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2009 - 2014

Committee on Agriculture and Rural Development

2011/0288(COD)

20.7.2012

AMENDMENTS

103 - 424

Draft report
Giovanni La Via
(PE483.834v01-00)

Proposal for a Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy

Proposal for a regulation
(COM(2011)0628 – C7-0000-0000 – 2011/0288(COD))

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Amendment 103
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In accordance with Article 208 of the Treaty on the Functioning of the European Union (TFEU), objectives of development cooperation, including those approved in the context of the United Nations and other international organisations, should be taken into account under the CAP. Measures taken under this regulation should not jeopardize the food production capacity and long term food security of developing countries, in particular least developed countries (LDCs), and contribute to achieving the Union's commitments on mitigating climate change.

Or. en

Amendment 104
Karin Kadenbach, Christel Schaldemose, Åsa Westlund, Brian Simpson, Phil Prendergast

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The implementation of this regulation should be consistent with the development cooperation objectives of the Union's Policy Framework for Food Security (COM (2010) 127) with specific regards to ensure that the deployment of CAP measures do not jeopardize the food production capacity and long term food

security developing countries and the ability of those populations to feed themselves, while complying with the obligation of Policy Coherence for Development under Article 208 of the Treaty on Functioning of the European Union.

Or. en

Amendment 105
Monika Hohlmeier

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Cutting red tape is one of the key objectives and main requirements of the CAP reform. By introducing realistic tolerance thresholds and de minimis limitations and striking a balance between trust and scrutiny, the future administrative burden on Member States and beneficiaries must be kept to a reasonable level. As part of this process of cutting red tape, due account must be taken of the administrative and other costs of checks at all levels and effective administrative and monitoring systems must be rewarded. The overriding objective must be to reduce administrative costs and to return the administrative burden on farmers and administrators to a reasonable level.

Or. de

Amendment 106
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt delegated acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the accreditation of the paying agencies and coordinating bodies, the content of the Farm Advisory System, the measures to be financed by Union budget under public intervention and the valuation of the operations in connection with public intervention, the reductions and suspension of the reimbursements to the Member States, the compensation between expenditure and revenues under the Funds, the recovery of debts, the penalties applied to beneficiaries in case of non-compliance with the eligibility conditions, in respect of rules on securities, on the functioning of the integrated administration and control system, of the measures excluded from the scrutiny of transactions, the penalties applied under cross compliance, the rules on maintenance of permanent **grassland**, the rules on the operative event and the exchange rate to be used by the Member States not using the euro and in respect of the content of the common evaluation framework of the measures adopted under the CAP. 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 Council.

Amendment

(3) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt delegated acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the accreditation of the paying agencies and coordinating bodies, the content of the Farm Advisory System, the measures to be financed by Union budget under public intervention and the valuation of the operations in connection with public intervention, the reductions and suspension of the reimbursements to the Member States, the compensation between expenditure and revenues under the Funds, the recovery of debts, the penalties applied to beneficiaries in case of non-compliance with the eligibility conditions, in respect of rules on securities, on the functioning of the integrated administration and control system, of the measures excluded from the scrutiny of transactions, the penalties applied under cross compliance, the rules on maintenance of permanent **pasture**, the rules on the operative event and the exchange rate to be used by the Member States not using the euro and in respect of the content of the common evaluation framework of the measures adopted under the CAP. 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 Council.

(This amendment applies throughout the text.)

Or. en

Justification

The definition of permanent "grassland" (formerly "pasture") does not sufficiently take account of grazing of rough pasture where forage species may be ligneous, and not necessarily just grasses. Grazing in established pastureland prevents abandonment and loss of biodiversity via encroachment by common species and maintains high nature value systems, thus providing a public good. This change should be applied throughout the regulation.

Amendment 107 **Marian Harkin**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) The Union budget should finance CAP expenditure, including that on rural development, through both Funds either directly or in the context of shared management with the Member States. The types of measures that can be financed using those Funds should be specified.

Amendment

(6) The Union budget should finance CAP expenditure, including that on rural development, through both Funds either directly or in the context of shared management with the Member States. The types of measures that can be financed using those Funds should be specified.
Retrospective changes to the terms of any measure should be avoided.

Or. en

Amendment 108 **Julie Girling, James Nicholson, Anthea McIntyre**

Proposal for a regulation **Recital 8**

Text proposed by the Commission

(8) Where a Member State accredits more than one paying agency, it is important that it designates a ***single*** coordinating body to ensure consistency in the management of the funds, to provide liaison between the Commission and the various accredited paying agencies and to ensure that the

Amendment

(8) Where a Member State accredits more than one paying agency, it is important that it designates a coordinating body to ensure consistency in the management of the funds, to provide 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 made rapidly available. The coordinating body should also be responsible for ensuring that remedial action is taken and that the Commission is kept informed of the follow-up and it should ensure *homogeneous* application of *common* rules and standards.

information requested by the Commission concerning the operations of several paying agencies is made rapidly available. The coordinating body should also be responsible for ensuring that remedial action is taken and that the Commission is kept informed of the follow-up and it should ensure application of *internationally accepted* rules and standards.

Or. en

Justification

This is to clarify that the paying agency who is responsible for these tasks is not necessarily responsible for these tasks alone, and that the coordinating bodies for the paying agencies should assess the paying agencies proficiency on the basis of internationally agreed standards, as there is currently no guidance on how a body should draw up its opinion.

Amendment 109

Julie Girling, Anthea McIntyre

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Only paying agencies accredited by the Member States offer reasonable assurance that the necessary checks have been carried out before granting Union aid to beneficiaries. It should therefore be explicitly laid down that only expenditure effected by accredited paying agencies can be reimbursed from the Union budget.

Amendment

(9) Only paying agencies accredited by the Member States offer reasonable assurance that the necessary checks have been carried out before granting Union aid to beneficiaries. It should therefore be explicitly laid down that only expenditure effected by accredited paying agencies can be reimbursed from the Union budget, ***and that these checks shall be carried out on the basis of single integrated sample.***

Or. en

Justification

The audit methodology should be based on a simple integrated sample, to reduce the burden

on responsible bodies.

Amendment 110

Julie Girling

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Only paying agencies accredited by the Member States offer reasonable assurance that the necessary checks have been carried out before granting Union aid to beneficiaries. It should therefore be explicitly laid down that only ***expenditure effected by*** accredited paying agencies can be reimbursed from the Union budget.

Amendment

(9) Only paying agencies accredited by the Member States offer reasonable assurance that the necessary checks have been carried out before granting Union aid to beneficiaries. It should therefore be explicitly laid down that only accredited paying agencies can be ***responsible for expenditure to be*** reimbursed from the Union budget.

Or. en

Amendment 111

Monika Hohlmeier

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The increasing demands made on certification bodies and paying agencies must not go hand in hand with a further increase in red tape in the Member States and, above all, those demands should be no more stringent than international auditing standards. As regards the scope and content of the certification process, a balanced cost-benefit ratio must be maintained and additional reporting requirements must bring clear value added.

Or. de

Amendment 112
Spyros Danellis

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In order to help beneficiaries to become more aware of the relationship between agricultural practices and management of farms on the one hand, and standards relating to the environment, climate change, good agricultural condition of land, food safety, public health, animal health, plant health and animal welfare on the other, it is necessary that Member States establish a comprehensive farm advisory system offering advice to beneficiaries. That farm advisory system should in any way not affect the obligation and responsibility of beneficiaries to respect those standards. Also a clear separation between advice and checks should be ensured by the Member States.

Amendment

(10) In order to help beneficiaries to become more aware of the relationship between agricultural practices, **management**, and **risk** management of farms on the one hand, and standards relating to the environment, climate change, good agricultural condition of land, food safety, public health, animal health, plant health and animal welfare on the other, it is necessary that Member States establish a comprehensive farm advisory system offering advice to beneficiaries. That farm advisory system should in any way not affect the obligation and responsibility of beneficiaries to respect those standards. Also a clear separation between advice and checks should be ensured by the Member States.

Or. en

Amendment 113
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for

Amendment

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for

the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy¹⁴. That system should finally cover certain elements related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant **disease notification** and innovation as well as the sustainable development of the economical activity of the small farms.

the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy¹⁴, **as well as measures available under the second pillar (Regulation (EU) No RD/xxx) which improve sustainability of food production systems, such as organic farming, high nature value farming and agri-environment-climate measures**. That system should finally cover certain elements related to climate change mitigation and adaptation, **soil**, biodiversity, protection of water **and efficient nutrient cycling**, animal and plant **diseases, including non-chemical alternatives in pest management**, and innovation as well as the sustainable development of the economical activity of the small farms.

Or. en

Amendment 114
Spyros Danellis, Theodoros Skylakakis

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for

Amendment

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for

direct payment to farmers under support schemes within the framework of the common agricultural policy¹⁴. **That** system should **finally** cover certain elements related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation **as well as** the sustainable development of the economical activity of the small farms.

direct payment to farmers under support schemes within the framework of the common agricultural policy¹⁴. **In addition, that** system should cover certain elements related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation. **That system should finally cover** the sustainable development of the economical activity of the small farms, **as well as the options available for effective management of economic and environmental risks.**

Or. en

Amendment 115
Julie Girling

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy¹⁴. **That system should finally cover certain elements related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation as well as the sustainable development of the economical activity of the small farms.**

Amendment

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy¹⁴.

Amendment 116**George Lyon, Britta Reimers, Liam Aylward****Proposal for a regulation****Recital 11***Text proposed by the Commission*

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy¹⁴. That system should finally cover certain elements related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation as well as the sustainable development of the *economical* activity of *the small* farms.

Amendment

(11) The farm advisory system should cover at least the requirements and standards forming the scope of cross compliance. That system should also cover the requirements to be respected in relation to the agricultural practices beneficial for the climate and the environment for direct payments, as well as the maintenance of the agricultural area under Regulation (EU) No DP/xxx of the European Parliament and of the Council of xxx establishing rules for direct payment to farmers under support schemes within the framework of the common agricultural policy¹⁴. That system should finally cover certain elements related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation as well as the sustainable development of the *economic* activity of farms *where necessary*.

Amendment 117**Bas Eickhout**

on behalf of the Verts/ALE Group

Proposal for a regulation**Recital 14***Text proposed by the Commission*

(14) The use of the agro-meteorological

Amendment

(14) The use of the agro-meteorological

system and the acquisition and improvement of satellite images should provide the Commission with the means to manage the agricultural markets *and* to facilitate the monitoring of agricultural expenditure.

system and the acquisition and improvement of satellite images should provide the Commission with the means to manage the agricultural markets, to facilitate the monitoring of agricultural expenditure, *and the resources upon which agriculture is dependent, including agro-forestry systems.*

Or. en

Amendment 118

Julie Girling

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) With a view to ensuring that the amounts for the financing of the CAP comply with the annual ceilings, the financial mechanism referred to in Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003¹⁶ whereby the level of direct support is adjusted, should be maintained. In the same context, it is necessary to authorise the Commission to set those adjustments where the Council do not fix them before 30 June of the calendar year in respect of which they apply.

Amendment

(17) With a view to ensuring that the amounts for the financing of the CAP comply with the annual ceilings, the financial mechanism referred to in Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003¹⁶ whereby the level of direct support is adjusted *when the forecasts indicate that the subceiling of heading 2, with a safety margin of EUR 300 000 000, is exceeded in a given financial year,* should be maintained. In the same context, it is necessary to authorise the Commission to set those adjustments where the Council do not fix them before 30 June of the calendar year in respect of which they apply.

Or. en

Amendment 119

Julie Girling, James Nicholson, Richard Ashworth, Anthea McIntyre

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Budget discipline also demands a continuous examination of the medium-term budget situation. The Commission, when submitting the draft budget for a given year, should therefore present its forecasts and analyses to the European Parliament and the Council and propose, if necessary, appropriate measures to the legislator. Furthermore, the Commission should make full use of its management powers at all times to ensure compliance with the annual ceiling and, if necessary, propose appropriate measures to the European Parliament and to the Council or to the Council to redress the budget situation. If, at the end of a budget year, the annual ceiling cannot be complied with as a result of the reimbursements requested by the Member States, the Commission should be able to take measures allowing provisional distribution of the available budget among the Member States in proportion to their requests for reimbursement not yet paid, as well as compliance with the ceiling fixed for the year concerned. Payments for that year should be charged to the following budget year and the total amount of Union financing per Member State should be definitively established, as should compensation between Member States in order to comply with the established amount.

Amendment

(19) Budget discipline also demands a continuous examination of the medium-term budget situation. The Commission, when submitting the draft budget for a given year, should therefore present its forecasts and analyses to the European Parliament and the Council and propose, if necessary, appropriate measures to the legislator. Furthermore, the Commission should make full use of its management powers at all times to ensure compliance with the annual ceiling and, if necessary, propose appropriate measures to the European Parliament and to the Council or to the Council to redress the budget situation. If, at the end of a budget year, the annual ceiling cannot be complied with as a result of the reimbursements requested by the Member States, the Commission should be able to take measures allowing provisional distribution of the available budget, ***taking into account a margin of EUR 300 000 000 below that ceiling,*** among the Member States in proportion to their requests for reimbursement not yet paid, as well as compliance with the ceiling fixed for the year concerned. Payments for that year should be charged to the following budget year and the total amount of Union financing per Member State should be definitively established, as should compensation between Member States in order to comply with the established amount.

Or. en

Justification

The existing €300 million margin under the EAGF sub-ceiling should not be dismantled as a safety mechanism.

Amendment 120

Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) When implementing the budget, the Commission should operate a monthly early-warning and monitoring system for agricultural expenditure, so that, if there is a risk of the annual ceiling being exceeded, the Commission may at the earliest opportunity take the appropriate measures under the management powers at its disposal and propose other measures if those measures appear to be insufficient. A periodic report by the Commission to the European Parliament and the Council should compare the evolution of the expenditure effected in relation to the profiles so far and give an assessment of the foreseeable implementation for the remainder of the budget year.

Amendment

(20) When implementing the budget, the Commission should operate a monthly early-warning and monitoring system for agricultural expenditure, so that, if there is a risk of the annual ceiling being exceeded, the Commission may at the earliest opportunity take the appropriate measures under the management powers at its disposal and propose other measures if those measures appear to be insufficient, ***taking into account the margin laid down in Recital (19)***. A periodic report by the Commission to the European Parliament and the Council should compare the evolution of the expenditure effected in relation to the profiles so far and give an assessment of the foreseeable implementation for the remainder of the budget year.

Or. en

Justification

In accordance with Recital 19, the reference to the margin of €300 million on the EAGF sub-ceiling should be reinserted in this Recital.

Amendment 121

Julie Girling, Richard Ashworth, Anthea McIntyre

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The rural development programmes are financed from the Union budget on the basis of commitments in annual instalments. Member States should be able to draw on the Union funds provided for as soon as they begin the programmes. A suitably restricted prefinancing system ensuring a steady flow of funds so that payments to beneficiaries under the programmes are made at the appropriate time is therefore needed.

Amendment

(23) The rural development programmes are financed from the Union budget on the basis of commitments in annual instalments. Member States should be able to draw on the Union funds provided for as soon as they begin the programmes. ***Member States may indicate to the Commission within two months of this decision that it does not wish to receive a pre-financing amount.*** A suitably restricted prefinancing system ensuring a steady flow of funds so that payments to beneficiaries under the programmes are made at the appropriate time is therefore needed.

Or. en

Justification

In order to relieve pressure on Member State budgets, those who do not require a pre-financing amount to start their programmes should be able to decline it.

Amendment 122

Julie Girling

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The rural development programmes are financed from the Union budget on the basis of commitments in annual instalments. Member States should be able to draw on the Union funds provided for as soon as they begin the programmes. A suitably restricted prefinancing system ensuring a steady flow of funds so that payments to beneficiaries under the

Amendment

(23) The rural development programmes are financed from the Union budget on the basis of commitments in annual instalments. Member States should be able to draw on the Union funds provided for as soon as they begin the programmes ***should they so wish.*** A suitably restricted prefinancing system ensuring a steady flow of funds so that payments to beneficiaries

programmes are made at the appropriate time is therefore needed.

under the programmes are made at the appropriate time is therefore needed.

Or. en

Amendment 123

Julie Girling

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Union aid should be paid to beneficiaries in good time so that they may use it efficiently. A failure by the Member States to comply with the payment deadlines laid down in Union legislation could create serious difficulties for the beneficiaries and could jeopardise the Union's yearly budgeting. Therefore, expenditure made without respecting deadlines for payments should be excluded from Union financing. In order to respect the principle of proportionality, the Commission should be able to provide for exceptions to this general rule. This principle, laid down in Regulation (EC) No 1290/2005 should be maintained and apply to both the EAGF and the EAFRD. ***If Member States pay late, they should add interests on the principal amount at their own cost to compensate the beneficiaries. Such a provision could create an incentive to Member States to better respect payment deadlines, and could give more assurance to beneficiaries to be paid in time, or at least to be compensated in case of late payment.***

Amendment

(25) Union aid should be paid to beneficiaries in good time so that they may use it efficiently. A failure by the Member States to comply with the payment deadlines laid down in Union legislation could create serious difficulties for the beneficiaries and could jeopardise the Union's yearly budgeting. Therefore, expenditure made without respecting deadlines for payments should be excluded from Union financing. In order to respect the principle of proportionality, the Commission should be able to provide for exceptions to this general rule. This principle, laid down in Regulation (EC) No 1290/2005 should be maintained and apply to both the EAGF and the EAFRD.

Or. en

Amendment 124

Marian Harkin

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Union aid should be paid to beneficiaries in good time so that they may use it efficiently. A failure by the Member States to comply with the payment deadlines laid down in Union legislation could create serious difficulties for the beneficiaries and could jeopardise the Union's yearly budgeting. Therefore, expenditure made without respecting deadlines for payments should be excluded from Union financing. In order to respect the principle of proportionality, the Commission should be able to provide for exceptions to this general rule. This principle, laid down in Regulation (EC) No 1290/2005 should be maintained and apply to both the EAGF and the EAFRD. If Member States pay late, they should add interests on the principal amount at their own cost to compensate the beneficiaries. Such a provision could create an incentive to Member States to better respect payment deadlines, and could give more assurance to beneficiaries to be paid in time, or at least to be compensated in case of late payment.

Amendment

(25) Union aid should be paid to beneficiaries in good time so that they may use it efficiently. A failure by the Member States to comply with the payment deadlines laid down in Union legislation could create serious difficulties for the beneficiaries and could jeopardise the Union's yearly budgeting. Therefore, expenditure made without respecting deadlines for payments should be excluded from Union financing. In order to respect the principle of proportionality, the Commission should be able to provide for exceptions to this general rule. This principle, laid down in Regulation (EC) No 1290/2005 should be maintained and apply to both the EAGF and the EAFRD. If Member States pay late, they should add interests on the principal amount at their own cost to compensate the beneficiaries. Such a provision could create an incentive to Member States to better respect payment deadlines, and could give more assurance to beneficiaries to be paid in time, or at least to be compensated in case of late payment. ***The implementation of the qualifying projects under the EAFRD and efficiency in funding would be facilitated by establishing maximum coherence in interpreting regulations governing qualification for funds.***

Or. en

Amendment 125
George Lyon, Sylvie Goulard, Britta Reimers, Liam Aylward

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) Sectoral agricultural legislation requires Member States to send information on the numbers of checks carried out and their outcome within specified deadlines. Those control statistics are used to determine the level of error at Member State level and, more generally, for the purposes of checking the management of the EAGF and the EAFRD. They are an important source for the Commission to satisfy itself as to the correct management of funds and are an essential element for the annual declaration of assurance. Given the vital nature of this statistical information and in order to ensure that Member States respect their obligation to send it in time, it is necessary to provide a deterrent to late provision of the data required in a manner proportionate to the extent of the data deficit. Therefore, provisions should be put in place whereby the Commission can suspend part of the monthly or interim payments for which the relevant statistical information has not been sent in time.

Amendment

(27) Sectoral agricultural legislation requires Member States to send information on the numbers of checks carried out and their outcome within specified deadlines. Those control statistics are used to determine the level of error at Member State level and, more generally, for the purposes of checking the management of the EAGF and the EAFRD. They are an important source for the Commission to satisfy itself as to the correct management of funds and are an essential element for the annual declaration of assurance. Given the vital nature of this statistical information and in order to ensure that Member States respect their obligation to send it in time, it is necessary to provide a ***proportionate*** deterrent to late provision of the data required in a manner proportionate to the extent of the data deficit. Therefore, provisions should be put in place whereby the Commission can suspend part of the monthly or interim payments for which the relevant statistical information has not been sent in time ***only where the delay places the annual budget discharge mechanism at risk, in accordance with the principle of proportionality.***

Or. en

Amendment 126
Julie Girling

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) Sectoral agricultural legislation requires Member States to send information on the numbers of checks

Amendment

(27) Sectoral agricultural legislation requires Member States to send information on the numbers of checks

carried out and their outcome within specified deadlines. Those control statistics are used to determine the level of error at Member State level and, more generally, for the purposes of checking the management of the EAGF and the EAFRD. They are an important source for the Commission to satisfy itself as to the correct management of funds and are an essential element for the annual declaration of assurance. ***Given the vital nature of this statistical information and in order to ensure that Member States respect their obligation to send it in time, it is necessary to provide a deterrent to late provision of the data required in a manner proportionate to the extent of the data deficit. Therefore, provisions should be put in place whereby the Commission can suspend part of the monthly or interim payments for which the relevant statistical information has not been sent in time.***

carried out and their outcome within specified deadlines. Those control statistics are used to determine the level of error at Member State level and, more generally, for the purposes of checking the management of the EAGF and the EAFRD. They are an important source for the Commission to satisfy itself as to the correct management of funds and are an essential element for the annual declaration of assurance.

Or. en

Amendment 127

George Lyon, Sylvie Goulard, Britta Reimers, Liam Aylward

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) The financing of measures and operations under the CAP will in part involve shared management. To ensure that Union funds are soundly managed, the Commission should perform checks on the management of the Funds by the Member State authorities responsible for making payments. It is appropriate to define the nature of the checks to be made by the Commission, to specify the terms of its responsibilities for implementing the budget and to clarify the Member States'

Amendment

(30) The financing of measures and operations under the CAP will in part involve shared management. To ensure that Union funds are soundly managed, the Commission should perform ***the necessary*** checks on the management of the Funds by the Member State authorities responsible for making payments. It is appropriate to define the ***general rules and principles to be followed by the Commission when carrying out checks, and the*** nature of the checks to be made by the Commission, to specify the terms of its responsibilities for

cooperation obligations.

implementing the budget and to clarify the Member States' cooperation obligations.

Or. en

Amendment 128

George Lyon, Sylvie Goulard, Britta Reimers, Liam Aylward

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) In order to allow the Commission to fulfil its obligation to check the existence and proper functioning of management and inspection systems for Union expenditure in the Member States, provision should be made, *irrespective* of the *inspection carried out by Member States themselves*, for checks by persons delegated by the Commission who should be able to request assistance from the Member States in their work.

Amendment

(31) In order to allow the Commission to fulfil its obligation to check the existence and proper functioning of management and inspection systems for Union expenditure in the Member States, provision should be made, *taking into account the principle of proportionality, the level of trust that there is on the reliability of national control and management systems, the overall performance of the national controls in the number of checks that the Commission needs to carry out*, for checks by persons delegated by the Commission who should be able to request assistance from the Member States in their work.

Or. en

Amendment 129

Julie Girling

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) The Commission, which is responsible for the proper application of Union law under Article 17 of the Treaty on European Union, should decide whether the expenditure incurred by the Member States

Amendment

(34) The Commission, which is responsible for the proper application of Union law under Article 17 of the Treaty on European Union, should decide whether the expenditure incurred by the Member States

complies with Union legislation. Member States should be given the right to justify their decisions to make payments and should have recourse to conciliation where there is no common agreement between them and the Commission. In order to give Member States legal and financial assurances as to expenditure effected in the past, a maximum period should be set for the Commission to decide which financial consequences should follow from non-compliance. The conformity clearance procedure should be , as regards EAFRD, in line with the provisions on the financial corrections by the Commission as laid down in Part 2 of Regulation (EU) No CR/xxx .

complies with Union legislation ***based where appropriate on an assessment of the actual risk to the Agricultural Funds.*** Member States should be given the right to justify their decisions to make payments and should have recourse to conciliation where there is no common agreement between them and the Commission. In order to give Member States legal and financial assurances as to expenditure effected in the past, a maximum period should be set for the Commission to decide which financial consequences should follow from non-compliance. The conformity clearance procedure should be , as regards EAFRD, in line with the provisions on the financial corrections by the Commission as laid down in Part 2 of Regulation (EU) No CR/xxx .

Or. en

Amendment 130
Monika Hohlmeier

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) The recovery procedures used by the Member States may have the effect of delaying recovery for a number of years, with no guarantee that the outcome will actually be successful. The cost of implementing those procedures may also be out of proportion to the amounts which are or may be collected. Consequently, Member States should be permitted to halt recovery procedures in certain cases.

Amendment

(36) The recovery procedures used by the Member States may have the effect of delaying recovery for a number of years, with no guarantee that the outcome will actually be successful. The cost of implementing those procedures may also be out of proportion to the amounts which are or may be collected. ***This should also apply to the recovery of amounts unduly paid and interest which fall below a ceiling which is set very low. Here as well, a realistic cost-effectiveness ratio must be maintained.*** Consequently, Member States should be permitted to halt recovery procedures in certain cases.

Justification

The recovery of very small amounts generates substantial administrative costs. Amounts which fall below a ceiling which is set very low should therefore not be recovered, in order to maintain cost-effectiveness.

Amendment 131**Bas Eickhout**

on behalf of the Verts/ALE Group

Proposal for a regulation**Recital 37***Text proposed by the Commission*

(37) In order to protect the financial interests of the Union budget, measures should be taken by Member States to satisfy themselves that transactions financed by the EAGF and the EAFRD are actually carried out and are executed correctly. Member States should also prevent, detect and deal effectively with any irregularities or non-compliance with obligations committed by beneficiaries. To this end, Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests²² should apply.

Amendment

(37) In order to protect the financial interests of the Union budget, measures should be taken by Member States to satisfy themselves that transactions financed by the EAGF and the EAFRD are actually carried out and are executed correctly. Member States should also prevent, detect and deal effectively with any irregularities or non-compliance with obligations committed by beneficiaries. To this end, Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests²² should apply. ***In order to ensure coherence in the EU's policy priorities and objectives, the scope of what is considered as risky to the financial interests of the Union budget should also include risks to the environment and public health, as the costs associated with these are externalised to other areas of public, including EU, spending. Minimising additional costs in other areas should ensure efficiency in public spending.***

Amendment 132

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Provisions relating to general principles on checks, withdrawals, reductions or exclusions from payments and to the imposition of penalties are contained in various sectoral agricultural regulations. Those rules should be gathered in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks, the rules on the recovery, reduction and exclusions of aid. Rules on checks of obligations not necessarily linked to the payment of an aid should be laid down as well.

Amendment

(38) Provisions relating to general principles on checks, withdrawals, reductions or exclusions from payments and to the imposition of penalties are contained in various sectoral agricultural regulations. Those rules should be gathered in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks, the rules on the recovery, reduction and exclusions of aid. Rules on checks of obligations not necessarily linked to the payment of an aid should be laid down as well. ***In order to provide coherent and clear signals to farmers, it is important that eligibility rules, communicated to farmers or applied by inspectors when determining eligible areas, should be interpreted so as to ensure that high nature farming systems are not penalised, and to ensure that environmental quality or biodiversity in farming systems does not decrease as a result of eligibility checks.***

Or. en

Amendment 133

George Lyon, Sylvie Goulard, Anne E. Jensen, Britta Reimers, Liam Aylward

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Provisions relating to general

Amendment

(38) Provisions relating to general

principles on checks, withdrawals, reductions or exclusions from payments and to the imposition of penalties are contained in various sectoral agricultural regulations. Those rules should be gathered in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks, the rules on the recovery, reduction and exclusions of aid. Rules on checks of obligations not necessarily linked to the payment of an aid should be laid down as well.

principles on checks, withdrawals, reductions or exclusions from payments and to the imposition of ***proportionate administrative*** penalties are contained in various sectoral agricultural regulations. Those rules should be gathered in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks ***including the general principles and criteria applicable***, the rules on the recovery, reduction and exclusions of aid. Rules on checks of obligations not necessarily linked to the payment of an aid should be laid down as well.

Or. en

Amendment 134
Julie Girling

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) Provisions relating to general principles on checks, withdrawals, reductions or exclusions from payments and to the imposition of penalties are contained in various sectoral agricultural regulations. Those rules should be gathered in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks, the rules on the recovery, reduction and exclusions of aid. Rules on checks of obligations not necessarily linked to the payment of an aid should be laid down as well.

Amendment

(38) Provisions relating to general principles on checks, withdrawals, reductions or exclusions from payments and to the imposition of penalties are contained in various sectoral agricultural regulations. Those rules should be gathered in the same legal framework at a horizontal level. They should cover the obligations of the Member States as regards administrative and on-the-spot checks, the rules on the recovery, reduction and exclusions of aid. Rules on ***the reductions to checks where error rates are acceptable and checks*** of obligations not necessarily linked to the payment of an aid should be laid down as well.

Or. en

Amendment 135
Wojciech Michał Olejniczak

Proposal for a regulation
Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) This Regulation should provide a strong incentive for Member States to reduce the number of on-the-spot checks where the error rate is at an acceptable level. This particularly applies to the provisions on the integrated administration and control system.

Or. pl

Amendment 136
Janusz Wojciechowski

Proposal for a regulation
Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) A fair system to penalise farmers for irregularities should rule out double penalties and the simultaneous application of administrative penalties under this Regulation and criminal penalties under criminal law, except in cases of intentional and deliberate fraud.

Or. pl

Amendment 137
Janusz Wojciechowski

Proposal for a regulation
Recital 38 b (new)

Text proposed by the Commission

Amendment

(38b) Any administrative penalties, including the obligation to pay back any payments obtained by the farmer, should not be based on circumstances objectively beyond the farmer's control, and particularly not on unforeseeable events.

Or. pl

Amendment 138

Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation

Recital 41

Text proposed by the Commission

Amendment

(41) The main elements of that integrated system and, in particular, the provisions concerning a computerised database, an identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained.

(41) The main elements of that integrated system and, in particular, the provisions concerning a computerised database, an identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained. ***Member States may make appropriate use of technology when setting up these systems.***

Or. en

Amendment 139

Ulrike Rodust, Åsa Westlund

Proposal for a regulation

Recital 41

Text proposed by the Commission

Amendment

(41) The main elements of that integrated system and, in particular, the provisions concerning a computerised database, an

(41) The main elements of that integrated system and, in particular, the provisions concerning a computerised database, an

identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained.

identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained ***at an appropriate level while taking due account of the necessity of not imposing undue administrative burdens on farmers and administration***

Or. en

Amendment 140
Mairead McGuinness

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) The main elements of that integrated system and, in particular, the provisions concerning a computerised database, an identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained.

Amendment

(41) The main elements of that integrated system and, in particular, the provisions concerning a computerised database, an identification system for agricultural parcels, aid applications or payment claims and a system for the identification and recording of payment entitlements should be maintained ***at an appropriate level, while taking due account of the necessity not to impose undue administrative burdens on farmers and administrative bodies.***

Or. en

Amendment 141
Wojciech Michał Olejniczak

Proposal for a regulation
Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) It should be possible for the Member States to decide to make aid or

payment applications valid over several years, particularly in relation to farmers using permanent or traditional methods of agricultural production.

Or. pl

Amendment 142
Julie Girling

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Payments provided for in Union support schemes covered by the integrated system should be made *by the competent national authorities* to beneficiaries in full, subject to any reductions provided for in this Regulation, and within prescribed periods. In order to render the management of direct payments more flexible, Member States should be allowed to pay payments covered by the integrated system in up to two instalments per year.

Amendment

(42) Payments provided for in Union support schemes covered by the integrated system should be made to beneficiaries in full, subject to any reductions provided for in this Regulation, and within prescribed periods. In order to render the management of direct payments more flexible, Member States should be allowed to pay payments covered by the integrated system in up to two instalments per year.

Or. en

Amendment 143
George Lyon, Sylvie Goulard, Anne E. Jensen, Britta Reimers, Liam Aylward

Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No

Amendment

(50) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No

1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001²⁵, which was replaced by Regulation (EC) No 73/2009, established the principle that the full payment to beneficiaries of some supports under the CAP should be linked to compliance with rules relating to land management, agricultural production and agricultural activity. That principle was subsequently reflected in Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)²⁶ and Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)²⁷. Under this so-called ‘cross compliance’ system Member States are to impose penalties in the form of reduction or exclusion of support received under the CAP in whole or in part.

1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001²⁵, which was replaced by Regulation (EC) No 73/2009, established the principle that the full payment to beneficiaries of some supports under the CAP should be linked to compliance with rules relating to land management, agricultural production and agricultural activity. That principle was subsequently reflected in Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)²⁶ and Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)²⁷. Under this so-called ‘cross compliance’ system Member States are to impose ***administrative*** penalties in the form of reduction or exclusion of support received under the CAP in whole or in part, ***in accordance with the principle of proportionality and taking into account the general criteria for the graduation of these penalties as defined in this Regulation.***

Or. en

Amendment 144

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 51

Text proposed by the Commission

(51) The cross compliance system incorporates in the CAP basic standards for

Amendment

(51) The cross compliance system incorporates in the CAP basic standards for

the environment, climate change, good agricultural and environmental condition of land, public health, animal health, plant health and animal welfare. This link aims at contributing to the development of a sustainable agriculture through a better awareness of beneficiaries of the need to respect those basic standards. It aims also at contributing to make the CAP more compatible with the *expectation* of *the* society through a better consistency of that policy with the environment, public health, animal health, plant health and animal welfare policies.

the environment, climate change, good agricultural and environmental condition of land, public health, animal health, plant health and animal welfare. This link aims at contributing to the development of a sustainable agriculture through a better awareness of beneficiaries of the need to respect those basic standards. It aims also at contributing to make the CAP more compatible with the *expectations* of society through a better consistency of that policy with the environment, public health, animal health, plant health and animal welfare policies. ***The CAP should do no harm: meaningful cross-compliance plus compulsory greening should be a baseline for sustainability, a contract with society to assure the citizens that public money is spent on public goods, rather than creating extra costs - in cleaning up environmental pollution, solving public health crises, the costs of reduced fertility and productivity, etc. Therefore a sound baseline of sustainability should be applied via cross compliance and greening measures, in order to ensure budgetary efficiency and minimise costs externalised to other areas of public spending.***

Or. en

Justification

Firstly, the SMRs already represent part of the legal minimum of environmental quality in all relevant laws in the aquis, therefore meaningful cross-compliance plus compulsory greening should be a "baseline for sustainability". Secondly, by reducing negative externalities, a "do no harm CAP" represents budgetary efficiency and efficiency in public spending, as well as efficiency in nutrient, water and energy cycling in agro-ecosystems.

Amendment 145

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 52

Text proposed by the Commission

(52) The cross compliance system forms an integral part of the CAP and should therefore be maintained. However, its scope, which consists so far in separate lists of statutory management requirements and standards of good agricultural and environmental condition of land should be streamlined so that its consistency is ensured and made more visible. For this purpose the requirements and standards should be organised in a single list and grouped by areas and issues. Experience has also shown that a number of the requirements within the scope of cross compliance are not sufficiently relevant to farming activity or the area of the holding or concern national authorities rather than beneficiaries. It is therefore appropriate to adjust this scope in this respect. Provision should furthermore be made for the maintenance of permanent *grassland in 2014 and 2015*.

Amendment

(52) The cross compliance system forms an integral part of the CAP and should therefore be maintained. However, its scope, which consists so far in separate lists of statutory management requirements and standards of good agricultural and environmental condition of land should be streamlined so that its consistency is ensured and made more visible, *without reducing environmental quality*. For this purpose the requirements and standards should be organised in a single list and grouped by areas and issues. Experience has also shown that a number of the requirements within the scope of cross compliance are not sufficiently relevant to farming activity or the area of the holding or concern national authorities rather than beneficiaries. It is therefore appropriate to adjust this scope in this respect. Provision should furthermore be made for the maintenance of permanent *pasture at parcel level*.

Or. en

Amendment 146

Julie Girling, James Nicholson, Anthea McIntyre, Vicky Ford, Kay Swinburne

Proposal for a regulation
Recital 53

Text proposed by the Commission

(53) Statutory management requirements need to be fully implemented by Member States in order to become operational at farm level and ensure the necessary equal treatment between farmers.

Amendment

(53) Statutory management requirements need to be fully implemented by Member States in order to become operational at farm level and ensure the necessary equal treatment between farmers. *The Commission should issue guidelines on the interpretation of the rules on animal*

identification and registration for cross compliance purposes. Such guidelines should reflect, particularly in the case of electronic systems, that 100% accuracy is often not possible and therefore some tolerance should be built into guidelines. Guidelines should, where appropriate, such as in the case with electronic systems, provide for flexibility at farm level in order to strike the necessary balance between safeguarding the spirit of the legislation and applying proportionate administrative penalties only in the case of non-compliance directly and unequivocally attributable to the beneficiaries, in particular in respect of repeated failure of the technology in use.

Or. en

Justification

Electronic Identification systems often cannot meet 100% accuracy. This should be respected in any guidelines published by the Commission.

Amendment 147

Peter Jahr, Albert Deß, Britta Reimers

Proposal for a regulation

Recital 54

Text proposed by the Commission

Amendment

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be applied at the latest by 1 January 2013.

deleted

Amendment 148

Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation

Recital 54

Text proposed by the Commission

Amendment

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy²⁸ the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be applied at the latest by 1 January 2013.

deleted

Or. en

Justification

It is inappropriate to include the Water Framework Directive as a cross compliance requirement as the WFD objectives are set in terms of the status of water bodies, not in terms of measures which farmers (or others) are required to take. It would be unusual for a WFD problem in a water body to be attributable to a single farmer.

Amendment 149

Marian Harkin

Proposal for a regulation

Recital 54

Text proposed by the Commission

Amendment

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the

deleted

*field of water policy*²⁸ *the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be applied at the latest by 1 January 2013.*

Or. en

Amendment 150
George Lyon

Proposal for a regulation
Recital 54

Text proposed by the Commission

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy²⁸ the provisions **will** only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. **According** to the **Directive the requirements at farm level will be applied** at the latest by **1 January 2013**.

Amendment

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy²⁸ the provisions **may** only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. **The Commission shall propose changes to the rules on cross-compliance to take the appropriate measures in this regard under the ordinary legislative procedure** at the latest by **31 December 2018**.

Or. en

Amendment 151
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 54

Text proposed by the Commission

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy²⁸ the provisions will **only** be operational under cross compliance when **all** Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be applied at the latest by 1 January 2013.

Amendment

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy²⁸ the provisions will be operational under cross compliance when Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be applied at the latest by 1 January 2013.

Or. en

Amendment 152
Herbert Dorfmann

Proposal for a regulation
Recital 54

Text proposed by the Commission

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be applied at the latest by **1 January 2013**.

Amendment

(54) As regards Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be applied at the latest by **1 January 2014**.

Or. de

Amendment 153
Peter Jahr, Albert Deß, Britta Reimers

Proposal for a regulation
Recital 55

Text proposed by the Commission

Amendment

(55) As regards Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be progressively applied following a time schedule and in particular the general principles of integrated pest management will be applied at the latest by 1 January 2014. *deleted*

Or. de

Amendment 154
Marian Harkin

Proposal for a regulation
Recital 55

Text proposed by the Commission

Amendment

(55) As regards Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides²⁹ the provisions will only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be progressively applied following a time schedule and in particular the general principles of integrated pest management *deleted*

will be applied at the latest by 1 January 2014.

Or. en

Amendment 155
George Lyon

Proposal for a regulation
Recital 55

Text proposed by the Commission

(55) As regards Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides²⁹ the provisions **will** only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. **According** to the **Directive** the **requirements at farm level will be progressively applied following a time schedule and in particular the general principles of integrated pest management will be applied** at the latest by **1 January 2014**.

Amendment

(55) As regards Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides²⁹ the provisions **may** only be operational under cross compliance when all Member States will have fully implemented them in particular with clear obligations for farmers. **The Commission shall propose changes to the rules on cross-compliance to take the appropriate measures in this regard under the ordinary legislative procedure** at the latest by **31 December 2015**.

Or. en

Amendment 156
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 55

Text proposed by the Commission

(55) As regards Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a

Amendment

(55) As regards Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a

framework for Community action to achieve the sustainable use of pesticides²⁹ the provisions will **only** be operational under cross compliance when **all** Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be progressively applied following a time schedule and in particular the general principles of integrated pest management will be applied at the latest by 1 January 2014.

framework for Community action to achieve the sustainable use of pesticides²⁹ the provisions will be operational under cross compliance when Member States will have fully implemented them in particular with clear obligations for farmers. According to the Directive the requirements at farm level will be progressively applied following a time schedule and in particular the general principles of integrated pest management will be applied at the latest by 1 January 2014.

Or. en

Amendment 157
Peter Jahr, Albert Deß, Britta Reimers

Proposal for a regulation
Recital 56

Text proposed by the Commission

(56) According to Article 22 of Directive 2000/60/EC, Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances shall be repealed on 23 December 2013. In order to maintain the rules under cross compliance related to protection of groundwater, it is appropriate, while awaiting the inclusion of Directive 2000/60/EC in cross compliance, to adjust the scope of cross-compliance and to define a standard of good agricultural and environmental condition encompassing the requirements of Articles 4 and 5 of the Directive 80/68/EEC.

Amendment

deleted

Or. de

Amendment 158

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. ***For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.***

Amendment

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. ***All farms should be obliged to respect cross compliance, although paying agencies may choose to attribute small farms with a lower level of risk the appropriate risk factors, due to their smaller surface area.***

Or. en

Justification

All farms should be obliged to respect cross compliance e.g. SMRs are based on EU law applicable to all, without exception. If areas facing serious environmental risks due to poor water and soil management were exempted, there would be further environmental

degradation. Also protecting landscape features under GAEC is important in small-farm landscapes and systems. Indeed, small farmers have more lenient rules for greening measures due to the area based thresholds on rotation/diversification.

Amendment 159

Ulrike Rodust, Brian Simpson, Åsa Westlund

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. ***For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.***

Amendment

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument.

Or. en

Amendment 160
Julie Girling

Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument.

For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.

Amendment

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument.

Or. en

Justification

Small farmers should not be exempted from cross compliance on both competitiveness and consistency grounds.

Amendment 161
Monika Hohlmeier

Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument.

For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.

Amendment

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument.

Or. de

Justification

This provision is contradictory, given that on simplification grounds small farmers are exempted from the requirement to apply the cross-compliance system (in particular as regards the checks/penalties), but are still required to comply with the provisions of sectoral legislation.

Amendment 162

Satu Hassi, Bas Eickhout, Dan Jørgensen

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument.

For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.

Amendment

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument.

Or. en

Justification

All farmers need to increase their environmental performance. Therefore requirements such as water and soil management and the protection of landscape features under GAEC should

be complied with regardless of the size of the farm. There might be negative environmental impacts, especially in the case of farmers who have a small amount of hectares but very intensive production or for regions where there is a high concentration of “small farmers”.

Amendment 163

George Lyon, Sylvie Goulard, Britta Reimers, Liam Aylward

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance **and in particular from its control system and from the risk of cross compliance penalties**. However, **that exemption** should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.

Amendment

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, **risk-based**, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from **the cross compliance control system and should only be subject to cross-compliance penalties in cases of severe non-compliance with the statutory management requirements**. However, **the special treatment of those farmers as regards cross-compliance** should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation **pursuant to controls**

Amendment 164
Marian Harkin

Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.

Amendment

(57) The cross compliance system implies certain administrative constraints for both beneficiaries and national administrations since record keeping must be ensured, checks must be carried out and penalties have to be applied where necessary. Those penalties should be proportionate, effective and dissuasive. Such penalties should be without prejudice to other penalties laid down under other provisions of Union or national law. For the sake of consistency, it is appropriate to merge the relevant Union provisions into one single legal instrument. For farmers participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP], the efforts to be made under the cross compliance system may be considered as exceeding the benefit of keeping those farmers under that system. For reasons of simplification, those farmers should therefore be exempted from cross compliance and in particular from its control system and from the risk of cross compliance penalties. However, that exemption should be without prejudice to the obligation to respect the applicable provisions of the sectoral legislation and to the possibility to be checked and to be imposed penalties under that legislation.
Minor unintentional infringements associated with cross compliance inspections should not incur a penalty

and instead a warning should be issued and compliance monitored at a future inspection.

Or. en

Amendment 165
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 57 a (new)

Text proposed by the Commission

Amendment

(57a) Member States should be required to report annually on the implementation and results of cross compliance and greening measures to the European Commission, who should submit an annual report to the European Parliament on the effectiveness of Member State measures to address long term sustainability challenges in food production systems.

Or. en

Amendment 166
Julie Girling, Anthea McIntyre

Proposal for a regulation
Recital 57 a (new)

Text proposed by the Commission

Amendment

(57a) Member States should be required to report annually about the implementation and results of the cross compliance and the greening measures. On the basis of the national reporting the European Commission shall submit an annual report to the European Parliament regarding the effect of these measures on

***agricultural production and their
environmental impact in the Member
States.***

Or. en

Justification

As 'greening' will be a new element to be considered under the cross compliance rules, it is pertinent that the Commission should review their coherence and give feedback to the European Parliament in this regard. This is consistent with the amendment to Article 96 (3).

Amendment 167
Wojciech Michał Olejniczak

Proposal for a regulation
Recital 60

Text proposed by the Commission

Amendment

(60) An effective implementation of cross compliance requires verification at beneficiaries' level that obligations are respected. Where a Member State decides to make use of the option not to apply a reduction or exclusion where the amount concerned is less than EUR 100, the competent control authority should, for a sample of beneficiaries in the following year, verify that the findings of the non-compliance concerned have been remedied.

deleted

Or. pl

Justification

This deletion will make the administrative procedures used by the Member States much simpler and cut budget expenditure.

Amendment 168
George Lyon, Sylvie Goulard, Britta Reimers, Liam Aylward

Proposal for a regulation
Recital 60

Text proposed by the Commission

(60) An effective implementation of cross compliance requires verification at beneficiaries' level that obligations are respected. Where a Member State decides to make use of the option not to apply a reduction or exclusion where the amount concerned is less than EUR 100, the competent control authority should, for a sample of beneficiaries in the following year, verify that the findings of the non-compliance concerned have been remedied.

Amendment

(60) An effective implementation of cross compliance requires verification at beneficiaries' level that obligations are respected. Where a Member State decides to make use of the option not to apply a reduction or exclusion where the amount concerned is less than EUR 100, the competent control authority should, for a sample of beneficiaries in the following year, verify that the findings of the non-compliance concerned have been remedied. ***Member States may also set up an early-warning system applicable to non-severe first non-compliances to achieve a better acceptance of the cross compliance system by farming communities and better involve farmers in the implementation of the requirements. This should take the form of a warning letter which shall be followed by remedial action by the beneficiary concerned and checked by the Member State in the following year.***

Or. en

Amendment 169
Julie Girling

Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) The rate of exchange of the euro into national currency may vary in the course of the period during which an operation is carried out. Therefore the rate applicable to the amounts concerned should be determined taking into account the event through which the economic objective of the operation is achieved. The rate of

Amendment

(65) The rate of exchange of the euro into national currency may vary in the course of the period during which an operation is carried out. Therefore the rate applicable to the amounts concerned should be determined taking into account the event through which the economic objective of the operation is achieved. The rate of

exchange applied should be that of the date on which this event occurs. It is necessary to specify this operative event or to waive its application, observing certain criteria and in particular the rapidity with which currency movements are passed on. **Those** rules are laid down in Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro³¹ and they complete similar provisions of Regulation (EC) No 1290/2005. In the interests of clarity and rationality the relevant provisions should be integrated into the same act. Regulation (EC) No 2799/98 should therefore be repealed.

exchange applied should be that of the date on which this event occurs. It is necessary to specify this operative event or to waive its application, observing certain criteria and in particular the rapidity with which currency movements are passed on.

Subject to derogation in this Regulation those rules are laid down in Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro³¹ and they complete similar provisions of Regulation (EC) No 1290/2005. In the interests of clarity and rationality the relevant provisions should be integrated into the same act. Regulation (EC) No 2799/98 should therefore be repealed.

Or. en

Amendment 170
Julie Girling

Proposal for a regulation
Recital 65 a (new)

Text proposed by the Commission

Amendment

(65a) By way of derogation Member States may convert the amount of aid expressed in Euro into the national currency on the basis of the average of a maximum of the five most recent exchange rates set by the Member States' national central bank [or the European Central Bank] prior to 1 October for the year for which aid is granted.

Or. en

Justification

There should be greater flexibility in the application of exchange rates.

Amendment 171
Monika Hohlmeier

Proposal for a regulation
Recital 68

Text proposed by the Commission

(68) Each measure under the CAP should be subject to monitoring and evaluation in order to improve its quality and demonstrate its achievements. In this context a list of indicators should be determined and the impact of the CAP policy assessed by the Commission in relation to policy objectives. The Commission should set up a framework for a common monitoring and evaluation ensuring among others that relevant data, including information from Member States is available on a timely manner. In so doing it should take into account the data needs and synergies between potential data sources. Moreover, the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Budget for Europe 2020 - Part II stated that the climate related expenditure in the overall Union budget should increase to at least 20%, with contribution from different policies. The Commission should therefore be able to assess the impact of the Union's support in the framework of the CAP to climate objectives.

Amendment

(68) Each measure under the CAP should be subject to monitoring and evaluation in order to improve its quality and demonstrate its achievements. In this context a list of indicators should be determined and the impact of the CAP policy assessed by the Commission in relation to policy objectives. The Commission should set up a framework for a common monitoring and evaluation ensuring among others that relevant data, including information from Member States is available on a timely manner. In so doing it should take into account the data needs and synergies between potential data sources ***and draw as far as possible on existing data sources. In addition, the monitoring and evaluation framework must take account of and properly reflect the structure of the CAP. The monitoring and evaluation framework for the second pillar cannot be applied to the first pillar, in particular because under the first pillar there is scope for generating synergies, given the comparably uniform nature of the measures. Proper account should be taken of this.*** Moreover, the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Budget for Europe 2020 - Part II stated that the climate related expenditure in the overall Union budget should increase to at least 20%, with contribution from different policies. The Commission should therefore be able to assess the impact of the Union's support in the framework of the CAP to climate objectives.

Amendment 172

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 68 a (new)

Text proposed by the Commission

Amendment

(68a) In accordance with the principle of policy coherence for development, the implementation of a so-called do no harm CAP should be subject to regular monitoring and assessment as regards its impact on food production capacity and long term food security of developing countries, in particular of Less Developed Countries.

Or. en

Amendment 173

Brian Simpson

Proposal for a regulation

Recital 70

Text proposed by the Commission

Amendment

(70) In its judgment in Joined Cases C-92/09 and 93/09³⁴ the Court of Justice of the European Union declared the relevant provisions in Regulation (EC) No 1290/2005 concerning the obligation of Member States to publish information on natural persons benefiting from the European agricultural funds invalid. Since it is in the interest of natural persons that their personal data are protected, and with a view to reconciling the different objectives underlying the obligation to publish information on the beneficiaries of

(70) In its judgment in Joined Cases C-92/09 and 93/09³⁴ the Court of Justice of the European Union declared the relevant provisions in Regulation (EC) No 1290/2005 concerning the obligation of Member States to publish information on natural persons benefiting from the European agricultural funds invalid. Since it is in the interest of natural persons that their personal data are protected, and with a view to reconciling the different objectives underlying the obligation to publish information on the beneficiaries of

funds, as provided for in Commission Regulation (EC) No 259/2008 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the publication of information on the beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD)³⁵, that Regulation was amended in order to lay down explicitly that this obligation does not apply to natural persons. The **adoption by the** European Parliament and **the** Council **of** new rules taking account of the objections expressed by the Court **should be preceded by in depth analysis and assessment in order to find the most appropriate way to** reconcile the right to protection of personal data **of the beneficiaries** with the need for transparency. **Pending that analysis and assessment, the current provisions on the publication of information on beneficiaries of the European agricultural funds should be maintained.**

funds, as provided for in Commission Regulation (EC) No 259/2008 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the publication of information on the beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD)³⁵, that Regulation was amended in order to lay down explicitly that this obligation does not apply to natural persons. The European Parliament and Council **should adopt** new rules, taking account of the objections expressed by the Court, **which** reconcile the right to protection of personal data with the need for transparency **in use** of European **Union** funds.

Or. en

Justification

Tax payers have the right to know how public money is being spent, therefore greater transparency of the CAP is crucial and will act as a powerful safeguard against waste, fraud and abuse of EU funds.

Amendment 174

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

"Advanced sustainable farming systems" are farming systems with practices going

beyond the cross compliance baseline and continuously progressing to improve management of nutrients, water cycles and energy flows, in order to reduce environmental damage and waste of non-renewable resources and maintain a high degree of crop, animal and natural diversity in the production system

Or. en

Amendment 175

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

"Unsustainable farming systems" means farming and animal breeding practices which have an intrinsic risk of non-compliance with - or systematically seriously breach - cross compliance rules in the areas of environment and of public, animal and plant health, due to insufficient nutrient management and consequent water pollution, stocking densities being too high for the hectares available, high dependence on external energy, water, biocide and nutrient inputs.

Or. en

Amendment 176

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

"High Nature Value farming" means farming systems that host farming activities and farmland that, because of their characteristics, can be expected to support high levels of biodiversity or species and habitats of conservation concern. These systems are characterised by low intensity farming and high proportions of natural or semi-natural vegetation. It may also be characterised by a high diversity of land cover.

Or. en

Amendment 177

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2 d (new)

Text proposed by the Commission

Amendment

'non chemical methods' means alternative methods to pesticide and plant protection and pest management based on agronomic techniques such as those referred to in point 1 of annex III of Directive 2009/128/EC or physical, mechanical or biological pest control methods

Or. en

Amendment 178

Michel Dantin

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

(f) expropriation of **a large** part of the holding if that could not have been anticipated on the day of lodging the application.

Amendment

(f) expropriation of **all or** part of the holding if that could not have been anticipated on the day of lodging the application, **or repossession of the land by the owner**.

Or. fr

Amendment 179
Julie Girling

Proposal for a regulation
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. "sectoral agricultural legislation" means any applicable acts adopted on the basis of Article 43 of the Treaty within the framework of the common agricultural policy as well as, where applicable, any delegated or implementing acts adopted on the basis of those acts;

Or. en

Justification

For reasons of legal certainty, a definition of "sectoral agricultural legislation" should be included in the basic act.

Amendment 180
Herbert Dorfmann

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The EAGF and the EAFRD may each respectively finance on a direct manner, on

The EAGF and the EAFRD may each respectively finance *in* a direct manner, on

the initiative of the Commission and/or on its behalf, the preparatory, monitoring, administrative and technical support, as well as evaluation, audit and inspection measures required to implement the common agricultural policy. Those measures shall include in particular:

the initiative of the Commission and/or its behalf, ***as well as on the initiative of Member States***, the preparatory, monitoring, administrative and technical support, as well as evaluation, audit and inspection measures required to implement the common agricultural policy.

Or. it

Amendment 181
Salvatore Caronna

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

The EAGF and the EAFRD may each respectively finance *on* a direct manner, on the initiative of the Commission and/or on its behalf, the preparatory, monitoring, administrative and technical support, as well as evaluation, audit and inspection measures required to implement the common agricultural policy. Those measures shall include in particular:

Amendment

The EAGF and the EAFRD may each respectively finance *in* a direct manner, on the initiative of the Commission and/or its behalf, ***as well as on the initiative of Member States***, the preparatory, monitoring, administrative and technical support, as well as evaluation, audit and inspection measures required to implement the common agricultural policy. Those measures shall include in particular:

Or. it

Amendment 182
Elisabeth Köstinger

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Paying agencies shall be dedicated departments or bodies of the Member States responsible for the management and control of expenditure referred to in Article 4(1) and Article 5.

Amendment

Paying agencies shall be dedicated departments or bodies of the Member States responsible for the ***joint*** management and control of ***all*** expenditure referred to in both Article 4(1) and Article

Justification

If a paying agency is recognised, it must carry out administrative work under both pillars. The current administrative arrangements have not made the subsidy system more efficient.

Amendment 183

Julie Girling, Anthea McIntyre

Proposal for a regulation**Article 7 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Paying agencies shall be ***dedicated*** departments or bodies of the Member States responsible for the management and control of expenditure referred to in Article 4(1) and Article 5.

Amendment

Paying agencies shall be departments or bodies of the Member States responsible for the management and control of expenditure referred to in Article 4(1) and Article 5.

Justification

This is to clarify that the paying agency who is responsible for these tasks is not necessarily responsible for these tasks alone, which could be implied by the word 'dedicated'. This is consistent with the main Financial Regulation.

Amendment 184

George Lyon

Proposal for a regulation**Article 7 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Paying agencies shall be ***dedicated*** departments or bodies of the Member States responsible for the management and control of expenditure referred to in Article

Amendment

Paying agencies shall be departments or bodies of the Member States responsible for the management and control of expenditure referred to in Article 4(1) and

4(1) and Article 5.

Article 5.

Or. en

Justification

The term 'dedicated' could be read to mean that the department or body would be responsible for these tasks alone, whereas the intended meaning is that this department alone will be responsible.

Amendment 185

Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

With the exception of payment, the
execution of ***those*** tasks may be delegated.

The execution of ***these*** tasks may be delegated.

Or. en

Justification

It should be permissible for the execution of the payment to be delegated, provided the body or department responsible retains the overall responsibility for the tasks outlined.

Amendment 186

Eric Andrieu, Marc Tarabella

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Each Member State shall, taking into account its constitutional provisions, restrict the number of its accredited paying agencies to ***one per Member State or one per region, where applicable. However, where paying agencies are established at regional level, Member States shall, in***

Each Member State shall, taking into account its constitutional provisions, restrict the number of its accredited paying agencies to ***the minimum necessary to ensure that the expenditure referred to in Article 4 and Article 5 is effected under sound administrative and accounting***

addition, accredit a paying agency at national level for aid schemes which, by their nature, have to be managed at national level.

conditions.

Or. fr

Amendment 187
Elisabeth Köstinger

Proposal for a regulation
Article 7 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) a management declaration of assurance as to the completeness, accuracy and veracity of the accounts, the proper functioning of the internal control systems as well as to the legality and regularity of the underlying transactions ***and the respect of the principle of sound financial management;***

(b) a management declaration of assurance as to the completeness, accuracy and veracity of the accounts, the proper functioning of the internal control systems, ***on the basis of measurable performance criteria,*** as well as to the legality and regularity of the underlying transactions;

Or. de

Justification

The reference to compliance with the principle of sound financial management should be deleted, because this matter is to be discussed in the context of the revision of the Financial Regulation.

Amendment 188
Monika Hohlmeier

Proposal for a regulation
Article 7 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) a management declaration of assurance as to the completeness, accuracy and veracity of the accounts, the proper

(b) a management declaration of assurance as to the completeness, accuracy and veracity of the accounts, the proper

functioning of the internal control systems as well as to the legality and regularity of the underlying transactions ***and the respect of the principle of sound financial management;***

functioning of the internal control systems as well as to the legality and regularity of the underlying transactions;

Or. de

Justification

The Financial Regulation does not lay down a requirement that the certification body should assess compliance with the principle of sound financial management. Accordingly, it should not be a requirement under this regulation either.

Amendment 189

Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) a management declaration of assurance as to the completeness, accuracy and veracity of the accounts, the proper functioning of the internal control systems as well as to the legality and regularity of the underlying transactions ***and the respect of the principle of sound financial management;***

Amendment

(b) a management declaration of assurance as to the completeness, accuracy and veracity of the accounts, the proper functioning of the internal control systems as well as to the legality and regularity of the underlying transactions;

Or. es

Justification

Including this new requirement in the statement of assurance means imposing a heavier administrative burden on the paying agency; either it should be removed or procedures should be streamlined as much as possible.

Amendment 190

Elisabeth Köstinger

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Where more than one paying agency is accredited, the Member State shall designate a body, hereinafter referred to as the "coordinating body", to which it assigns the following tasks:

Where, ***on account of a Member State's constitutional system***, more than one paying agency is accredited, the Member State shall designate a body, hereinafter referred to as the "coordinating body", to which it assigns the following tasks:

Or. de

Amendment 191

Albert Deß

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) to ***ensure that remedial action is taken as regards*** any deficiencies of a common nature and ***that*** the Commission ***is kept*** informed of the follow-up;

(c) to ***take or coordinate, as the case may be, actions with a view to resolving*** any deficiencies of a common nature and ***keep*** the Commission informed of the follow-up;

Or. de

Amendment 192

Julie Girling

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***to ensure that remedial action is taken as regards*** any deficiencies of a common nature and ***that*** the Commission ***is kept*** informed of the follow-up;

(c) ***as the case may be, take or coordinate actions with a view to resolving*** any deficiencies of a common nature and ***keep*** the Commission informed of the follow-up;

Or. en

Justification

These changes seek to more accurately describe what the role of the coordinating body should be in this situation.

Amendment 193
Julie Girling

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) to promote **and ensure** harmonised application of the Union rules.

(d) to promote harmonised application of the Union rules.

Or. en

Justification

These changes seek to more accurately describe what the role of the coordinating body should be in this situation.

Amendment 194
Giovanni La Via

Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2 - introductory phrase

Text proposed by the Commission

Amendment

4. Where more than one paying agency is accredited, the Member State shall **designate** a body, hereinafter referred to as the "coordinating body", to which it assigns the following tasks:

Where, **on account of a Member State's constitutional system**, more than one paying agency is accredited, the Member State shall **select** a body, hereinafter referred to as the "coordinating body", to which it assigns the following tasks:

Or. en

Amendment 195
Alfreds Rubiks

Proposal for a regulation
Article 8 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) minimum conditions for the accreditation of coordination bodies as well as rules on the procedure for issuing and withdrawing accreditation.

deleted

Or. lv

Amendment 196
Hans-Peter Mayer

Proposal for a regulation
Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the obligations of the paying agencies as regards public intervention, as well as on the content of their management and control responsibilities.

Or. de

Amendment 197
Hans-Peter Mayer

Proposal for a regulation
Article 8 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the functioning of the coordinating body and the notification of information to the Commission as referred to in Article 7(4).

Or. de

Amendment 198
Hans-Peter Mayer

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall lay down, by means of implementing acts, rules on: *deleted*

(a) the obligations of the paying agencies as regards public intervention, as well as on the content of their management and control responsibilities.

(b) the functioning of the coordinating body and the notification of information to the Commission as referred to in Article 7(4).

The implementing acts provided for in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Or. de

Justification

This is not a purely technical decision.

Amendment 199
Alfreds Rubiks

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

Article 9 *deleted*

Certification bodies

1. The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration

of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, the legality and regularity of the underlying transactions, as well as the respect of the principle of sound financial management.

It shall be operationally independent from both the paying agency concerned and the authority which has accredited that agency.

2. The Commission shall, by means of implementing acts, lay down rules concerning the status of the certification bodies, the specific tasks, including the checks, which they have to carry out as well as the certificates and the reports, together with the documents accompanying them, to be drawn up by those bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Or. lv

Amendment 200

Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, *the legality and regularity of the*

Amendment

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system.

underlying transactions, as well as the respect of the principle of sound financial management.

Or. es

Justification

The workload that could be generated by this proposal, and the cost/benefit ratio thereof, are cause for concern. The declaration should include the details required for assessment of the work to be carried out; the Commission has yet to provide proposals to address this.

Amendment 201

Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, the legality and regularity of the underlying transactions, as well as the respect of the principle of sound financial management.

Amendment

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion, ***drawn up in accordance with internationally accepted audit standards,*** on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, the legality and regularity of the underlying transactions, as well as the respect of the principle of sound financial management.

Or. en

Justification

As there is no guidance on how a body should draw up its opinion, drawing them up in line with internationally agreed standards would give Member States a clear picture how to do it and add consistency to the process.

Amendment 202
Elisabeth Köstinger

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, the legality and regularity of the underlying transactions, as well as the respect of the principle of sound financial management.

Amendment

The certification body shall be a public or private audit body designated **only** by the Member State which shall provide an opinion, **in keeping with internationally recognised auditing standards**, on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, the legality and regularity of the underlying transactions, as well as the respect of the principle of sound financial management. ***This opinion must state whether the claims made in the context of the declaration of assurance issued pursuant to Article 7(3)(b) have been challenged.***

Or. de

Justification

The demands made on a certification body must be very clear. The designation of a public audit body is not necessarily covered by the rules on public procurement.

Amendment 203
Sandra Kalniete

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of

Amendment

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of

assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, ***the legality and regularity of the underlying transactions***, as well as the respect of the principle of sound financial management.

assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, as well as the respect of the principle of sound financial management.

Or. en

Amendment 204
George Lyon, Sylvie Goulard, Britta Reimers

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The certification body shall be a public or private audit body ***designated*** by the Member State which shall provide an opinion ***on the management declaration of assurance covering*** the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of ***its internal control system***, the legality and regularity of the underlying transactions, ***as well as the respect of the principle of sound financial management***.

Amendment

The certification body shall be a public or private audit body, ***selected*** by the Member State, which shall provide an opinion, ***drawn up in accordance with internationally accepted audit standards, following risk-based controls, and taking into account the past performance of the Member State, on the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of the control systems put in place as well as the legality and regularity of the underlying transactions. This opinion shall state, inter alia, whether the examination puts in doubt the assertions made in the management declaration of assurance referred to in Article 7(3)(b).***

Or. en

Amendment 205
Michel Dantin, Jim Higgins

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, ***the legality and regularity of the underlying transactions, as well as the respect of the principle of sound financial management.***

Amendment

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system ***and respect for the principle of sound financial management.***

Or. fr

Amendment 206
Katarína Neved'alová

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, ***the legality and regularity of the underlying transactions, as well as the respect of the principle of sound financial management.***

Amendment

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency ***and the proper functioning of its internal control system, as well as the respect of the principle of sound financial management.***

Or. sk

Amendment 207
Monika Hohlmeier

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, the legality and regularity of the underlying transactions, ***as well as the respect of the principle of sound financial management.***

Amendment

The certification body shall be a public or private audit body designated by the Member State which shall provide an opinion on the management declaration of assurance covering the completeness, accuracy and veracity of the annual accounts of the paying agency, the proper functioning of its internal control system, the legality and regularity of the underlying transactions.

Or. de

Justification

The Financial Regulation does not lay down a requirement that the certification body should assess compliance with the principle of sound financial management.

Amendment 208
Julie Girling

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to respect the principles of proportionality and administrative burden reduction, the certification body shall:

(a) integrate samples as much as possible and maximize the efficiency of transaction testing, including on the spot checks; and

(b) select the smallest numbers of populations and transactions necessary for testing to provide the level of assurance required.

Justification

This addition seeks to lower the administrative burden and financial impact of the implementation of this article.

Amendment 209

Julie Girling, Anthea McIntyre

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. The Commission shall, by means of implementing acts, lay down rules concerning the status of the certification bodies, the specific tasks, including the checks, which they have to carry out as well as the certificates and the reports, together with the documents accompanying them, to be drawn up by those bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Amendment

2. The Commission shall, by means of implementing acts, lay down rules concerning the status of the certification bodies, the specific tasks, including the checks, which they have to carry out ***on a single integrated sample*** as well as the certificates and the reports, together with the documents accompanying them, to be drawn up by those bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Justification

In order to ensure the burden on responsible bodies is kept to a minimum, the audit methodology should be based on a single integrated sample.

Amendment 210

Hans-Peter Mayer

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. The Commission shall, **by means of implementing acts, lay down rules** concerning the status of the certification bodies, the specific tasks, including the checks, which they have to carry out **as well as the certificates and the reports, together with the documents accompanying them, to be drawn up by those bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).**

Amendment

2. The Commission shall **be empowered to adopt delegated acts in accordance with Article 111 laying down rules** concerning the status of the certification bodies **and** the specific tasks, including the checks, which they have to carry out.

Or. de

Justification

This is not a purely technical decision, hence the splitting of the provision.

Amendment 211
George Lyon

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. The Commission shall, by means of implementing acts, lay down rules concerning the status of the certification bodies, the specific tasks, including the checks, which they have to carry out as well as the certificates and the reports, together with the documents accompanying them, to be drawn up by those bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Amendment

2. The Commission shall, by means of implementing acts, lay down rules concerning the status of the certification bodies, the specific tasks, including the checks, which they have to carry out **on a single integrated sample** as well as the certificates and the reports, together with the documents accompanying them, to be drawn up by those bodies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Or. en

Justification

To ensure the burden on audit bodies, paying agencies and farmers is kept to a minimum, the audit methodology must use a single, integrated sample.

Amendment 212
Hans-Peter Mayer

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) The Commission shall, by means of implementing acts, lay down rules concerning the certificates and reports to be drawn up by the certification bodies, together with the documents accompanying them. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

Or. de

Amendment 213
Spyros Danellis, Theodoros Skylakakis

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall establish a system of advising beneficiaries on land and farm management (hereinafter referred to as the ‘farm advisory system’) operated by one or more designated bodies. The designated bodies may be public or private.

1. Member States shall establish a system of advising beneficiaries on land, ***farm,*** and farm ***risk*** management (hereinafter referred to as the ‘farm advisory system’) operated by one or more designated bodies ***that should be accredited on the basis of minimum qualifications laid down by the Commission by means of delegated acts in accordance with Article 111.*** The designated bodies may be public or private.

Amendment 214
Rareș-Lucian Niculescu

Proposal for a regulation
Article 12 – paragraph 2 – point a

Text proposed by the Commission

(a) the statutory management requirements and the standards for good agricultural and environmental condition of land as laid down in Chapter I of Title VI;

Amendment

(a) ***obligations at farm level deriving from*** the statutory management requirements and the standards for good agricultural and environmental condition of land as laid down in Chapter I of Title VI;

Or. en

Amendment 215
Diane Dodds

Proposal for a regulation
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) the agricultural practices beneficial for the climate and the environment as laid down in Chapter 2 of Title III of Regulation (EU) No xxx/xxx [DP] and the maintenance of the agricultural area as referred to in Article 4(1)(c) of Regulation (EU) No xxx/xxx [DP];

Amendment

deleted

Or. en

Amendment 216
Rareș-Lucian Niculescu

Proposal for a regulation
Article 12 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) information on the activities of the operational groups in the framework of the European Innovation Partnership network with a special focus on the agricultural practices targeted towards innovation

Or. en

Amendment 217

Julie Girling, Anthea McIntyre

Proposal for a regulation

Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation;

deleted

Or. en

Justification

In order to allow Member States to tailor the Farm Advisory Service to their specific circumstances, the requirements in point 2 (c) should fall under paragraph 3.

Amendment 218

Robert Dušek

Proposal for a regulation

Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the requirements or actions related to climate change mitigation and adaptation,

deleted

biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation;

Or. en

Amendment 219

Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation

Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation; ***deleted***

Or. es

Justification

It should be made clear what these actions to mitigate climate change and protect biodiversity are, and what is meant by advice on sustainable development of economic activity. It is therefore proposed that the mandatory advisory system referred to in paragraph 3 should be made optional.

Amendment 220

Hynek Fajmon

Proposal for a regulation

Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and ***deleted***

innovation at minimum as laid down in Annex I to this Regulation;

Or. en

Amendment 221
Rareş-Lucian Niculescu

Proposal for a regulation
Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation; *deleted*

Or. en

Amendment 222
Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation
Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation; *deleted*

Or. es

Amendment 223
Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – point c

Text proposed by the Commission

(c) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant *disease notification* and innovation *at minimum* as laid down in Annex I to this Regulation;

Amendment

(c) *as a minimum*, the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water *and efficient nutrient cycling, soil health*, animal and plant *diseases* and innovation, as laid down in Annex I to this Regulation;

Or. en

Amendment 224

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) The agri-environment-climate measures as laid down in article 29 of Regulation xxx/xxx [RD]

Or. en

Justification

Member States are obliged to provide agri-environment-climate measures under the second pillar, and therefore farmers should be comprehensively supported to choose this option by the Farm Advisory System. Promotion of the measure and its benefits will also help uptake by farmers, so helping create sustainable farming systems.

Amendment 225

Spyros Danellis

Proposal for a regulation
Article 12 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the agri-environment-climate measures laid down in Article 29 of Regulation (EU) No xxx/xxxx [RD];

Or. en

Amendment 226
Satu Hassi, Bas Eickhout

Proposal for a regulation
Article 12 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) The agri- environment- climate measures as laid down in article 29 of regulation (EU) No xxx/xxx [RD]

Or. en

Justification

Member States are obliged to provide agri-environment-climate measures under the second pillar and therefore farmers should be comprehensively supported to choose this option by the Farm Advisory System. Promotion of the measure will help uptake by farmers, and thereby contribute to creating more sustainable farming systems.

Amendment 227
Spyros Danellis

Proposal for a regulation
Article 12 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the environmental performance and the sustainable development of the economic activity of organic farming as a minimum referred to in Regulation (EC)

Amendment 228

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) advice on integrated pest management and use of non chemical alternatives

Justification

'non chemical methods' means alternative methods to pesticide and plant protection and pest management based on agronomic techniques such as those referred to in point 1 of annex III of Directive 2009/128/EC or physical, mechanical or biological pest control methods

Amendment 229

Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation

Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

deleted

Justification

It should be made clear what these actions to mitigate climate change and protect biodiversity are, and what is meant by advice on sustainable development of economic activity. It is therefore proposed that the mandatory advisory system referred to in paragraph 3 should be made optional.

Amendment 230

Julie Girling, Anthea McIntyre

Proposal for a regulation

Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

deleted

Or. en

Justification

In order to allow Member States to tailor the Farm Advisory Service to their specific circumstances, the requirements in point 2 (d) should fall under paragraph 3.

Amendment 231

Robert Dušek

Proposal for a regulation

Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

deleted

Amendment 232
Peter Jahr, Albert Deß

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

*(d) the sustainable development of the
economical activity of the small farms as
defined by the Member States and at least
of the farms participating in the small
farmers scheme referred to in Title V of
Regulation (EU) No xxx/xxx[DP].* *deleted*

Amendment 233
George Lyon, Britta Reimers

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

*(d) the sustainable development of the
economical activity of the small farms as
defined by the Member States and at least
of the farms participating in the small
farmers scheme referred to in Title V of
Regulation (EU) No xxx/xxx[DP].* *deleted*

Justification

There should be no discrimination between small and other holdings for access to economic advice.

Amendment 234
Brian Simpson

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP]. **deleted**

Or. en

Amendment 235
Hynek Fajmon

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP]. **deleted**

Or. en

Amendment 236

Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, María Auxiliadora Correa Zamora

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sustainable development of the **deleted**

economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

Or. es

Amendment 237
Rareş-Lucian Niculescu

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

deleted

Or. en

Amendment 238
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sustainable development of the ***economical*** activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

(d) the ***environmental performance and*** sustainable development of the ***economic*** activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

Or. en

Amendment 239
Satu Hassi, Bas Eickhout

Proposal for a regulation
Article 12 – paragraph 2 – point d

Text proposed by the Commission

(d) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

Amendment

(d) the ***environmental performance and the*** sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

Or. en

Amendment 240
Wojciech Michał Olejniczak

Proposal for a regulation
Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the promotion and implementation of principles relating to accounting, entrepreneurship and the sustainable management of economic resources.

Or. pl

Amendment 241
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the environmental performance and the sustainable development of the economic activity of organic farming, to at least the standards referred to in Regulation (EC) No 834/2007.

Or. en

Justification

Conversion to organic farming is a commitment which often requires acquisition of new knowledge and expertise, so organic farming measures should be explicitly included in the FAS for all Member States, at least at the level of standards in the organic regulation 834/2007 (as some organic standards go beyond this).

Amendment 242

Åsa Westlund, Göran Färm, Marita Ulvskog

Proposal for a regulation

Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the environmental performance and sustainable development of economic activity of organic farming as a minimum referred to in Regulation (EC) No 834/2007.

Or. en

Amendment 243

Satu Hassi, Bas Eickhout

Proposal for a regulation

Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the environmental performance and the sustainable development of economic

activity of organic farming as referred to in Regulation (EC) No 834/2007.

Or. en

Justification

Conversion to organic farming is a commitment which often requires acquisition of new knowledge and expertise, while delivering recognized positive effects on the environment. Therefore organic farming measures should be explicitly included in the Farm Advisory System for all Member States, at least at the level of standards in the Regulation on Organic farming 834/2007.

Amendment 244
Brian Simpson

Proposal for a regulation
Article 12 – paragraph 2 — point d a (new)

Text proposed by the Commission

Amendment

da. The agri- environment climate measures a laid down in article 29 of regulation (EU) No xxx/xxx [RD]

Or. en

Amendment 245
Spyros Danellis, Theodoros Skylakakis

Proposal for a regulation
Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the options available to farmers for effective management of economic and environmental risks.

Or. en

Amendment 246
Julie Girling, Anthea McIntyre

Proposal for a regulation
Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) the sustainable development of the *economical* activity of *holdings other than those* referred to in *paragraph (2)(d)*;

Amendment

(a) the sustainable development of the *economic* activity of *the small farms as defined by the Member States, of the farms participating in the small farmers scheme* referred to in *Title V of Regulation (EU) no xxx/xxx[DP]* and of other *holdings*

Or. en

Justification

In order to allow Member States to tailor the Farm Advisory Service to their specific circumstances, the requirements in point 2 (d) should fall under paragraph 3.

Amendment 247
Liam Aylward, Mairead McGuinness, Marian Harkin

Proposal for a regulation
Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) the sustainable development of the economical activity of *holdings other than those* referred to in *paragraph (2)(d)*;

Amendment

(a) the sustainable development of the economical activity of *the small farms as defined by the Member States, of the farms participating in the small farmers scheme* referred to in *Title V of Regulation (EU) No xxx/xxx[DP]* and of other *holdings*;

Or. en

Amendment 248
Marian Harkin

Proposal for a regulation
Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) the sustainable development of the economical activity of **holdings other than those** referred to in **paragraph (2)(d)**;

Amendment

(a) the sustainable development of the economical activity of **the small farms as defined by the Member States, of the farms participating in the small farmers scheme** referred to in **Title V of Regulation (EU) No xxx/xxx[DP]** and of other **holdings**;

Or. en

Amendment 249
George Lyon, Britta Reimers, Liam Aylward

Proposal for a regulation
Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) the sustainable development of the **economical** activity of **holdings other than those referred to in paragraph (2)(d)**;

Amendment

(a) the sustainable development of the **economic** activity of **farms, including farm modernisation, competitiveness building, sectoral integration, innovation and market orientation**;

Or. en

Amendment 250
Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation
Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) the sustainable development of the economical activity of holdings **other than those referred to in paragraph (2)(d)**;

Amendment

(a) the sustainable development of the **economic** activity of holdings.

Justification

It should be made clear what these actions to mitigate climate change and protect biodiversity are, and what is meant by advice on sustainable development of economic activity. It is therefore proposed that the mandatory advisory system referred to in paragraph 3 should be made optional.

Amendment 251

Robert Dušek

Proposal for a regulation

Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) the sustainable development of the economical activity of holdings *other than those referred to in paragraph (2)(d)*;

Amendment

(a) the sustainable development of the economical activity of holdings

Or. en

Amendment 252

Hynek Fajmon

Proposal for a regulation

Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) the sustainable development of the economical activity of holdings *other than those referred to in paragraph (2)(d)*;

Amendment

(a) the sustainable development of the economical activity of holdings;

Or. en

Amendment 253

Spyros Danellis

Proposal for a regulation

Article 12 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the sustainable development of the economical activity of holdings other than those referred to in paragraph (2)(d);

(a) the ***environmental performance and the*** sustainable development of the economical activity, of holdings other than those referred to in paragraph (2)(d);

Or. en

Amendment 254

Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 12 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the sustainable development of the economical activity of holdings ***other than those referred to in paragraph (2)(d);***

(a) the sustainable development of the ***economic*** activity of holdings;

Or. es

Justification

The sustainable development of the economic activity of holdings must be made optional.

Amendment 255

Rareş-Lucian Niculescu

Proposal for a regulation

Article 12 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the sustainable development of the economical activity of holdings ***other than those referred to in paragraph (2)(d);***

(a) the sustainable development of the economical activity of holdings

Or. en

Amendment 256
Åsa Westlund, Brian Simpson

Proposal for a regulation
Article 12 – paragraph 3 – point a

Text proposed by the Commission

(a) the sustainable development of *the* economical activity of holdings other than those referred to in paragraph (2)(d);

Amendment

(a) the *environmental performance and the* sustainable development of economical activity of holdings other than those referred to in paragraph (2) *(c) and* (d);

Or. en

Amendment 257
Wojciech Michał Olejniczak

Proposal for a regulation
Article 12 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the promotion of farm conversions and the diversification of their economic activity, especially into tourism and the creation of woodland and agro-forestry systems;

Or. pl

Amendment 258
Wojciech Michał Olejniczak

Proposal for a regulation
Article 12 – paragraph 3 – point a b (new)

Text proposed by the Commission

Amendment

(ab) risk management and the introduction of appropriate preventive actions to address natural disasters,

catastrophic events and animal and plant diseases;

Or. pl

Amendment 259
Julie Girling, Anthea McIntyre

Proposal for a regulation
Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the minimum requirements or actions in the field of climate change mitigation and adaption, biodiversity, protection of water, animal and plant disease notification and innovation, as laid down in Annex 1 to this regulation

Or. en

Justification

In order to allow Member States to tailor the Farm Advisory Service to their specific circumstances, the requirements in point 2 (c) should fall under paragraph 3.

Amendment 260
Robert Dušek

Proposal for a regulation
Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation;

Or. en

Amendment 261

Liam Aylward, Mairead McGuinness, Marian Harkin

Proposal for a regulation

Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the minimum requirements or actions in the field of climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification, and innovation, as laid down in Annex I to this Regulation.

Or. en

Amendment 262

Rareş-Lucian Niculescu

Proposal for a regulation

Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification as laid down in Annex I to this Regulation and those linked to green growth as defined in the rural development regulation new Art.18bis in line with the measures proposed in the rural development programmes

Or. en

Amendment 263

Marian Harkin

Proposal for a regulation
Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the minimum requirements or actions in the field of climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification, and innovation, as laid down in Annex I to this Regulation.

Or. en

Amendment 264
Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation
Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation as a minimum requirement, as laid down in Annex I to this Regulation.

Or. es

Justification

It should be made clear what these actions to mitigate climate change and protect biodiversity are, and what is meant by advice on sustainable development of economic activity. It is therefore proposed that the mandatory advisory system referred to in paragraph 3 should be made optional.

Amendment 265
Hynek Fajmon

Proposal for a regulation
Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the requirements or actions related to climate change mitigation and adaptation, biodiversity, protection of water, animal and plant disease notification and innovation at minimum as laid down in Annex I to this Regulation;

Or. en

Amendment 266
Hynek Fajmon

Proposal for a regulation
Article 12 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

Or. en

Amendment 267
Peter Jahr, Albert Deß

Proposal for a regulation
Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the sustainable development of the economic activity of small farms, as defined by the Member States, and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

Amendment 268
Robert Dušek

Proposal for a regulation
Article 12 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

Or. en

Amendment 269
Rareș-Lucian Niculescu

Proposal for a regulation
Article 12 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the sustainable development of the economical activity of the small farms as defined by the Member States and at least of the farms participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx[DP].

Or. en

Amendment 270
Brian Simpson

Proposal for a regulation
Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the sustainable development of the economic activity of the small farms, as defined by the Member States, participating in the small farmers scheme referred to in Title V of Regulation (EU) No xxx/xxx [DP].

Or. en

Amendment 271

Diane Dodds

Proposal for a regulation

Article 12 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the agricultural practices beneficial for the climate and the environment as laid down in Chapter 2 of Title III of Regulation (EU) No xxx/xxx [DP] and the maintenance of the agricultural area as referred to in Article 4(1) (c) of Regulation (EU) No xxx/xxx [DP]

Or. en

Amendment 272

Robert Dušek

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure the separation between advice and control. In this respect and without prejudice to national legislation concerning public access to documents, Member States shall ensure that the designated bodies referred

2. Member States shall ensure the separation between advice and control. In this respect and without prejudice to national legislation concerning public access to documents, Member States shall ensure that the designated bodies referred

to in Article 12 do not disclose personal or individual information and data they obtain in their advisory activity to persons other than the beneficiary managing the holding concerned, with the exception of any irregularity or infringement found during their activity which is covered by an obligation laid down in Union or national law to inform a public authority, in particular in the case of criminal offences.

to in Article 12 do not disclose personal or individual information and data they obtain in their advisory activity to persons other than the beneficiary managing the holding concerned, with the exception of ***a support provider, the control authorities of the advisory system and cases of*** any irregularity or infringement found during their activity which is covered by an obligation laid down in Union or national law to inform a public authority, in particular in the case of criminal offences.

Or. en

Amendment 273
Hynek Fajmon

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure the separation between advice and control. In this respect and without prejudice to national legislation concerning public access to documents, Member States shall ensure that the designated bodies referred to in Article 12 do not disclose personal or individual information and data they obtain in their advisory activity to persons other than the beneficiary managing the holding concerned, with the exception of any irregularity or infringement found during their activity which is covered by an obligation laid down in Union or national law to inform a public authority, in particular in the case of criminal offences.

Amendment

2. Member States shall ensure the separation between advice and control. In this respect and without prejudice to national legislation concerning public access to documents, Member States shall ensure that the designated bodies referred to in Article 12 do not disclose personal or individual information and data they obtain in their advisory activity to persons other than the beneficiary managing the holding concerned, with the exception of ***a support provider, the control authorities of the advisory system and cases of*** any irregularity or infringement found during their activity which is covered by an obligation laid down in Union or national law to inform a public authority, in particular in the case of criminal offences.

Or. en

Amendment 274
Eric Andrieu, Marc Tarabella

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

However Member States may determine, in accordance with objective criteria, the categories of beneficiaries that have priority access to the farm advisory system. Member States shall nevertheless ensure that priority is given to farmers whose access to an advisory service other than the farm advisory system is most limited.

Amendment

However Member States may determine, in accordance with objective criteria, the categories of beneficiaries that have priority access to the farm advisory system. Member States shall nevertheless ensure that priority is given to farmers whose access to an advisory service other than the farm advisory system is most limited.
Priority shall also be given to networks operating with limited resources which may constitute operational groups within the meaning of Article 62 of Regulation (EU) No XXXXXX (on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)) and which, in so far as they are involved in innovation, may participate in the European Innovation Partnership on agricultural productivity and sustainability referred to in Articles 53 and 61 of Regulation (EU) No XXXXXX (on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)).

Or. fr

Amendment 275
George Lyon, Marit Paulsen

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

However Member States may determine, in accordance with objective criteria, the

Amendment

However Member States may determine, in accordance with objective criteria, the

categories of beneficiaries that have priority access to the farm advisory system. Member States shall nevertheless ensure that priority is given to farmers *whose access to an advisory service other than the farm advisory system is most limited*.

categories of beneficiaries that have priority access to the farm advisory system. Member States shall nevertheless ensure that priority is given to farmers *participating in the measures delivering carbon, nutrient and/or energy efficiency described in Chapter 2 of Title III of Regulation (EU) No [DP/2012]*.

Or. en

Justification

The take up of the carbon, nutrient and energy efficiency 'greening' measures in the direct payments should be associated with priority access to advice and priority access to investment support for farmers implementing these measures, in order to create the virtuous circle that is needed to achieve a more resource-efficient agriculture. However, Member States should not discriminate against any particular type of farms.

Amendment 276

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

However Member States may determine, *in accordance with objective* criteria, the categories of beneficiaries that have priority access to the farm advisory system. Member States shall nevertheless ensure that priority is given to farmers whose access to an advisory service other than the farm advisory system is most limited.

Amendment

However Member States may determine, *based on environmental, economic and social* criteria, the categories of beneficiaries that have priority access to the farm advisory system. Member States shall nevertheless ensure that priority is given to farmers whose access to an advisory service other than the farm advisory system is most limited.

Or. en

Amendment 277

Julie Girling

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

However Member States may determine, in accordance with objective criteria, the categories of beneficiaries that have priority access to the farm advisory system. **Member States shall nevertheless ensure that priority is given to** farmers whose access to an advisory service other than the farm advisory system is most limited.

Amendment

However Member States may determine, in accordance with objective criteria, the categories of beneficiaries that have priority access to the farm advisory system **one of which shall be** farmers whose access to an advisory service other than the farm advisory system is most limited.

Or. en

Justification

This is to provide clarification for this paragraph.

Amendment 278
Robert Dušek

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Commission powers

1. In order to guarantee the proper functioning of the farm advisory system, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 concerning provisions aiming at rendering that system fully operational. Those provisions may relate, amongst others, to the accessibility criteria for farmers.

2. The Commission may, by means of implementing acts, adopt rules for the uniform implementation of the farm advisory system. Those implementing acts shall be adopted in accordance with the

examination procedure referred to in Article 112(3).

Or. en

Amendment 279
Hynek Fajmon

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to guarantee the proper functioning of the farm advisory system, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 concerning provisions aiming at rendering that system fully operational. Those provisions may relate, amongst others, to the accessibility criteria for farmers.

deleted

Or. en

Amendment 280
Spyros Danellis

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to guarantee the proper functioning of the farm advisory system, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 concerning provisions aiming at rendering that system fully operational. Those provisions may relate, amongst others, to the accessibility criteria for farmers.

1. In order to guarantee the proper functioning of the farm advisory system, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 concerning provisions aiming at rendering that system fully operational. Those provisions may relate, amongst others, to the accessibility criteria for farmers, ***as well as to minimum qualification criteria for Farm Advisory System designated bodies.***

Amendment 281
Hynek Fajmon

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may, by means of implementing acts, adopt rules for the uniform implementation of the farm advisory system. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

deleted

Amendment 282
Hans-Peter Mayer

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. In the event that the Union legislation provides for sums to be reduced from the amount referred to in paragraph 1, the Commission shall, by means of **implementing** acts, set the net balance available for EAGF expenditure on the basis of the data referred to in that legislation.

2. In the event that the Union legislation provides for sums to be reduced from the amount referred to in paragraph 1, the Commission shall **be empowered**, by means of **delegated** acts **in accordance with Article 111**, to set the net balance available for EAGF expenditure on the basis of the data referred to in that legislation.

Amendment 283
Salvatore Caronna

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Expenditure relating to administrative and personnel costs incurred by Member States ***and by beneficiaries of aid from the EAGF*** shall ***not*** be borne by the Fund.

Amendment

Costs incurred by Member States ***for the actions needed to maintain and develop technical methods and resources in connection with information on and interlinking, monitoring and control of the funds used to finance the common agricultural policy*** shall be borne by the Fund ***up to a ceiling of 2% of the national allocation referred to in Article 7 of Regulation (EU) No ...*** .

Or. it

Amendment 284
Salvatore Caronna

Proposal for a regulation
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

However, personnel expenditure incurred by Member States and beneficiaries of aid from the EAGF shall not be borne by the Fund.

Amendment

However, personnel expenditure incurred by Member States and beneficiaries of aid from the EAGF shall not be borne by the Fund.

Or. it

Amendment 285
Salvatore Caronna

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

The Commission shall ***supply*** those satellite images free of charge to the

Amendment

The Commission ***and/or Member States*** shall ***purchase*** those satellite ***images for***

control bodies or to suppliers of services authorised by those bodies to represent them.

supply, free of charge, to the control bodies or to suppliers of services authorised by those bodies to represent them.

Or. it

Amendment 286
Salvatore Caronna

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

The Commission shall remain the owner of the images **and shall recover them on completion of the work**. It may also provide that work is carried out on enhancing techniques and working methods in connection with the inspection of agricultural areas by remote sensing.

Amendment

The Commission **and/or Member States** shall remain the owner of the images. **They** may also provide that work is carried out on enhancing techniques and working methods in connection with the inspection of agricultural areas by remote sensing.

Or. it

Amendment 287
Bas Eickhout
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

The measures financed pursuant to point (c) of Article 6 shall aim to give the Commission the means to manage Union agricultural markets in a global context, to ensure agri-economic monitoring of agricultural land and of the condition of crops so as to enable estimates to be made, **in particular** as regards yields and agricultural production, to share the access to such estimates in an international context, such as initiatives coordinated by

Amendment

The measures financed pursuant to point (c) of Article 6 shall aim to give the Commission the means to manage Union agricultural markets in a global context, to ensure agri-economic **and agro-ecological** monitoring of agricultural **and forest** land and of the condition of **the agricultural resource base and** crops, so as to enable estimates to be made; **for example** as regards yields, **resource efficiency** and **long-term** agricultural production, to share

United Nations organisations or other international agencies, to contribute to transparency of world markets, and to ensure technological follow-up of the agri-meteorological system.

the access to such estimates in an international context, such as initiatives coordinated by United Nations organisations or other international agencies, to contribute to transparency of world markets, and to ensure technological follow-up of the agri-meteorological system.

Or. en

Justification

Given that food production systems are based on exhaustible natural resources such as soil, we need to ensure access to data on those resources, so we can evaluate how well the reformed policy meets the challenges for long term food security: Thus, it is a question of assessing value for public money. This data should also cover agro-forestry land, as there are big challenges with climate change and forest fires, etc.

Amendment 288

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

The measures financed pursuant to point (c) of Article 6 concern the collection or purchase of data needed to implement and monitor the common agricultural policy, including satellite data and meteorological data, the creation of a spatial data infrastructure and a website, the carrying out of specific studies on climatic conditions and the updating of agri-meteorological and econometric models. Where necessary, those measures shall be carried out in collaboration with national laboratories and bodies.

Amendment

The measures financed pursuant to point (c) of Article 6 concern the collection or purchase of data needed to implement and monitor the common agricultural policy, including satellite data and meteorological data, the creation of a spatial data infrastructure and a website, the carrying out of specific studies on climatic conditions, ***monitoring of soil health and functionality e.g. LUCAS - Land Use/Cover Area frame Statistical Survey,*** and the updating of agri-meteorological and econometric models. Where necessary, those measures shall be carried out in collaboration with national laboratories and bodies.

Justification

If this reform starts the investment of public money into a paradigm shift in food production systems, then given that these systems are based on exhaustible natural resources such as soil, we need to ensure access to data on those resources, so we can evaluate how well the reformed policy meets the challenges for long term food security, so it is a question of assessing value for public money.

Amendment 289

Julie Girling, James Nicholson, Richard Ashworth, Anthea McIntyre

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. With a view to ensuring that the annual ceilings set out in the Regulation (EU) No xxx/xxx [MFF] for the financing of the market related expenditure and direct payments are respected, an adjustment rate of the direct payments shall be determined when the forecasts for the financing of the measures financed under that subceiling for a given financial year indicate that the applicable annual ceilings will be exceeded.

Amendment

1. With a view to ensuring that the annual ceilings set out in the Regulation (EU) No xxx/xxx [MFF] for the financing of the market related expenditure and direct payments are respected, an adjustment rate of the direct payments shall be determined when the forecasts for the financing of the measures financed under that subceiling for a given financial year indicate that the applicable annual ceilings, ***taking into account a margin of EUR 300 000 000 below that ceiling***, will be exceeded.

Justification

The existing €300 million margin under the EAGF sub-ceiling is there to acts as a safety buffer in managing the EAGF budget and we should avoid dismantling this mechanism.

Amendment 290

Elisabeth Köstinger

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

Amendment

4. Until 1 December, ***on a proposal by the Commission, on the basis of new information in its possession, the Council may*** adapt the adjustment rate for direct payments set in accordance with paragraphs 2 or 3.

4. ***If significant new information is made available after the decision referred to in paragraphs 2 and 3 has been taken, on the basis of that information the Commission may*** until 1 December adapt the adjustment rate for direct payments set in accordance with paragraphs 2 or 3 ***by means of implementing acts, without employing the procedure in accordance with Article 112(2) or (3).***

Or. de

Amendment 291

Albert Deß, Elisabeth Jeggle

Proposal for a regulation

Article 25 – paragraph 6

Text proposed by the Commission

Amendment

6. ***Before applying this Article, account shall first be taken of the amount authorised by the budget authority for the Reserve for crises in the agricultural sector referred to in point 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management.***

deleted

Or. de

Amendment 292

Julie Girling, Richard Ashworth, James Nicholson, Anthea McIntyre

Proposal for a regulation

Article 25 – paragraph 6

Text proposed by the Commission

Amendment

6. Before applying this Article, account shall first be taken of the amount authorised by the budget authority for the Reserve for crises in the agricultural sector referred to in point 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management. *deleted*

Or. en

Justification

There should be no off-budget spending. If a crisis is to exist it should be brought back on budget, therefore leaving no need for paragraph (6) of this Article.

Amendment 293

Alfreds Rubiks

Proposal for a regulation

Article 25 – paragraph 6

Text proposed by the Commission

Amendment

6. Before applying this Article, account shall first be taken of the amount authorised by the budget authority for the Reserve for crises in the agricultural sector referred to in point 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management. *deleted*

Or. lv

Amendment 294
Elisabeth Köstinger

Proposal for a regulation
Article 25 – paragraph 6

Text proposed by the Commission

6. Before *applying this Article, account shall first be taken of the amount authorised by the budget authority for the Reserve for crises in the agricultural sector referred to in point 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management.*

Amendment

6. Before *the proposal referred to in paragraph 2 is submitted, the Commission shall verify whether the conditions governing the use of the Reserve for crises in the agricultural sector referred to in point 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management have been met and, if so, submit the proposal accordingly.*

Or. de

Justification

Steps must be taken to ensure that budgetary discipline is not used as a substitute for the crisis management reserve if exceptional market developments lead to increased planned expenditure on measures taken pursuant to Article 159 on the single CMO.

Amendment 295
Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

2. If, on drawing up the draft budget for financial year N, there appears to be a risk that the amount referred to in Article 16 for financial year N will be exceeded, the Commission shall propose to the European Parliament and the Council or to the Council the measures necessary to ensure compliance with that amount.

Amendment

2. If, on drawing up the draft budget for financial year N, there appears to be a risk that the amount referred to in Article 16 for financial year N will be exceeded, *taking account of the margin laid down in Article 25 (1) of this Regulation, the* Commission shall propose to the European Parliament and the Council or to the Council the

measures necessary to ensure compliance with that amount.

Or. en

Justification

In accordance with the amendment to Article 25 (1) regarding the reinsertion of the margin under the EAGF sub-ceiling, reference to it should also be reinserted into Article 26 (2), as per the current Regulation 1290/2005.

Amendment 296
Hans-Peter Mayer

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

3. At any time, if the Commission considers that there is a risk of the amount referred to in Article 16 being exceeded and that it cannot take adequate measures to remedy the situation under its powers, it shall propose other measures to ensure compliance with that amount. These measures shall be adopted **by the Council on the basis of Article 43(3) of the Treaty** or by the European Parliament and the Council on the basis of Article 43(2) of the Treaty.

Amendment

3. At any time, if the Commission considers that there is a risk of the amount referred to in Article 16 being exceeded and that it cannot take adequate measures to remedy the situation under its powers, it shall propose other measures to ensure compliance with that amount. These measures shall be adopted by the European Parliament and the Council on the basis of Article 43(2) of the Treaty.

Or. de

Amendment 297
Wojciech Michał Olejniczak

Proposal for a regulation
Article 29

Text proposed by the Commission

Article 29

Amendment

deleted

No double funding

Without prejudice to the eligibility for support under Article 30(2) of Regulation (EU) No RD/xxx, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

Or. pl

Justification

Brings the text into line with the changes made in Title II, Part 1 of Regulation (EU) No [...] [DP] and Article 100 of this Regulation. Unused funds from direct support schemes and amounts resulting from the application of reductions and exclusions may be earmarked by the Member States for use as additional support for EAFRD-financed measures.

Amendment 298

Esther de Lange, Marianne Thyssen, Ivo Belet

Proposal for a regulation

Article 29

Text proposed by the Commission

Without prejudice to the eligibility for support under Article 30(2) of Regulation (EU) No RD/xxx, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

Amendment

Without prejudice to the eligibility for support under ***Chapter 2 of Title III of Regulation (EU) No DP/2012*** and Article 30(2) of Regulation (EU) No RD/xxx, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

Or. en

Amendment 299

Peter Jahr, Albert Deß, Britta Reimers

Proposal for a regulation

Article 29

Text proposed by the Commission

Without prejudice to the eligibility for

Amendment

Save with regard to support provided for

support under *Article 30(2)* of Regulation (EU) No RD/xxx, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

under *Articles 29 and 30* of Regulation EAFRD/2012, which is without prejudice to payments under Chapter II of Title III of Regulation DP/2012, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

Or. de

Amendment 300

Julie Girling, James Nicholson, Anthea McIntyre

Proposal for a regulation

Article 29

Text proposed by the Commission

Without prejudice to the eligibility for support under Article 30(2) of Regulation (EU) No RD/xxx, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

Amendment

Without prejudice to the eligibility for support under Article **29 and** 30(2) of Regulation (EU) No RD/xxx, expenditure financed under the EAFRD shall not be subject of any other financing under the EU budget.

Or. en

Justification

This addition allows agri-environment schemes to automatically qualify for greening payments under the new regime in Pillar I.

Amendment 301

Elisabeth Köstinger

Proposal for a regulation

Article 29

Text proposed by the Commission

Without prejudice to the eligibility for support under *Article 30(2)* of Regulation (EU) No RD/xxx, expenditure financed

Amendment

Without prejudice to the eligibility for support under **Articles 29(2) and** 30(2) of Regulation (EU) No RD/xxx, expenditure

under the EAFRD shall not be subject of any other financing under the EU budget.

financed under the EAFRD shall not be subject of any other financing under the EU budget.

Or. de

Justification

Measures covered by Article 29 of Regulation (EU) EAFRD/2012 should also be eligible for support under Regulation (EU) DP/2012.

Amendment 302

Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **4%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Amendment

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **7%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Or. es

Justification

7% is more in keeping with the rate at which advances, payments and reimbursements are made, and will exert less pressure on the cash flow of Member States.

Amendment 303

Albert Deß

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

(1) Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **4%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Amendment

(1) Following the decision of the Commission approving the **rural development** programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission **to the Member State**. This initial pre-financing amount shall represent **7%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Or. de

Amendment 304
Robert Dušek

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **4%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Amendment

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **7%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Or. en

Amendment 305
Alfreds Rubiks

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **4%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Amendment

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **7%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Or. lv

Amendment 306
Luís Paulo Alves

Proposal for a regulation
Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **4%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Amendment

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **7%** of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Or. pt

Amendment 307

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **4%** of the EAFRD contribution to the programme concerned. ***It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.***

Amendment

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent **7%** of the EAFRD contribution to the programme concerned.

Or. es

Amendment 308

George Lyon

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent 4% of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Amendment

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission, ***unless the Member State notifies the Commission within two months of the decision that it does not wish to receive a pre-financing amount.*** This initial pre-financing amount shall represent 4% of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first

instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Or. en

Justification

Whilst many Member states rely on pre-financing amount to start their programmes, this is not the case in all of them. It would relieve pressure on the budget if a Member State who prefers not to receive pre-financing were able to decline it, therefore freeing up amounts for other Member States to receive (the % set at 4% by the Commission could well be raised, under these conditions).

Amendment 309

Julie Girling, Richard Ashworth, Anthea McIntyre

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial pre-financing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent 4% of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Amendment

1. Following the Commission decision approving the programme, an initial pre-financing amount for the whole programming period shall be paid by the Commission, ***unless the Member State concerned notifies the Commission within 2 months of the decision that it does not wish to receive a pre-financing amount.*** This initial pre-financing amount shall represent 4% of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.

Or. en

Justification

In order to relieve pressure on Member State budgets, those who do not require an advance to

start their programmes should be able to decline it, allowing them to manage their rural development finances more effectively.

Amendment 310

Robert Dušek

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent 4% of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. ***The first instalment shall represent 2% of the EAFRD contribution to the programme concerned.***

Amendment

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent 4% of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability.

Or. en

Amendment 311

Hynek Fajmon

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent 4% of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability. ***The first instalment shall***

Amendment

1. Following the Commission decision approving the programme, an initial prefinancing amount for the whole programming period shall be paid by the Commission. This initial pre-financing amount shall represent 7% of the EAFRD contribution to the programme concerned. It may be split into a maximum of three instalments depending on budget availability.

represent 2% of the EAFRD contribution to the programme concerned.

Or. en

Amendment 312
Diane Dodds

Proposal for a regulation
Article 34 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may decide not to avail of prefinancing arrangements as outlined in this article.

Or. en

Amendment 313
Michel Dantin

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. Interim payments shall be made for each rural development programme. They shall be calculated by applying the co-financing rate for each measure to the incurred public expenditure pertaining to it.

1. Interim payments shall be made for each rural development programme. They shall be calculated by applying the co-financing rate for each measure to the incurred public expenditure pertaining to it ***or to the total eligible expenditure, including public and private expenditure.***

Or. fr

Amendment 314
Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation
Article 35 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) transmission to the Commission of a declaration of expenditure signed by the accredited paying agency, in accordance with Article 102(1)(c);

(a) transmission to the Commission of a **monthly** declaration of expenditure signed by the accredited paying agency, in accordance with Article 102(1)(c);

Or. es

Justification

It is proposed that EAFRD expense statements and reimbursements should be made under the same system as for the EADG (EAGGF Guarantee Section) in 2000-2006 (Articles 17 and 18 for the EAGF and Article 35 for the EAFRD). This would lead to a simplification of the system.

Amendment 315

Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

**Proposal for a regulation
Article 37 – paragraph 1**

Text proposed by the Commission

Amendment

1. The Commission shall automatically decommit any portion of a budget commitment **for a rural development programme** that has not been used for the purpose of prefinancing or making interim payments or for which no declaration of expenditure fulfilling the requirements laid down in Article 35(3) has been presented to it in relation to expenditure incurred by 31 December of the second year following that of the budget commitment.

1. The Commission shall automatically decommit any portion of a **Member State's** budget commitment that has not been used for the purpose of prefinancing or making interim payments or for which no declaration of expenditure fulfilling the requirements laid down in Article 35(3) has been presented to it in relation to expenditure incurred by 31 December of the second year following that of the budget commitment.

Or. es

Justification

Automatic de-commitments under the EAFRD should be made at Member State level rather than at programme level (Article 37.1), as in the text of the proposal; this would simplify management.

Amendment 316
Herbert Dorfmann

Proposal for a regulation
Article 37 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States which, on account of their federal/regional system of government, submit several rural development programmes, may offset amounts not used by 31 December of the second year following that of the budget commitment for one or more rural development programmes against amounts spent after that date under other rural development programmes. Should any amounts remain to be decommitted after such offsetting, they shall be charged, on a proportional basis, to the rural development programmes in respect of which underspends have been recorded.

Or. de

Amendment 317
Luis Paulo Alves

Proposal for a regulation
Article 37 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States which submit several rural development programmes may offset amounts not used by 31 December of the second year following that of the budget commitment for one or more rural development programmes against amounts spent after that date under other rural development programmes. Should any amounts remain to be decommitted

after such offsetting, they shall be charged, on a proportional basis, to the rural development programmes in which there has been underspending.

Or. pt

Amendment 318
Maria do Céu Patrão Neves

Proposal for a regulation
Article 37 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States which submit several rural development programmes may offset amounts not used by 31 December of the second year following that of the budget commitment for one or more rural development programmes against amounts spent after that date under other rural development programmes. Should any amounts remain to be decommitted after such offsetting, they shall be charged, on a proportional basis, to the rural development programmes in which there has been underspending.

Or. pt

Amendment 319
Michel Dantin

Proposal for a regulation
Article 37 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) that part of the budget commitments which concerns aid pursuant to Article 37(1), points (b) and (c) of Regulation (EU) No XXXXXX (on support for rural development).

Amendment 320
Salvatore Caronna

Proposal for a regulation
Article 37 a (new)

Text proposed by the Commission

Amendment

Article 37a

The Commission shall automatically decommit any portion of a budget commitment for a rural development programme that has not been used for the purpose of prefinancing or making interim payments or for which no declaration of expenditure fulfilling the requirements laid down in Article 35(3) has been presented to it in relation to expenditure incurred by 31 December of the second year following that of the budget commitment.

However, decommitment shall not apply to the 2014 budget commitment.

For the purpose of the decommitment, one sixth of the 2014 commitment will be added to each of the 2015 to 2020 budget commitments.

Or. it

Amendment 321
Peter Jahr, Albert Deß

Proposal for a regulation
Title 4 – chapter 2 – section 4

Text proposed by the Commission

Amendment

[...]

deleted

Or. de

Amendment 322
Giovanni La Via

Proposal for a regulation
Title 4 – chapter 2 – section 4

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 323
Giovanni La Via

Proposal for a regulation
Article 38

Text proposed by the Commission

Amendment

Article 38

deleted

Budget Commitments

The Commission Decision adopting the list of the projects to which the Prize for innovative, local cooperation is awarded, as referred to in Article 58(4) of Regulation (EU) No RD/xxx shall constitute a financing decision within the meaning of Article [75(2)] of Regulation (EU) No FR/xxx. Following the adoption of the Decision referred to in the first paragraph, the Commission shall made a budget commitment by Member State for the total amount of the prizes granted to projects in that Member State within the limit referred to in Article 51(2) of Regulation (EU) No RD/xxx.

Or. en

Amendment 324
Giovanni La Via

Proposal for a regulation
Article 39

Text proposed by the Commission

Amendment

Article 39

deleted

Payments to the Member States

1. Within the framework of the interim payments referred to in Article 35, the Commission shall make payments in order to reimburse the expenditure incurred by accredited paying agencies in awarding the Prizes referred to in this Section in the limits of the available budget commitments for the Member States concerned.

2. Each payment shall be subject to the transmission to the Commission of a declaration of expenditure signed by the accredited paying agency, in accordance with Article 102(1)(c).

3. Accredited paying agencies shall establish and forward, either directly or via the intermediary of the coordinating body, where one has been appointed, declarations of expenditure relating to the Prize for innovative, local cooperation to the Commission, within periods set by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 112(3).

Declarations of expenditure shall cover expenditure that the paying agencies have incurred during each of the periods concerned.

Or. en

Amendment 325
Giovanni La Via

Proposal for a regulation
Article 40

Text proposed by the Commission

Amendment

Article 40

deleted

Automatic decommitment for the Prize for innovative, local cooperation

The Commission shall automatically decommit the amounts referred to in the second subparagraph of Article 38 that have not been used for reimbursing the Member States as laid down in Article 39 or for which no declaration of expenditure meeting the conditions laid down in that Article has been presented to it in relation to expenditure incurred by 31 December of the second year following that of the budget commitment.

Article 37(3), (4) and (5) shall apply mutatis mutandis.

Or. en

Amendment 326
Jim Higgins

Proposal for a regulation
Article 42 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

In order to make the financial impact proportional to the payment delay observed, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 concerning rules on the reduction of payments in relation to the non-respect of the payment period.

In order to make the financial impact proportional to the payment delay observed, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 concerning rules on the reduction of payments in relation to the non-respect of the payment period. ***This paragraph shall not apply in cases where the payment delay is beyond the control of the Member State.***

Or. en

Amendment 327
Albert Deß, Elisabeth Jeggle

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, supported from the national budget. *deleted*

Or. de

Amendment 328
Sandra Kalniete

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, supported from the national budget. *deleted*

Or. en

Amendment 329
Eric Andrieu, Marc Tarabella

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, supported from the national budget. *deleted*

Or. fr

Amendment 330

Liam Aylward, Mairead McGuinness

**Proposal for a regulation
Article 42 – paragraph 2**

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, supported from the national budget. *deleted*

Or. en

Justification

Paying agencies should not be liable for interest on late payments. Paying agencies are already subject to financial corrections where late payments occur, and interest payments would amount to a double penalty. There can be many valid reasons for late payments due to circumstances beyond a paying agency's control.

Amendment 331

Peter Jahr, Britta Reimers

**Proposal for a regulation
Article 42 – paragraph 2**

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member *deleted*

States, they shall pay the beneficiaries default interests, supported from the national budget.

Or. de

Amendment 332
Katarína Neved'alová

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, supported from the national budget. **deleted**

Or. sk

Amendment 333
Daciana Octavia Sârbu, Vasilica Viorica Dăncilă

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, supported from the national budget. **deleted**

Or. ro

Justification

This clause would infringe on the powers of the Member States to manage their national budgets.

Amendment 334

Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, ***supported from the national budget.***

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests.

Or. es

Justification

The Commission considers that beneficiaries of aid must receive the amounts due to them within the deadlines set out in EU legislation. We understand the Commission's intention, but the applicable national law must be respected, and we therefore call for due account to be taken of this fact in the wording of EU legislation.

Amendment 335

Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, ***supported from the national budget.***

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests.

Or. es

Justification

The applicable national legislation must be respected.

Amendment 336
Diane Dodds

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, supported from the national budget.

Amendment

2. Where the latest possible date of payment is not respected by the Member States, they shall pay the beneficiaries default interests, supported from the national budget. ***This paragraph shall not apply in cases where the payment delay is not the fault of the Member State.***

Or. en

Amendment 337
Juozas Imbrasas

Proposal for a regulation
Article 42 – paragraph 2 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The Commission shall establish by means of implementing acts those cases of force majeure and exceptional cases in which beneficiaries do not have to be paid default interest if aid has been paid later than the payment date provided for in the EU legislation.

Or. It

Amendment 338
Michel Dantin, Jim Higgins

Proposal for a regulation
Article 43 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) one or more of the key components of the national control system in question do not exist or are not effective due to the gravity or persistence of the deficiencies found, ***or irregular payments are not being recovered with the necessary diligence;***

Amendment

(a) one or more of the key components of the control system in question do not exist or are not effective due to the gravity or persistence of the deficiencies found;

Or. fr

Amendment 339
Mariya Gabriel

Proposal for a regulation
Article 44

Text proposed by the Commission

Article 44

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Amendment

deleted

Or. bg

Amendment 340
Sandra Kalniete

Proposal for a regulation
Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. en

**Amendment 341
Alfreds Rubiks**

**Proposal for a regulation
Article 44**

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. lv

Amendment 342
Peter Jahr, Britta Reimers

Proposal for a regulation
Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. de

Amendment 343
Katarína Neved'alová

Proposal for a regulation
Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may

suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. sk

Amendment 344
María do Céu Patrão Neves

Proposal for a regulation
Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. pt

Amendment 345
Albert Deß, Elisabeth Jeggle

Proposal for a regulation
Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. de

**Amendment 346
Julie Girling, James Nicholson**

**Proposal for a regulation
Article 44**

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. en

Justification

The suspension of payments in the case of the late submission of statistics is disproportionate

and unnecessary, and should therefore be deleted.

Amendment 347

Liam Aylward, Mairead McGuinness

Proposal for a regulation

Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. en

Justification

The Commission proposal would allow it to suspend payments to paying agencies where control statistics have not been supplied to the Commission by the paying agency within specified deadlines. This is unduly punitive.

Amendment 348

Luis Paulo Alves

Proposal for a regulation

Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Suspension of payments in case of late submission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Or. pt

Amendment 349

Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

**Proposal for a regulation
Article 44 – paragraph 1**

Text proposed by the Commission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Amendment

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out *pursuant to Article 61* and their outcome and the Member States overrun that period, the Commission may suspend, *in accordance with the principle of proportionality and the detailed rules adopted on the basis of Article 48(5), and taking due account of the length of the delay*, the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time, *except in cases of force majeure or in exceptional circumstances*.

Or. es

Justification

Due account must be paid to circumstances that may make it difficult to collect and forward the information. The principle of proportionality must also be respected with regard to both the length of the delay and the payments concerned.

Amendment 350

George Lyon, Sylvie Goulard, Britta Reimers

Proposal for a regulation

Article 44 – paragraph 1

Text proposed by the Commission

***When** sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the **numbers** of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.*

Amendment

Where** sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the **number** of checks carried out **under Article 61** and their outcome and **where** the Member States overrun that period, the Commission may suspend, **in accordance with the principle of proportionality, taking account of the extent of the delay and according to the detailed rules it has adopted on the basis of Article 48(5),** the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time. **In particular, the Commission shall clearly distinguish between a situation where the late submission of information places the annual budget discharge mechanism at risk, and a situation where such a risk does not exist.

Or. en

Justification

The suspension of payments should only occur where there is a risk of placing the annual budget discharge mechanism into jeopardy. A maximum degree of proportionality is required here.

Amendment 351

Anneli Jäätteenmäki, Sari Essayah, Riikka Manner, Eija-Riitta Korhola, Hannu Takkula

**Proposal for a regulation
Article 44 – paragraph 1**

Text proposed by the Commission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Amendment

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time, ***provided that all the Regulations and instructions for this information are ready and available when the databases are set up by Member States.***

Or. en

Amendment 352

Monika Hohlmeier

**Proposal for a regulation
Article 44 – paragraph 1**

Text proposed by the Commission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Amendment

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time, ***provided that the Commission has made all the information, forms and***

explanations they need to compile the relevant statistics available to the Member States in good time prior to the start of the reference period.

Or. de

Justification

The Commission must make the requisite forms and explanations available to the Member States in good time prior to the start of the reference period.

Amendment 353

Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 44 – paragraph 1

Text proposed by the Commission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Amendment

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time *except in cases of force majeure or in exceptional circumstances, in accordance with the principle of proportionality.*

Or. es

Amendment 354

Daciana Octavia Sârbu, Vasilica Viorica Dăncilă

Proposal for a regulation

Article 44 – paragraph 1

Text proposed by the Commission

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time.

Amendment

When sectoral agricultural legislation requires Member States to submit, within a specific period of time, information on the numbers of checks carried out and their outcome and the Member States overrun that period, the Commission may suspend the monthly payments referred to in Article 18 or the interim payments referred to in Article 35 for which the relevant statistical information has not been sent in time, ***but not before the Member State has been notified in writing that this penalty may be imposed.***

Or. ro

Amendment 355

Liam Aylward, Mairead McGuinness

Proposal for a regulation

Article 48 – paragraph 5

Text proposed by the Commission

5. In order to ensure the respect of the proportionality principle when applying Article 44, the Commission shall be empowered to adopt delegated acts in accordance with Article 111 pertaining to rules on:

(a) the list of measures which fall under Article 44;

(b) the rate and period of suspension of payments referred to in that Article;

(c) the conditions for lifting the suspension.

Amendment

deleted

Or. en

Justification

This amendment is necessary following deletion of Articles 42.2 and 44.

Amendment 356

Alfreds Rubiks

Proposal for a regulation

Article 48 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may lay down, by means of implementing acts, further details on the obligation laid down in Article 46 as well as the specific conditions applying to the information to be booked in the accounts kept by the paying agencies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

deleted

Or. lv

Amendment 357

Hans-Peter Mayer

Proposal for a regulation

Article 48 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) rules on the financing and accounting of intervention measures in the form of public storage, and other expenditure financed by the EAGF and the EAFRD;

deleted

Or. de

Justification

This is not a purely technical decision.

Amendment 358
Hans-Peter Mayer

Proposal for a regulation
Article 48 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the terms and conditions governing the implementation of the automatic decommitment procedure; *deleted*

Or. de

Justification

This is not a purely technical decision.

Amendment 359
Peter Jahr, Albert Deß, Britta Reimers

Proposal for a regulation
Article 48 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) rules on the payment by the Member States of default interests to the beneficiaries as referred to in Article 42(2). *deleted*

Or. de

Amendment 360
Liam Aylward, Mairead McGuinness

Proposal for a regulation
Article 48 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) rules on the payment by the Member States of default interests to the beneficiaries as referred to in Article 42(2). *deleted*

Or. en

Justification

This amendment is necessary following deletion of Articles 42.2 and 44.

**Amendment 361
Hans-Peter Mayer**

**Proposal for a regulation
Article 48 – paragraph 7 a (new)**

Text proposed by the Commission

Amendment

7a. The Commission shall be empowered to adopt delegated acts in accordance with Article 111 to specify:

(a) rules on the financing and accounting of intervention measures in the form of public storage, and other expenditure financed by the EAGF and the EAFRD;

(b) the terms and conditions governing the implementation of the automatic decommitment procedure.

Or. de

Justification

These decisions are not purely technical and must therefore be taken by means of delegated acts.

**Amendment 362
Julie Girling**

Proposal for a regulation
Article 49 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall give sufficient prior notice of an on-the-spot check to the Member State concerned or the Member State within whose territory the check is to take place. Agents from the Member State concerned may take part in such checks.

Amendment

The Commission shall give sufficient prior notice of an on-the-spot check to the Member State concerned or the Member State within whose territory the check is to take place ***and shall coordinate checks with a view to reducing the impact on paying agencies.*** Agents from the Member State concerned may take part in such checks.

Or. en

Amendment 363
Jim Higgins, Seán Kelly

Proposal for a regulation
Article 49 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall reduce the frequency of on-the-spot checks in Member States where the opinion of the Certification Body as regards the legality and regularity of the underlying transactions indicates that the error rate is at an acceptable level

Or. en

Justification

On-the-spot checks carried out by the Commission should be reduced when the legality and regularity audit indicates that the error rate is at an acceptable level, it is hoped that this will reduce the costs attached to such inspections.

Amendment 364
Diane Dodds

Proposal for a regulation
Article 49 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The Commission shall reduce the frequency of on-the-spot checks in Member States where the opinion of the Certification Body as regards the legality and regularly of the underlying transactions indicates that the error rate is at an acceptable level.

Or. en

Amendment 365
George Lyon, Sylvie Goulard, Britta Reimers

Proposal for a regulation
Article 50 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall make available to the Commission all information about irregularities ***and suspected fraud cases*** detected, and about the steps taken to recover undue payments in connection with those irregularities and frauds pursuant to Section III of this Chapter.

3. Member States shall make available to the Commission all information about irregularities detected and about the steps taken to recover undue payments in connection with those irregularities and frauds pursuant to Section III of this Chapter.

Or. en

Justification

There is no need for explicit mention of fraud cases, since these would count as irregularities. There is a risk of creating unnecessary additional reporting obligations if this stays in.

Amendment 366
Elisabeth Köstinger

Proposal for a regulation
Article 51 – paragraph 1

Text proposed by the Commission

The accredited paying agencies shall keep supporting documents relating to payments made and documents relating to the performance of the administrative and physical checks required by Union legislation, and shall make the documents and information available to the Commission.

Amendment

The accredited paying agencies shall keep supporting documents relating to payments made and documents relating to the performance of the administrative and physical checks required by Union legislation, and shall make the documents and information available to the Commission. ***Such supporting documents may be kept in electronic form.***

Or. de

Amendment 367

Riikka Manner, Petri Sarvamaa, Hannu Takkula, Sari Essayah, Anneli Jäätteenmäki

Proposal for a regulation
Article 51 – paragraph 1

Text proposed by the Commission

The accredited paying agencies shall keep supporting documents relating to payments made and documents relating to the performance of the administrative and physical checks required by Union legislation, and shall make the documents and information available to the Commission.

Amendment

The accredited paying agencies shall keep supporting documents relating to payments made and documents relating to the performance of the administrative and physical checks required by Union legislation, and shall make the documents and information available to the Commission. ***Such supporting documents may be kept and sent in electronic form.***

Or. en

Amendment 368

Hans-Peter Mayer

Proposal for a regulation
Article 52 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission **may, by means of implementing** acts, **lay** down rules regarding:

Amendment

The Commission **shall be empowered to adopt delegated** acts **in accordance with Article 111 laying** down rules regarding:

Or. de

Amendment 369
George Lyon

Proposal for a regulation
Article 52 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the conditions under which the supporting documents referred to in Article 51 shall be kept, including their form and the time period of their storage.

Or. en

Justification

This amendment corresponds to the implementation rules needed to implement Rapporteur's amendment 48.

Amendment 370
Hans-Peter Mayer

Proposal for a regulation
Article 52 – paragraph 2

Text proposed by the Commission

Amendment

The implementing acts provided for in the first paragraph shall be adopted in accordance with the examination procedure referred to in Article 112(3).

deleted

Or. de

Amendment 371
Julie Girling, Anthea McIntyre

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the non-conformity recorded. It shall take due account of the nature and gravity of the infringement and of the ***financial damage caused*** to the ***Union***.

Amendment

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the non-conformity recorded. It shall take due account of the nature and gravity of the infringement and ***the amounts excluded shall be based on an assessment*** of the ***risk*** to the ***Agricultural Funds consequent on the infringement***.

Or. en

Justification

The calculation of any correction the Agricultural Funds should be based on an assessment of the actual risk to the agricultural funds and not on a flat rate correction which may result in a disproportionate disallowance.

Amendment 372
George Lyon, Sylvie Goulard

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the non-conformity recorded. It shall take due account of the nature ***and gravity*** of the infringement and of the ***financial damage caused*** to the ***Union***.

Amendment

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the non-conformity recorded. It shall take due account of the nature of the infringement and ***the amounts excluded shall be based on an assessment*** of the ***risk*** to the ***agricultural funds stemming from the infringement***.

Or. en

Justification

This provides clarification of Rapporteur's amendment 52.

Amendment 373

Diane Dodds

Proposal for a regulation

Article 54 – paragraph 2

Text proposed by the Commission

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the non-conformity recorded. It shall take due account of the nature and gravity of the infringement and of the financial damage caused to the Union.

Amendment

2. The Commission shall assess the amounts to be excluded on the basis of the gravity of the non-conformity recorded. It shall take due account of the nature and gravity of the infringement and of the financial damage caused to the Union. ***In no event shall the amounts excluded exceed the risk to the Agricultural Funds as expressed in the opinion of the Certification Body on the legality and regularity of underlying transactions.***

Or. en

Amendment 374

Julie Girling, Anthea McIntyre

Proposal for a regulation

Article 54 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall base its financial corrections on individual cases of irregularity identified, or by taking account of the systemic nature of the irregularity to determine whether an extrapolated or flat rate correction should be applied.

Flat rate corrections shall only be applied where it is impossible, due to the nature of the case, to either identify the extent and

amount of the irregularity found or to extrapolate the amount to be corrected

Or. en

Justification

Flat rate corrections should be a last resort, where there is no other way of identifying the extent or the amount of the discrepancy.

Amendment 375
George Lyon, Sylvie Goulard, Britta Reimers

Proposal for a regulation
Article 54 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall base its financial corrections on individual cases of irregularity identified, or by taking account of the systemic nature of the irregularity to determine whether an extrapolated or flat rate correction should be applied.

Flat rate corrections shall only be applied where it is impossible, due to the nature of the case, to either identify the extent and amount of the irregularity found or to extrapolate the amount to be corrected.

Or. en

Justification

This addition is important to ensure that flat-rate financial corrections are only used as a last resort. The preferred method should be based on the individual cases of irregularity.

Amendment 376
Julie Girling, Anthea McIntyre

Proposal for a regulation
Article 54 – paragraph 3 – subparagraph 2

Text proposed by the Commission

If agreement is not reached, the Member State may request opening of a procedure aimed at reconciling each party's position within four months. A report of the outcome of the procedure shall be given to the Commission, which shall *examine it* before deciding on any refusal of financing.

Amendment

If agreement is not reached, the Member State may request opening of a procedure aimed at reconciling each party's position within four months. A report of the outcome of the procedure shall be given to the Commission, which shall **take into account the recommendations of the report** before deciding on any refusal of financing. **The Commission shall give reasons if it does not decide to follow the recommendations in the report.**

Or. en

Justification

If the Commission decides not to take account of the decision of the Conciliation Body, they should be required to provide their reasons.

Amendment 377
Alfreds Rubiks

Proposal for a regulation
Article 54 – paragraph 3 – subparagraph 2

Text proposed by the Commission

If agreement is not reached, the Member State may request opening of a procedure aimed at reconciling each party's position within four months. A report of the outcome of the procedure shall be given to the Commission, which shall examine it before deciding on any refusal of financing.

Amendment

If agreement is not reached, the Member State may request opening of a procedure aimed at reconciling each party's position within four months **and arriving at a joint opinion**. A report of the outcome of the procedure shall be given to the Commission, which shall examine it before deciding on any refusal of financing.

Or. lv

Amendment 378
Diane Dodds

Proposal for a regulation
Article 54 – paragraph 3 – subparagraph 2

Text proposed by the Commission

If agreement is not reached, the Member State may request opening of a procedure aimed at reconciling each party's position within four months. A report of the outcome of the procedure shall be given to the Commission, which shall examine it before deciding on any refusal of financing.

Amendment

If agreement is not reached, the Member State may request opening of a procedure aimed at reconciling each party's position within four months. A report of the outcome of the procedure shall be given to the Commission, which shall examine it ***with a view to accepting its findings*** before deciding on any refusal of financing.

Or. en

Amendment 379
Julie Girling, Anthea McIntyre

Proposal for a regulation
Article 55 – paragraph 1 – point b

Text proposed by the Commission

(b) the conformity clearance provided for in Article 54 with regard to the measures to be taken in connection with the adoption of the decision and its implementation, including the information exchange between the Commission and the Member States ***and*** the deadlines to be respected as well as the conciliation procedure provided for in that Article, including the establishment, tasks, composition and working arrangements of the conciliation body.

Amendment

(b) the conformity clearance provided for in Article 54 with regard to the measures to be taken in connection with the adoption of the decision and its implementation, including the information exchange between the Commission and the Member States, the ***rates of cofinancing corrections to be applied, the*** deadlines to be respected as well as the conciliation procedure provided for in that Article, including the establishment, tasks, composition and working arrangements of the conciliation body.

Or. en

Justification

The flat rates of the financial corrections have such financial significance that they should be set down in legislation, not in Commission guidelines as is currently the case.

Amendment 380

Albert Deß

Proposal for a regulation

Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***one year of the first indication that such*** an irregularity has taken place ***and shall record*** the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***24 months of a control report or similar document stating that*** an irregularity has taken place ***being received by the paying agency or the body responsible for the recovery. At the same time*** the corresponding amounts ***shall be recorded*** in the debtors' ledger of the paying agency.

Or. de

Amendment 381

Eric Andrieu, Marc Tarabella

Proposal for a regulation

Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***one year of the first indication that such an irregular has taken place and shall record the*** corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***24 months of the approval of an inspection report or similar document recording the irregularity or, where applicable, from the reception of that report or similar document by the paying agency or body***

responsible for the recovery. The corresponding amounts shall at the same time be recorded in the debtors' ledger of the paying agency.

Or. fr

Amendment 382

Liam Aylward, Mairead McGuinness, Marian Harkin

Proposal for a regulation

Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***one year of the first indication that such an irregular*** has taken place and ***shall record*** the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***24 months after a control report or similar document, stating that an irregularity*** has taken place, ***has been approved*** and, ***where applicable, received by the paying agency or body responsible for the recovery. The*** corresponding amounts ***shall, at the time of the recovery request, be recorded*** in the debtors' ledger of the paying agency.

Or. en

Justification

This amendment is aimed at clarifying the commencement date for recovery proceedings, extending the deadline by which paying agencies must request recovery from 12 to 24 months. It would also reinstate the existing arrangements whereby 50% of the burden of non-recovered irregularity amounts are borne by the member State and 50% by the EU budget (the Commission proposal would mean these would be borne 100% by the Member State). It would also provide for an extension of up to 50% of the deadline for recovery in circumstances outside the control of the paying agency.

Amendment 383

Herbert Dorfmann

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within **one year** of the **first indication that such an irregular has taken place and shall record** the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within **24 months** of the **date on which the paying agency or body responsible for recovery has approved its own control report or a similar document received from a control body which, on the basis of specific facts, points to the existence of an irregularity.** The corresponding amounts **shall at the same time be recorded** in the debtors' ledger of the paying agency.

Or. it

Amendment 384
Luís Paulo Alves

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary **within one year of the first indication that such an irregular has taken place** and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or other cases of non-compliance, Member States shall request recovery from the beneficiary **no later than 24 months after the competent national authority determined the amounts to be recovered on the basis of a final control report or a similar document, according to the legislation applicable,** and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Or. pt

Amendment 385
Marian Harkin

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***one year of the first indication*** that ***such an irregular*** has taken place and ***shall record*** the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***24 months after a control report or similar document, stating*** that an ***irregularity*** has taken place, ***has been approved*** and, ***where applicable, received by the paying agency or body responsible for the recovery. The*** corresponding amounts ***shall, at the time of the recovery request, be recorded*** in the debtors' ledger of the paying agency.

Or. en

Amendment 386
Maria do Céu Patrão Neves

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary ***within one year of the first indication that such an irregular has taken place*** and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or other cases of non-compliance, Member States shall request recovery from the beneficiary ***no later than 24 months after the competent national authority determined the amounts to be recovered on the basis of a final control report or a similar document, according to the legislation applicable,*** and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Or. pt

Amendment 387

Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

**Proposal for a regulation
Article 56 – paragraph 1**

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within one year of the **first indication** that such an *irregular* has taken place and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within one year of the first **administrative or judicial report establishing** that such an *irregularity* has taken place and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Or. es

Amendment 388

Radvilė Morkūnaitė-Mikulėnienė

**Proposal for a regulation
Article 56 – paragraph 1**

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within one year **of the first indication that such an irregular** has taken place and **shall record** the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within one year **after a control report or similar document, stating an irregularity** has taken place, **has been approved** and, **where applicable, received by the paying agency or body responsible for the recovery. The** corresponding amounts **shall at the same time of the recovery request be recorded** in the debtors' ledger of the paying agency.

Or. en

Amendment 389
Juozas Imbrasas

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within one year of the ***first indication that such an irregular has taken place*** and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within one year of the ***approval of the first inspection report indicating that an irregularity as defined in Article 1(2) of Council Regulation (EC, Euratom) No 2988/95 on the protection of the European Communities' financial interests has taken place, or, where applicable, from the reception of that report by the paying agency or body responsible for the recovery***, and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Or. It

Amendment 390

Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***one year*** of the first indication that such an irregular has taken place and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Amendment

1. For any undue payment following the occurrence of irregularity or negligence, Member States shall request recovery from the beneficiary within ***two years*** of the first indication that such an irregular has taken place and shall record the corresponding amounts in the debtors' ledger of the paying agency.

Or. es

Amendment 391

Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, María Auxiliadora Correa Zamora

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State *concerned*, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne *up to a maximum of 50%* by the Member State *and shall be covered up to a maximum of 50% from the EU budget*, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. es

Justification

This amendment proposes maintaining the situation as it is under the current regulation, whereby the financial burden is shared under the principle of joint management of funds.

Amendment 392

Robert Dušek

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State concerned, without prejudice to the requirement that

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, *50 % of* the financial consequences of non-recovery shall be borne by the Member State concerned *and 50 % by the Union budget*, without

the Member State concerned must pursue recovery procedures in compliance with Article 60.

prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. en

Amendment 393
Eric Andrieu, Marc Tarabella

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State concerned, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, **50% of** the financial consequences of non-recovery shall be borne by the Member State concerned **and 50% by the EU budget. The sharing of the financial burden resulting from non-recovery shall be** without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. fr

Amendment 394
Liam Aylward, Mairead McGuinness, Marian Harkin

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State concerned,

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, **50% of** the financial consequences of non-recovery shall be borne by the Member State concerned **and**

without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

50% by the Union budget, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. en

Justification

This amendment is aimed at clarifying the commencement date for recovery proceedings, extending the deadline by which paying agencies must request recovery from 12 to 24 months. It would also reinstate the existing arrangements whereby 50% of the burden of non-recovered irregularity amounts are borne by the member State and 50% by the EU budget (the Commission proposal would mean these would be borne 100% by the Member State). It would also provide for an extension of up to 50% of the deadline for recovery in circumstances outside the control of the paying agency.

Amendment 395

Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State **concerned**, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne **up to a maximum of 50%** by the Member State **and shall be covered up to a maximum of 50% from the EU budget**, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. es

Justification

The situation should be maintained as it is under the current regulation, whereby the

financial burden is shared under the principle of joint management of funds.

Amendment 396

Luis Paulo Alves

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State concerned, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, **50% of** the financial consequences of non-recovery shall be borne by the Member State concerned **and 50% by the Union budget**, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. pt

Amendment 397

Hynek Fajmon

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State concerned, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, **50% of** the financial consequences of non-recovery shall be borne by the Member State concerned **and 50% by the Union budget**, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment 398

Daciana Octavia Sârbu, Vasilica Viorica Dăncilă

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State *concerned*, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, **50% of** the financial consequences of non-recovery shall be borne by the Member State **and 50% by the EU budget**, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. ro

Amendment 399

Marian Harkin

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State concerned, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, **50% of** the financial consequences of non-recovery shall be borne by the Member State concerned **and 50% by the Union budget**, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. en

Amendment 400
Maria do Céu Patrão Neves

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of non-recovery shall be borne by the Member State concerned, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Amendment

If recovery has not taken place within four years of the date of the recovery request, or within eight years where recovery is taken in the national courts, **50% of** the financial consequences of non-recovery shall be borne by the Member State concerned **and 50% by the Union budget**, without prejudice to the requirement that the Member State concerned must pursue recovery procedures in compliance with Article 60.

Or. pt

Amendment 401
Michel Dantin

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

However, if, for reasons not attributable to the Member State concerned, recovery could not take place within the time limit specified in the first subparagraph and the amount to be recovered exceeds EUR 1 million, the Commission may, at the request of the Member State, extend the time limit by a maximum of 50% of the original time limit.

Or. fr

Amendment 402
Eric Andrieu, Marc Tarabella

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

However, if, for reasons not attributable to the Member State concerned, recovery could not take place within the time limit specified in the first subparagraph and the amount to be recovered exceeds EUR 1 million, the Commission may, at the request of the Member State, extend the time limit by a maximum of 50% of the original time limit.

Or. fr

Amendment 403
Hynek Fajmon

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

However, if for reasons not attributable to the Member State concerned, recovery could not take place within the time-limits specified in the first subparagraph, and the amount to be recovered exceeds EUR 1 million, the Commission may at the request of the Member State, extend the time limits by a maximum of 50% of the initial time limits.

Or. en

Amendment 404
Robert Dušek

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

However, if for reasons not attributable to the Member State concerned, recovery could not take place within the time-limits specified in the first subparagraph, and the amount to be recovered exceeds EUR 1 million, the Commission may at the request of the Member State, extend the time limits by a maximum of 50% of the initial time limits.

Or. en

Amendment 405
Liam Aylward, Mairead McGuinness, Marian Harkin

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

However, if for reasons not attributable to the Member State concerned, recovery could not take place within the time limits specified in the first subparagraph, and the amount to be recovered exceeds €1 million, the Commission may, at the request of the Member State, extend the time limits by a maximum of 50% of the initial time limits.

Or. en

Justification

This amendment is aimed at clarifying the commencement date for recovery proceedings, extending the deadline by which paying agencies must request recovery from 12 to 24 months. It would also reinstate the existing arrangements whereby 50% of the burden of non-recovered irregularity amounts are borne by the member State and 50% by the EU budget (the Commission proposal would mean these would be borne 100% by the Member State). It would also provide for an extension of up to 50% of the deadline for recovery in

circumstances outside the control of the paying agency.

Amendment 406
Marian Harkin

Proposal for a regulation
Article 56 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

However, if for reasons not attributable to the Member State concerned, recovery could not take place within the time limits specified in the first subparagraph, and the amount to be recovered exceeds €1 million, the Commission may, at the request of the Member State, extend the time limits by a maximum of 50% of the initial time limits.

Or. en

Amendment 407
Monika Hohlmeier

Proposal for a regulation
Article 56 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) if the costs already and likely to be incurred total more than the amount to be recovered, ***or***

(a) if the costs already and likely to be incurred total more than the amount to be recovered; ***this condition shall be deemed to have been met if the amount to be recovered from the beneficiary in the context of a single payment does not exceed EUR 300.***

Or. de

Justification

The recovery of very small amounts generates substantial administrative costs. Amounts

which fall below a ceiling set very low should therefore not be recovered, in order to maintain cost-effectiveness.

Amendment 408
Robert Dušek

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

When the Union budget is credited as referred in the first paragraph, the Member State may retain **10** % of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Amendment

When the Union budget is credited as referred in the first paragraph, the Member State may retain **20** % of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Or. en

Amendment 409
Sergio Gutiérrez Prieto, Iratxe García Pérez, Ricardo Cortés Lastra, Alejandro Cercas

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

When the Union budget is credited as referred in the first paragraph, the Member State may retain **10%** of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Amendment

When the Union budget is credited as referred in the first paragraph, the Member State may retain **20%** of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Or. es

Amendment 410
Alfreds Rubiks

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

When the Union budget is credited as referred in the first paragraph, the Member State may retain **10%** of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Amendment

When the Union budget is credited as referred in the first paragraph, the Member State may retain **20%** of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Or. lv

Amendment 411
Michel Dantin

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

When the Union budget is credited as referred in the first paragraph, the Member State may retain **10%** of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Amendment

When the Union budget is credited as referred in the first paragraph, the Member State may retain **20%** of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Or. fr

Amendment 412
Hynek Fajmon

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

When the Union budget is credited as referred in the first paragraph, the Member State may retain **10 %** of the corresponding

Amendment

When the Union budget is credited as referred in the first paragraph, the Member State may retain **20 %** of the corresponding

amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Or. en

Amendment 413
Juozas Imbrasas

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

When the Union budget is credited as referred in the first paragraph, the Member State may retain **10%** of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Amendment

When the Union budget is credited as referred in the first paragraph, the Member State may retain **20%** of the corresponding amounts as flat rate recovery costs, except in cases of irregularity or negligence attributable to its administrative authorities or other official bodies.

Or. It

Amendment 414
Robert Dušek

Proposal for a regulation
Article 60 – paragraph 1 – point b

Text proposed by the Commission

(b) offer effective prevention against fraud, especially as regards the areas with a higher level of risk, and which shall act as a deterrent, having regard to the costs and benefits as well as the proportionality of the measures;

Amendment

deleted

Or. en

Amendment 415

Hynek Fajmon

Proposal for a regulation

Article 60 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) offer effective prevention against fraud, especially as regards the areas with a higher level of risk, and which shall act as a deterrent, having regard to the costs and benefits as well as the proportionality of the measures;

deleted

Or. en

Amendment 416

Bas Eickhout

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 60 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) prevent undue environmental and public health costs, especially to avoid funding of activities under the CAP which generate additional costs to other policy areas within the EU budget, especially the environment and public health.

Or. en

Justification

This is the principle of budgetary efficiency in public funds. Costs of damaging practices are currently externalised to the public purse, either being covered by other sectors of the EU budget or by the budget of the Member States, or indeed being covered by the consumer (e.g. costs of cleaning pesticides and excess nutrients from drinking water which are passed on in water bills), who pays both as taxpayer and consumer.

Amendment 417
Albert Defß

Proposal for a regulation
Article 60 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The introduction of new payment systems, which would in turn necessitate the introduction of new greening-related monitoring and penalty systems, must be avoided as this would create a need for additional, complicated administrative procedures and more red tape.

Or. de

Amendment 418
Hans-Peter Mayer

Proposal for a regulation
Article 60 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission may, **by means of implementing acts, adopt rules** aiming at reaching a uniform application of paragraphs 1 and 2 of this Article.

The Commission **shall be empowered to adopt delegated acts in accordance with Article 111** aiming at reaching a uniform application of paragraphs 1 and 2 of this Article.

Or. de

Justification

This is not a purely technical decision.

Amendment 419
Hans-Peter Mayer

Proposal for a regulation
Article 60 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 112(3).

deleted

Or. de

Amendment 420

George Lyon, Sylvie Goulard

Proposal for a regulation

Article 61 – paragraph 1

Text proposed by the Commission

Amendment

1. The system set up by the Member States in accordance with Article 60(2) shall include, except where otherwise provided, ***systematic*** administrative checking of ***all*** aid applications and shall be supplemented by on-the-spot checks.

1. The system set up by the Member States in accordance with Article 60(2) shall include, except where otherwise provided, administrative checking of aid applications and ***payment claims by applying a risk-based approach according to the level of assurance that is required and*** shall be supplemented by on-the-spot checks ***whose purpose shall be to monitor the level of inherent risk and whose number shall be adjusted in the light of the inherent and control risks.***

Or. en

Justification

This amendment provides further clarification to Rapporteur's amendment 61.

Amendment 421

Janusz Wojciechowski

Proposal for a regulation

Article 61 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The control system referred to in paragraph 1 should include the possibility of lodging objections against the controls and the period for lodging and examining such objections.

Or. pl

Amendment 422

Julie Girling, James Nicholson, Anthea McIntyre

**Proposal for a regulation
Article 61 – paragraph 2**

Text proposed by the Commission

Amendment

2. As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part in order to obtain a representative error rate, while targeting ***also*** highest ***errors***.

2. As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part in order to obtain a representative error rate, while targeting ***the areas in which the risk of error is*** highest.

When selecting the sample for checks, the Member State may take account of the following factors:

- the size of the sums involved;***
- the outcome of earlier audits of the management and control systems;***
- voluntary participation in management schemes certified on the basis of recognised international standards.***

Or. en

Justification

There should be a more risk-based approach to inspections. The list of factors should help Member States to consider what is appropriate in their territory for the checks.

Amendment 423
Elisabeth Köstinger

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission

2. As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part in order to obtain a representative error rate, while targeting also **highest errors**.

Amendment

2. As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part in order to obtain a representative error rate, while targeting also **the areas in which the risk of error is highest**.

In keeping with the principle of the proportionality of checks, a number of factors should be taken into account:

- the size of the transactions;***
- the favourable results of earlier audits and checks;***
- the degree of reliability of the competent national supervisory authorities;***
- the voluntary management systems certified in accordance with internationally recognised standards.***

Or. de

Justification

It is essential to identify certain factors which can provide a basis for guaranteeing the proportionality of checks.

Amendment 424
George Lyon, Sylvie Goulard

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission

2. As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part in order to obtain a representative error rate, while targeting also highest **errors**.

Amendment

2. As regards the on-the-spot checks, the authority responsible shall draw its check sample from the entire population of applicants comprising, where appropriate, a random part and a risk-based part in order to obtain a representative error rate, while targeting also ***the areas in which the risk of error is*** highest.

To ensure that the checks are proportionate, account needs to be taken of factors including:

- the size of the sums involved;***
- the outcome of earlier audits of the management and control systems;***
- voluntary participation in management schemes certified on the basis of recognised international standards.***

Or. en

Justification

This takes on Rapporteur's amendment 62, with the exception of the third indent which creates confusion and is likely to create all sorts of ill-defined additional requirements.