



EUROPEAN PARLIAMENT

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4.7.2012

EP-PE\_TC1-COD(2010)0266

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## **POSITION OF THE EUROPEAN PARLIAMENT**

adopted at first reading on 4 July 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)  
(EP-PE\_TC1-COD(2010)0266)

PE 467.603

**EN**

*United in diversity*

**EN**

**POSITION OF THE EUROPEAN PARLIAMENT**

**adopted at first reading on 4 July 2012**

**with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first paragraph of Article 42 and Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Acting in accordance with the ordinary legislative procedure<sup>2</sup>,

Whereas:

- (1) Council Regulation (EC) No 1698/2005<sup>3</sup> confers powers on the Commission in order to implement some of the provisions of that Regulation.
- (2) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1698/2005 upon the Commission need to be aligned to Articles 290 and 291 of the Treaty on the Functioning of the European Union (the Treaty).

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<sup>1</sup> OJ C 107, 6.4.2011, p. 30.

<sup>2</sup> Position of the European Parliament of 4.7.2012.

<sup>3</sup> OJ L 277, 21.10.2005, p. 1.

- (3) ~~The Commission should have~~ ***In order to ensure the proper functioning of the regime established by Regulation (EC) No 1698/2005, the power to adopt delegated acts in accordance with Article 290 of the Treaty in order to supplement or amend on the Functioning of the European Union should be delegated to the Commission in respect of supplementing or amending*** certain non-essential elements of ~~that~~ Regulation (EC) No 1698/2005. ~~The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.~~ ***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 the Council. [Am. 1]***

- (4) In order to ~~guarantee a~~ *ensure* uniform application *conditions for the implementation of* of Regulation (EC) No 1698/2005 in all Member States, the Commission should be empowered to adopt implementing acts in accordance with ~~Article 291 of the Treaty,~~ *implementing powers should be conferred on the Commission. Those powers,* save where explicitly provided otherwise, ~~the Commission should adopt those implementing acts ,~~ *should be exercised* in accordance with the provisions of Regulation (EU) No *182/2011* of the European Parliament and the Council *of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers*<sup>1</sup>. [Am. 2]
- (5) Some of the provisions on rural development that have so far been adopted by the Commission under the powers conferred on it by Regulation (EC) No 1698/2005 are considered of such importance that they should be incorporated in that Regulation.
- (6) In order to ensure a uniform presentation of updates of national strategy plans by Member States, the Commission should be able to set out uniform rules by means of implementing acts.

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<sup>1</sup> *OJ L 55, 28.2.2011, p. 13.*

- (7) Member States and the Commission are required to report on the monitoring of the national and Community strategy. In order to reduce the administrative burden and to avoid duplication of work, the number of strategic summary reports submitted by each Member State should be reduced to two and their content simplified.
- (8) In order to ensure that the assessment of the rural development programmes submitted by the Member States in accordance with Article 18(2) of Regulation (EC) No 1698/2005 may be done in a uniform and comparable manner, the Commission should, by means of implementing acts, adopt uniform rules for the presentation of rural development programmes.
- (9) In the interest of legal certainty, rural development programmes should be approved by the Commission by means of implementing acts.
- (10) In order to ensure transparency and efficiency in the adoption of rural development programmes, the Commission should be able to lay down the relevant procedures by means of implementing acts.
- (11) The Commission should also, by means of implementing acts, adopt decisions on requests to revise rural development programmes after the submission of such requests by Member State.

- (12) In order to ensure transparency and efficiency in the revision of rural development programmes, the Commission should, by means of implementing acts, lay down the relevant procedures.
- (13) The use of advisory services should help farmers to assess the performance of their agricultural holding and identify necessary improvements with regard to the statutory management requirements and the good agricultural and environmental condition as provided for 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<sup>1</sup> and the Community standards relating to occupational safety. Taking into account that the support for the use of advisory services has been available already for several years, a more tailor-made use should be facilitated, to better reflect the individual needs of the beneficiary.

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<sup>1</sup> OJ L 30, 31.1.2009, p. 16.

- (14) As a follow up to the Commission Communication on a Better Functioning Food Supply Chain in Europe and the High Level Expert Group on Milk<sup>1</sup>, the current funding possibilities to support the setting up and administrative operation of producer groups should be extended to all Member States. However, in order to avoid cases where support could be granted simultaneously from different sources, support for setting up of producer groups in the fruit and vegetables sector should be excluded.
- (15) Multiannual commitments under certain measures should normally be undertaken as a general rule for a period between five and seven years. Where necessary and justified, the Commission should be able to approve rural development programmes that contain a longer period for particular types of commitments in order to take account of special circumstances in certain areas.
- (16) Member States are required to confirm the delimitation of mountain areas and areas affected by specific handicaps and to delimitate areas affected by significant natural handicaps. The Commission should by means of implementing acts define the specific provisions according to which these areas are confirmed or delimited in order to ensure that this is done in accordance with uniform criteria by all Member States.

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<sup>1</sup> COM(2009)0591 of 28.10.2009.



- (17) Article 10 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora<sup>1</sup>, requires Member States, with a view to improve the ecological coherence of the Natura 2000 network, to endeavour to encourage the management of features, which, by virtue of their linear and continuous structure or their function as stepping stones, are essential for the migration, dispersal and genetic exchange of wild species. Such areas should be made eligible for Natura 2000 payments. However, in order to ensure that payments continue to be primarily used for the designated Natura 2000 sites, it is appropriate to limit their proportion compared to Natura 2000 areas designated.
- (18) Where a Member State decides to make use of the option to consider non-compliance as minor or not to apply a reduction or exclusion where the amount concerned is less than EUR 100, the competent control authority should, in the following year, verify that the farmer remedies the findings of the non-compliance concerned. However, in order to ease the administrative burden, consideration should be given to simplifying the follow-up checks system.

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<sup>1</sup> OJ L 206, 22.7.1992, p. 7.

- (19) Each Member State is required to establish a national rural network. In order to ensure that the various national rural networks are set-up in a coherent and uniform manner, the Commission should, by means of implementing acts, fix details concerning the establishment and the operation of those networks.
- (20) In order to ensure an objective and transparent distribution of commitment appropriations available to the Member States, the Commission should, by means of implementing acts, make an annual breakdown by Member State. Given the special nature of those acts, the Commission should be empowered to adopt them without the assistance of the committee provided for in Regulation (EU) No 182/2011.
- (21) In order to be considered compatible with the internal market, any aid measure must contain some incentive element or require some counterpart on the part of the beneficiary. Aid which is granted retrospectively cannot be considered to contain the necessary incentive element. Consequently, in respect of measures falling within the scope of Article 42 of the Treaty, it should be provided that support is excluded for activities that have already been undertaken before submission of an application for support.

- (22) Member States should be required to undertake controls in accordance with the rules to be fixed by the Commission by means of delegated acts, notably regarding the type and intensity of controls, adapted to the nature of the different rural development measures. The Commission should further be empowered to fix, by means of implementing acts, uniform conditions for the implementation of controls by the authorities of Member States in order to ensure a coherent execution of controls.
- (23) A common monitoring and evaluation network should be drawn up in cooperation between the Commission and the Member States. In the interest of transparency, it should be adopted by the Commission by means of implementing acts.
- (24) The Member States are required to send to the Commission each year an annual progress report on the implementation of their rural development programmes. Details concerning the annual progress reports for specific programmes for the national rural networks should, by means of implementing acts, be fixed by the Commission, in order to ensure a uniform and comparable content.

- (25) An information system to permit the secure exchange of data of common interest between the Commission and each Member State should be established. The Commission should, by means of implementing acts, adopt uniform conditions for the operation of that system.
- (26) Regulation (EC) No 1698/2005 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1698/2005 is amended as follows:

- (1) Article 5 is amended as follows:
- (a) paragraph 2 is replaced by the following:

"2. The Commission and the Member States shall ensure that the assistance from the EAFRD and the Member States is consistent with the activities, policies and priorities of the Union. The assistance of the EAFRD shall be consistent with the objectives of Economic and Social Cohesion and those of the Union support instrument for fisheries in particular. In order to ensure that EAFRD assistance is also consistent with other support instruments of the Union, the Commission may, by means of delegated acts, lay down the specific Union measures with which such consistency is to be ensured.";

(b) paragraph 6 is replaced by the following:

"6. No support under this Regulation shall be granted to schemes eligible for support under common market organisations. In order to take into account the specific circumstances in programming areas, the Commission may, by means of delegated acts, adopt exceptions from this rule.".

(2) In Article 12, the following paragraph is added:

"3. National strategy plans may be updated during the programming period. The Commission may, by means of implementing acts, lay down rules concerning those updates."

(3) In Article 13, paragraphs 1 and 2 are replaced by the following:

"1. Each Member State shall submit to the Commission two summary reports setting out the progress made in implementing its national strategy plan and objectives and its contribution to the achievement of Community strategic guidelines. The first report shall be submitted in 2010 and the second one in 2015, no later than on 1 October.

2. The report shall describe in particular:

(a) the achievements and results of the rural development programmes relative to the indicators set out in the national strategy plan;

(b) the results of the ongoing evaluation activities for each programme."

- (4) In Article 14(1), the first subparagraph is replaced by the following:

"The Commission shall present two reports summarising the main developments, trends and challenges relating to the implementation of the national strategy plans and the Community strategic guidelines. The first report shall be presented in 2011 and the second in 2016."

- (5) Article 18 is amended as follows:

- (a) in paragraph 3 the following subparagraph is added:

"In view of this assessment the Commission shall, by means of implementing acts, adopt uniform conditions for the presentation of rural development programmes.";

- (b) paragraph 4 is replaced by the following:

"4. The Commission shall approve each rural development programme by means of implementing acts.

It may also, by means of implementing acts, lay down the procedure for such approval."

(6) In Article 19, paragraph 2 is replaced by the following:

"2. The Commission shall, by means of implementing acts, adopt decisions on requests to revise rural development programmes after the submission of such requests by the Member States.

In order to enable the Commission to apply efficient and proportionate procedures, the Commission may, by means of delegated acts, lay down the rules concerning the changes that do not require approval by the Commission or require approval without the assistance by the Committee referred to in Article 91c.

Procedural provisions for the submission, assessment and approval of changes shall be adopted by the Commission by means of implementing acts."

(7) In Article 20(d), point (ii) is replaced by the following:

"(ii) Supporting the setting up of producer groups;"



- (8) The following Article is inserted before Subsection 1:

"Article 20a  
Specific conditions

In order to ensure an efficient and targeted use of funds and to ensure a coherent approach in the treatment of beneficiaries, the Commission shall, by means of delegated acts, adopt specific conditions concerning the measures provided for in Article 20."

- (9) In Article 24(1), the second subparagraph is replaced by the following:

~~"As a minimum, the~~ The advisory service to farmers (***including the provision of technical advice***) shall ***in all cases*** cover ~~one or more~~ ***than one*** of the statutory management requirements and good agricultural and environmental conditions provided for in Articles 5 and 6 of and Annexes II and III to Regulation (EC) No 73/2009 and, where relevant, one or more of the occupational safety standards based on Union legislation." [Am. 3]

- (10) In Article 32(1), point (b) is replaced by the following:

"(b) be for Union food quality schemes, or for those recognised by the Member States which comply with precise criteria defined by the Commission by means of delegated acts in order to ensure coherence of this measure with EU policy and priorities. Schemes whose sole purpose is to provide a higher level of control of respect of obligatory standards under Union or national law shall not be eligible for support;".

(11) In Article 33, the following paragraph is added:

"The support shall be granted to the producer groups consisting of operators actively participating in a food quality scheme as referred to in Article 32. Professional and/or inter-professional organisations representing one or more sectors cannot qualify as 'producer groups'."

(12) In Article 35, paragraph 3 is replaced by the following:

"3. The support shall be granted to producer groups which are officially recognised by the Member State's competent authority by 31 December 2013. However, no support shall be granted for the setting up of producer groups in the fruit and vegetables sector."

(13) The following Article is inserted before Subsection 1:

"Article 36a

Specific conditions

In order to ensure an efficient and targeted use of funds and to ensure a coherent approach in the treatment of beneficiaries, the Commission shall, by means of delegated acts, adopt specific conditions concerning the measures provided for in Article 36."

(14) In Article 38, paragraph 2 is replaced by the following:

"2. Support shall be limited to the maximum amount laid down in the Annex I to this Regulation. In order to avoid overlapping between support provided for in Article 20(c)(i) and support provided for in Article 36(a)(iii), the Commission shall, by means of delegated acts, lay down the rules concerning the disadvantages related to specific requirements introduced by Directive 2000/60/EC and fix the conditions as regards the amount of annual support for payments linked to that Directive."

(15) In Article 39(3), the second subparagraph is replaced by the following:

"These commitments shall be undertaken as a general rule for a period between five and seven years. Where necessary and justified, the Commission may, by means of implementing acts, approve rural development programmes that contain a longer period for particular types of commitments."

(16) In Article 40(2), the second subparagraph is replaced by the following:

"These commitments shall be undertaken as a general rule for a period between five and seven years. Where necessary and justified, the Commission may, by means of implementing acts, approve rural development programmes that contain a longer period for particular types of commitments."

(17) In Article 41, the following paragraph is added:

"For benefiting from such support the investments concerned must not lead to any significant increase in the value or profitability of the agricultural or forestry holding."

(18) In Article 43(1), the following subparagraph is added:

~~"For the purposes of point (c) of the first subparagraph, 'farmers' means persons who~~  
***The aid to which this Article refers shall only apply to farmers or farmers' associations that*** devote an essential part of their working time to agricultural activities and derive from them a significant part of their income according to criteria to be defined by the Member State." [Am. 4]

(19) In Article 47(1), the second subparagraph is replaced by the following:

"These commitments shall be undertaken as a general rule for a period between five and seven years. Where necessary and justified, the Commission may, by means of implementing acts, approve rural development programmes that contain a longer period for particular types of commitments."

(20) In Article 49, the following paragraph is added:

"For benefiting from such support the investments concerned must not lead to any significant increase in the value or profitability of the agricultural or forestry holding."

(21) Article 50 is amended as follows:

(a) paragraphs 4 and 5 are replaced by the following:

"4. The Commission shall, by means of implementing acts, adopt rules according to which the Member States shall, in their programmes:

(a) confirm the existing delimitation pursuant to paragraphs 2 and 3(b) or amend it, or

(b) delimitate the areas referred to in paragraph 3(a).

5. The following agricultural areas shall be eligible for payments provided for in Article 36(a)(iii):

(a) Natura 2000 agricultural areas designated pursuant to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds\* and Directive 92/43/EEC;

(b) other delimited nature protection areas with environmental restrictions applicable to farming which contribute to the implementation of Article 10 of Directive 92/43/EEC;

- (c) agricultural areas, included in river basin management plans according to Directive 2000/60/EC.

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\* OJ L 20, 26.1.2010, p. 7.";

- (b) paragraph 7 is replaced by the following:

"7. The following forest areas shall be eligible for payments provided for in Article 36(b)(iv):

- (a) Natura 2000 forest areas designated pursuant to Directives 2009/147/EC and 92/43/EEC;
- (b) other delimited nature protection areas with environmental restrictions applicable to forests which contribute to the implementation of Article 10 of Directive 92/43/EEC.";

- (c) the following paragraph is added:

"9. The areas referred to in point (b) of paragraph 5 and in point (b) of paragraph 7 of this Article shall, per rural development programme, not exceed 5 % of the Natura 2000 areas covered by its territorial scope.".

(22) Article 51 is amended as follows:

(a) in paragraph 2, the third subparagraph is replaced by the following:

"Where a Member State decides to make use of the option provided for in the second subparagraph, in the following year the competent authority shall take the actions required to verify that the beneficiary remedies the finding of non-compliance concerned. The finding and the obligation to take remedial action shall be notified to the beneficiary.";

(b) in paragraph 4, the introductory phrase is replaced by the following:

"In order to ensure the coherent application of reductions and exclusions of payment provided for in this Article, the Commission shall, by means of delegated acts, lay down the relevant rules for the application of the principles of transparency and proportionality. In this context account shall be taken of the severity, extent, permanence and repetition of non-compliance found as well as of the following criteria:".



(23) The following Article is inserted before Subsection 1:

"Article 52a  
Specific conditions

In order to ensure an efficient and targeted use of funds and to ensure a coherent approach in the treatment of beneficiaries, the Commission shall, by means of delegated acts, adopt specific conditions concerning the measures provided for in Article 52."

(24) In Article 53, the following paragraph is added:

"For the purposes of this Article a 'member of the farm household' shall mean a natural or legal person or a group of natural or legal persons, whatever legal status is granted to the group and its members in national law, with the exception of farm workers. Where a member of the farm household is a legal person or a group of legal persons, that member must exercise agricultural activity on the farm at the time of the support application."

(25) The following Article is inserted:

"Article 63a  
Specific conditions

In order to ensure an efficient and targeted use of funds and to ensure a coherent approach in the treatment of beneficiaries, the Commission shall, by means of delegated acts, adopt specific conditions concerning the measures provided for in Article 63."

(26) Article 66 is amended as follows:

(a) in paragraph 2 the following subparagraph is added:

"In order to ensure consistency with the requirements of Union policy, priorities and law, the Commission may, by means of delegated acts, adopt conditions on the contribution rate for technical assistance in case of rural development programmes covering both regions eligible under the Convergence Objective and regions not eligible under the Convergence Objective, and conditions on the allocation of funds for establishing and operating the national rural network referred to in Article 68.";

(b) in paragraph 3, the third subparagraph is replaced by the following:

"The Commission shall, by means of implementing ~~rules~~ **acts**, adopt rules concerning the establishment and the operation of the national rural network."

**[Am. not concerning all languages]**

(27) In Article 69, paragraph 4 is replaced by the following:

"4. The Commission shall, by means of implementing acts without the assistance of the Committee referred to in Article 91c, make an annual breakdown by Member State of the amounts referred to in paragraph 1, after deduction of the amount referred to in paragraph 2, and taking into account:

- (a) the amounts reserved for regions eligible under the Convergence Objective;
- (b) past performance; and
- (c) particular situations and needs based on objective criteria."

**(27a) In Article 69, the following paragraph is added:**

***"5d. Notwithstanding Article 29(1) of Regulation (EC) No 1290/2005, for Member States that have opted for regional programmes, the calculation of the automatic cancellation of financial resources may be made at the level of the Member State."*** [Am. 6]

(28) In Article 70, paragraph 1 is replaced by the following:

"1. The Decision adopting a rural development programme shall set the maximum contribution from the EAFRD for each axis. In order to allow Member States a certain degree of flexibility with regards to minor shifts of EAFRD funding among axes, a flexibility threshold shall be fixed by the Commission by means of delegated acts. The Decision shall clearly identify, where necessary, the appropriations allocated to the regions eligible under the Convergence Objective."

(29) Article 71 is amended as follows:

(a) in paragraph 1, the second subparagraph is replaced by the following:

"A new expenditure added at the moment of the modification of a programme referred to in Article 19 shall be eligible from the date of the reception by the Commission of the request for modification of the programme. Member States shall bear the responsibility for expenditure between the date on which their request for a programme modification is received by the Commission and the date of the decision approving the modification.

In cases of emergency measures due to natural disasters the rural development programmes may provide that eligibility of expenditure relating to programme changes may start from a date earlier than the date referred to in the second subparagraph.";

(b) in paragraph 2, the following subparagraphs are added:

"Support shall only be granted for expenditure incurred in respect of measures falling within the scope of Article 42 of the Treaty after an application has been submitted to the competent authority.

However, the requirement laid down in the second subparagraph shall not apply in respect of the measures referred to in Article 20(a), Article 20(b)(vi), Article 20(c)(i) and (ii), Article 20(d)(i) to (iii), Article 36(a)(i) to (v) and Article 36(b)(i), with the exception of establishment costs under Article 36(b)(i).";

***(ba) in paragraph 3, point (a) of the second subparagraph is replaced by the following:***

***"(a) VAT, except non-recoverable VAT when it is genuinely and definitively borne by beneficiaries.";*** [Am. 7]

***(bb) the following paragraph is inserted after paragraph 3:***

***'3a. Work carried out on a time and materials basis as part of rural development measures by the ultimate beneficiaries using the manpower, materials and equipment which a firm has to hand shall be eligible for an EAFRD contribution; in such cases, the amount of expenditure eligible for a EAFRD contribution shall be calculated on the basis of a price list for the various works performed.';*** [Am. 8]

(c) paragraph 5 is replaced by the following:

"5. Notwithstanding paragraph 3(b), the contribution from the EAFRD may be made in a form other than a non-repayable direct assistance. In order to ensure the efficient use and coherent implementation of the EAFRD and to secure the Union's financial interests, the Commission shall, by means of delegated acts, adopt specific conditions for the co-financing of interest rate subsidies and of other financial engineering instruments."

(30) In Article 74, paragraph 4 is replaced by the following:

"4. Member States shall undertake controls in accordance with rules fixed by the Commission, by means of delegated acts, regarding the principles of controls, sanctions, exclusions and the recovery of undue payments, adapted to the nature of the different rural development measures in order to ensure efficiency in their application and equal treatment of all beneficiaries. The Commission shall, by means of implementing acts, lay down uniform conditions for the implementation of controls by the authorities of the Member States."

(31) In Article 78, the following subparagraph is added:

"For the purposes of point (f), 'substantial proposal for changes' shall cover the changes which require approval by the Commission by means of implementing acts, with the exception of the changes referred to in the second subparagraph of Article 19(2), as well as changes of financial breakdown by measure within an axis, changes concerning the introduction of new measures and types of operations and the withdrawal of existing measures and types of operations."

(32) Article 80 is replaced by the following:

"Article 80

Common monitoring and evaluation framework

The common monitoring and evaluation framework shall be drawn up in cooperation between the Commission and the Member States and shall be adopted by the Commission by means of implementing acts. The framework shall specify a limited number of common indicators applicable to each programme."



(33) In Article 82, paragraph 4 is replaced by the following:

"4. The Commission shall, by means of implementing acts, adopt rules concerning annual progress reports for specific programmes pursuant to Article 66(3).".

(34) In Article 86, the following paragraph is added:

"9. In order to ensure that evaluations are carried out within the time schedule fixed in this Article, the Commission may, by means of delegated acts, lay down the appropriate penalties for the non-respect of these time schedules.".

(35) The following Article is inserted in Title IX:

"Article 89a

Exchange of information and documents

The Commission, in collaboration with the Member States, shall establish an information system to permit the secure exchange of data of common interest between the Commission and each Member State. The Commission shall, by means of implementing acts, adopt uniform conditions for the operation of that system.".

(36) Articles 90 and 91 are deleted.

(37) The following Articles are inserted:

"Article 91a

Commission powers

Where competences are conferred on the Commission, it shall act in accordance with the procedure referred to in Article 91b, in the case of delegated acts, and in accordance with the procedure referred to in Article 91c, in the case of implementing acts, save where explicitly provided otherwise in this Regulation.

Article 91b

Delegated acts

1. The ~~powers~~ **power** to adopt the delegated acts ~~referred to in this Regulation shall be~~ **is** conferred on the Commission ~~for an indeterminate period of time~~ **subject to the conditions laid down in this Article.**

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

2. ~~The delegation of power may be revoked at any time by the European Parliament or by the Council.~~ *referred to in Article 5(2) and (6), the second subparagraph of Article 19(2), Article 20a, Article 32(1)(b), Article 36a, Article 38(2), Article 51(4), Articles 52a and 63a, Article 66(2), Article 70(1), Article 71(5), the first sentence of Article 74(4), Article 86(9) and Article 92(1) shall be conferred on the Commission for a period of five years from ...<sup>+</sup>. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three month before the end of each period.*

~~The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.~~

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<sup>+</sup> *Date of entry into force of this Regulation.*

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

~~3. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by [two] months.~~

~~If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.~~

~~The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.~~

~~If the European Parliament or the Council objects to a delegated act, the act shall not enter into force. The institution that objects to the delegated act shall state the reasons for its objections.~~

4. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
5. *A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council. [Am. 9]*

Article 91c

Implementing acts – Committee

~~[To be completed following the adoption of the Regulation laying down the rules and general principles concerning mechanisms for control envisaged in Article 291(2) TFEU, which is currently under discussion before the PE and the Council.]~~

1. ***The Commission shall be assisted by the Rural Development Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.***
2. ***Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.***

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\* ***OJ L 55, 28.2.2011, p. 13.*** [Am. 10]

(38) In Article 92, paragraph 1 is replaced by the following:

"1. Should specific measures be necessary to facilitate the transition from the system in force to that established by this Regulation, such measures shall be adopted by the Commission, by means of delegated acts."

(39) In Annex I, footnote reference (\*\*\*) is replaced by the following:

"(\*\*\*) In order to take account of the special circumstances that exist in Malta, the Commission may, by means of delegated acts, set a minimum amount of aid for sectors of production in which total output is extremely small."

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

*For the European Parliament*

*The President*

*For the Council*

*The President*