transfers under Art. 136 since they can use these funds in the calendar year 2013 (=financial year 2014) neither in Pillar I nor in the EAFRD. This unequal treatment can be avoided by not repealing Art. 136.*

### **Amendment 14**

**Luis Manuel Capoulas Santos, Paolo De Castro**

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

##### **Article 1 – point 5 a (new)**

Regulation (EC) No 73/2009

Article 142 a (new)

***(4a) The following Article is inserted:***

***"Article 142a***

***Exercise of delegation***

***1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***

***2. The power to adopt delegated acts referred to in Article 11a shall be conferred on the Commission for a period of one year from 1 January 2013.***

***3. The delegation of power referred to in Article 11a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***

***4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***

***5. A delegated act adopted pursuant to Article 11 a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.***

Or. en

*Justification*

*Adaptation of legal text in accordance with the Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFUE).*