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*Committee on Agriculture and Rural Development*

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**2011/0288(COD)**

18.10.2012

# **AMENDMENTS 790 - 816**

**Draft report**

**Giovanni La Via**

(PE483.834v01-00)

Amendment to the Commission proposal COM(2011) 628 final/2 for a Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy as amended by COM(2012)0551

Proposal for a regulation

(COM(2011)0551 – C7-0312/2012 – 2011/0288(COD))

AM\_Com\_LegReport

Amendment 790  
Eric Andrieu

Proposal for a regulation  
Recital 70 c

*Text proposed by the Commission*

*Amendment*

*(70c) In its judgment, the Court did not contest the legitimacy of the objective of reinforcing public control of the use of the money from the EAGF and the EAFRD. This objective should be analysed in the light of the new financial management and control framework to be applied as from 1 January 2014. In the context of this framework, the controls by the national administrations cannot be exhaustive and, in particular, for almost all schemes only a limited part of the population can be checked on-the-spot. An increase of the minimum control rates beyond the levels currently applied would, in the present context, put additional financial and administrative burden on the national administrations and would not be cost-effective. Moreover, the new framework provides that, under certain conditions, Member States may reduce the number of on-the-spot checks. Against this background, the publication of the name of the beneficiaries of the agricultural funds reinforces the public control of the use of those funds and, therefore, is a useful addition to the existing management and control framework that is necessary to ensure an adequate level of protection of the Union's financial interest. The national authorities, while applying the new rules simplifying the administrative process of the implementation of Union funds and reducing the administrative costs, should be enabled to rely on the public control, notably through its preventive and deterrent effect against fraud and any*

*deleted*

*misuse of the public funds, by discouraging individual beneficiaries from irregular behaviour.*

Or. fr

**Amendment 791**  
**Eric Andrieu**

**Proposal for a regulation**  
**Recital 70 d**

*Text proposed by the Commission*

***(70d) The objective of the public control of the use of the money from the EAGF and the EAFRD pursued with the publication of beneficiaries may be achieved only by ensuring a certain degree of information to be delivered to the knowledge of the public. That information should cover data on the identity of the beneficiary, the amount awarded and under which of the funds, the purpose and the nature of the measure concerned.*** The publication of that information should be made in such a way as to cause less interference with the beneficiaries' right to respect for their private life in general and to protection of their personal data in particular, rights recognised by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.

*Amendment*

***(70d) The information published will use data taken from the Individual Payment Data files provided by the Member States.*** The publication of that information should be made in such a way as to cause less interference with the beneficiaries' right to respect for their private life in general and to protection of their personal data in particular, rights recognised by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.

Or. fr

**Amendment 792**  
**Eric Andrieu**

**Proposal for a regulation**

**Recital 70 e**

*Text proposed by the Commission*

*Amendment*

***(70e) Publishing details about the measure entitling the farmer to receive aid, the nature and the purpose of the aid would provide concrete knowledge to the public on the subsidised activity and the purpose for which the subsidy was granted. This would contribute to the preventive and deterrent effect of the public control in the protection of the financial interest.***

***deleted***

Or. fr

**Amendment 793  
Elisabeth Köstinger**

**Proposal for a regulation  
Recital 70 e**

*Text proposed by the Commission*

*Amendment*

***(70e) Publishing details about the measure entitling the farmer to receive aid, the nature and the purpose of the aid would provide concrete knowledge to the public on the subsidised activity and the purpose for which the subsidy was granted. This would contribute to the preventive and deterrent effect of the public control in the protection of the financial interest.***

***deleted***

Or. de

*Justification*

*Monitoring is a task for the public authorities and cannot be delegated to the public by publishing details on the Internet.*

**Amendment 794**  
**Eric Andrieu**

**Proposal for a regulation**  
**Recital 70 f**

*Text proposed by the Commission*

*Amendment*

*(70f) In order to observe a balance between the pursued objective of the public control of the use of the money from the EAGF and the EAFRD on the one hand and the beneficiaries' right to respect for their private life in general and to protection of their personal data on the other hand, the importance of the aid should be taken into account. Following the extensive analysis and the consultation with the stakeholders it appeared that in order to reinforce the effectiveness of such publication and to limit the interference with the beneficiaries' rights, a threshold should be set up as regards the amount of aid received below which the name of the beneficiary should not be published.*

*deleted*

Or. fr

**Amendment 795**  
**George Lyon, Marit Paulsen, Sylvie Goulard**

**Proposal for a regulation**  
**Recital 70 f**

*Text proposed by the Commission*

*Amendment*

*(70f) In order to observe a balance between the pursued objective of the public control of the use of the money from the EAGF and the EAFRD on the one hand and the beneficiaries' right to respect for their private life in general and to protection of their personal data on the other hand, the importance of the aid should be taken into account. Following*

*deleted*

*the extensive analysis and the consultation with the stakeholders it appeared that in order to reinforce the effectiveness of such publication and to limit the interference with the beneficiaries' rights, a threshold should be set up as regards the amount of aid received below which the name of the beneficiary should not be published.*

Or. en

### *Justification*

*Transparency rules should apply irrespectively to all beneficiaries of CAP support. The use of a threshold becomes obsolete when it comes to public money and it will only create discrimination between small and big farms.*

### **Amendment 796**

**Eric Andrieu**

### **Proposal for a regulation**

### **Recital 70 g**

*Text proposed by the Commission*

*Amendment*

*(70g) The threshold should reflect and be based on the level of the support schemes set up within the framework of the CAP. As the structures of the Member States' agricultural economies vary considerably and may differ significantly from the average Union farm structure, the application of different minimum thresholds that reflect the particular situation of the Member States should be allowed. Regulation xxx/xxx [DP] sets out a simple and specific scheme for small farms. Article 49 of that Regulation lays down criteria for calculating the amount of aid. For reasons of consistency, those criteria should also be used for fixing specific thresholds per Member State for the publication of the name of a beneficiary. Except for the name, below*

*deleted*

*that specific threshold the publication should contain all the relevant information in order to allow the taxpayers to have an accurate image of the CAP.*

Or. fr

**Amendment 797**

**George Lyon, Marit Paulsen, Sylvie Goulard**

**Proposal for a regulation**

**Recital 70 g**

*Text proposed by the Commission*

*Amendment*

*(70g) The threshold should reflect and be based on the level of the support schemes set up within the framework of the CAP. As the structures of the Member States' agricultural economies vary considerably and may differ significantly from the average Union farm structure, the application of different minimum thresholds that reflect the particular situation of the Member States should be allowed. Regulation xxx/xxx [DP] sets out a simple and specific scheme for small farms. Article 49 of that Regulation lays down criteria for calculating the amount of aid. For reasons of consistency, those criteria should also be used for fixing specific thresholds per Member State for the publication of the name of a beneficiary. Except for the name, below that specific threshold the publication should contain all the relevant information in order to allow the taxpayers to have an accurate image of the CAP.*

*deleted*

Or. en



## *Justification*

*Transparency rules should apply irrespectively to all beneficiaries of CAP support. The use of a threshold becomes obsolete when it comes to public money and it will only create discrimination between small and big farms.*

### **Amendment 798**

**Eric Andrieu**

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

##### **Recital 70 h**

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

(70h) ***In addition, making*** this information accessible to the public enhances transparency regarding the use of Union funds in the CAP, thus contributing to the visibility and better understanding of that policy. It enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen. It would also help ***local people to witness concrete examples of the provision of "public goods" by farming*** and underpin the legitimacy of state support for the agricultural sector. Furthermore, the personal accountability of the farmers for use of the public funds received will be reinforced.

###### *Amendment*

(70h) ***Making*** this information accessible to the public enhances transparency regarding the use of Union funds in the CAP, thus contributing to the visibility and better understanding of that policy. It enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen. It would also help underpin the legitimacy of state support for the agricultural sector. Furthermore, the personal accountability of the farmers for use of the public funds received will be reinforced.

Or. fr

### **Amendment 799**

**Peter Jahr**

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

##### **Recital 70 h**

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

(70h) In addition, making this information

###### *Amendment*

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accessible to the public enhances transparency regarding the use of Union funds in the CAP, thus contributing to the visibility and better understanding of that policy. It enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen. It would also help local people to witness concrete examples of the provision of "public goods" by farming and underpin the legitimacy of state support for the agricultural sector. Furthermore, the personal accountability of the farmers for use of the public funds received will be reinforced.

accessible to the public enhances transparency regarding the use of Union funds in the CAP, thus contributing to the visibility and better understanding of that policy. ***Similar rules should also apply to beneficiaries of funding from other EU funds (ERFD, ESF and EFF) so that this objective can also be achieved in other fields of EU policy.*** It enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen. It would also help local people to witness concrete examples of the provision of "public goods" by farming and underpin the legitimacy of state support for the agricultural sector. Furthermore, the personal accountability of the farmers for use of the public funds received will be reinforced.

Or. de

#### **Amendment 800**

**Eric Andrieu**

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

#### **Recital 70 i**

*Text proposed by the Commission*

***(70i) Given the overriding weight of the pursued objective of the public control of the use of the money from the EAGF and the EAFRD, it is justified with regard to the principle of proportionality and the requirement of the protection of personal data to provide for the general publication of the relevant information as it does not go beyond what is necessary in a democratic society and for the protection of the Union's financial interest.***

*Amendment*

***deleted***

Or. fr

**Amendment 801**  
**Eric Andrieu**

**Proposal for a regulation**  
**Recital 70 j**

*Text proposed by the Commission*

*Amendment*

*(70j) To comply with the data protection requirements, beneficiaries of the Funds should be informed of the publication of their data and that the data may be processed by auditing and investigating bodies of the Union and the Member States for the purpose of safeguarding the Union's financial interests before the publication takes place. Furthermore, the beneficiaries should be informed about their rights under Directive 95/46/EC and the procedures applicable for exercising these rights.*

*deleted*

Or. fr

**Amendment 802**  
**Eric Andrieu**

**Proposal for a regulation**  
**Recital 70 k**

*Text proposed by the Commission*

*Amendment*

(70k) As a consequence, following an in-depth analysis and assessment of the most appropriate way to observe the right to protection of personal data of the beneficiaries, new rules on the publication of information on *all* the *beneficiaries of* agricultural Funds should be laid down.

(70k) As a consequence, following an in-depth analysis and assessment of the most appropriate way to observe the right to protection of personal data of the beneficiaries, new rules on the publication of information on the agricultural Funds should be laid down.

Or. fr

**Amendment 803**

**Albert Deß, Peter Jahr, Hans-Peter Mayer**

**Proposal for a regulation**

**Article 110 a**

*Text proposed by the Commission*

*Amendment*

**Article 110a**

**deleted**

**Publication of beneficiaries**

***1. Member States shall ensure annual ex post publication of the beneficiaries of the EAGF and the EAFRD. The publication shall contain:***

***(a) without prejudice to the first paragraph of Article 110b of this Regulation, the name of the beneficiaries, as follows:***

***(i) the first name and the surname where the beneficiaries are natural persons;***

***(ii) the full legal name as registered where the beneficiaries are legal persons with the autonomous legal personality pursuant to the legislation of the Member State concerned;***

***(iii) the full name of the association as registered or otherwise officially recognised where the beneficiaries are associations without an own legal personality;***

***(b) the municipality where the beneficiary resides or is registered and, where available, the postal code or the part thereof identifying the municipality;***

***(c) the amounts of payment corresponding to each measure financed by the EAGF and the EAFRD received by each beneficiary in the financial year concerned;***

***(d) the nature and the description of the measures financed by the EAGF or the EAFRD and under which the payment referred to in point (c) is awarded.***

***The information referred to in the first***

*subparagraph shall be made available on a single website per Member State. It shall remain available for two years from the date of the initial publication.*

*2. As regards the payments corresponding to the measures financed by the EAFRD as referred to in point (c) of the first subparagraph of paragraph 1, the amounts to be published shall correspond to the total public funding, including both the Union and the national contribution.*

Or. en

**Amendment 804**  
**Eric Andrieu**

**Proposal for a regulation**  
**Article 110 a — Title**

*Text proposed by the Commission*

Article 110a

Publication *of beneficiaries*

*Amendment*

Article 110a

Publication *on the European agricultural funds*

Or. fr

**Amendment 805**  
**Elisabeth Köstinger**

**Proposal for a regulation**  
**Article 110 a — paragraph 1 — subparagraph 1**

*Text proposed by the Commission*

(1) Member States shall ensure annual ex post publication of the beneficiaries of the EAGF and the EAFRD. The publication shall contain:

(a) *without prejudice to the first paragraph of Article 110b of this Regulation, the name of the beneficiaries,*

*Amendment*

(1) Member States shall ensure annual ex post publication of the ***total number of*** beneficiaries of the EAGF and the EAFRD. The publication shall contain:

(a) ***the total number of beneficiaries and***

*as follows:*

*(i) the first name and the surname where the beneficiaries are natural persons;*

*(ii) the full legal name as registered where the beneficiaries are legal persons with the autonomous legal personality pursuant to the legislation of the Member State concerned;*

*(iii) the full name of the association as registered or otherwise officially recognised where the beneficiaries are associations without an own legal personality;*

*(b) the municipality where the beneficiary resides or is registered and, where available, the postal code or the part thereof identifying the municipality;*

*(b) their contributions by size class established by the Commission in the implementing act in accordance with Article 110d.*

*(c) the amounts of payment corresponding to each measure financed by the EAGF and the EAFRD received by each beneficiary in the financial year concerned;*

*(d) the nature and the description of the measures financed by the EAGF or the EAFRD and under which the payment referred to in point (c) is awarded.*

Or. de

#### *Justification*

*By its judgment of 9.11.2010 in Cases C-92/09 and C93/09, the Court of Justice of the European Union ruled that it was inadmissible to publish funding data on natural persons on the Internet. This proposal by the Commission does not take data protection concerns into account. Publication of the total amounts and recipients broken down by size class would, on the other hand, be proportionate and thus in accordance with EU law.*

**Amendment 806**

**Eric Andrieu**

**Proposal for a regulation**

## Article 110 a — paragraph 1 — subparagraph 1

*Text proposed by the Commission*

1. *Member States shall ensure* annual ex post publication of *the beneficiaries of* the EAGF and the EAFRD. The publication shall contain:

*a) without prejudice to the first paragraph of Article 110b of this Regulation, the name of the beneficiaries, as follows:*

*i) the first name and the surname where the beneficiaries are natural persons;*

*ii) the full legal name as registered where the beneficiaries are legal persons with the autonomous legal personality pursuant to the legislation of the Member State concerned;*

*(iii) the full name of the association as registered or otherwise officially recognised where the beneficiaries are associations without an own legal personality;*

*b) the municipality where the beneficiary resides or is registered and, where available, the postal code or the part thereof identifying the municipality;*

*c) the amounts of payment corresponding to each measure financed by the EAGF and the EAFRD received by each beneficiary in the financial year concerned;*

*Amendment*

1. *The European Commission shall carry out the* annual ex post publication of *information on* the EAGF and the EAFRD, *on the basis of the Individual Payment Data files provided by the Member States*. The publication shall contain:

*a) a breakdown of the number of beneficiaries by size class of the amount of aid received;*

*b) the amount of aid paid in each Member State by mechanism and by fund;*

*c) the legal forms of the beneficiaries concerned and their respective workforces per Member State.*

Or. fr

**Amendment 807**

**Albert Deß**

**Proposal for a regulation**

**Article 110 a — paragraph 1 — subparagraph 1 — point a — indent i**

*Text proposed by the Commission*

*Amendment*

***(i) the first name and the surname where the beneficiaries are natural persons;***

***deleted***

Or. en

**Amendment 808**

**Eric Andrieu**

**Proposal for a regulation**

**Article 110 a — paragraph 1 — subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The information referred to in the first subparagraph shall be made available on a single website ***per Member State***. It shall remain available for ***two*** years from the date of the initial publication.

The information referred to in the first subparagraph shall be made available on a single website. It shall remain available for ***ten*** years from the date of the initial publication.

Or. fr

**Amendment 809**

**Eric Andrieu**

**Proposal for a regulation**

**Article 110 a — paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. As regards the payments corresponding to the measures financed by the EAFRD as referred to in ***point (c) of the first subparagraph of*** paragraph 1, the amounts to be published shall correspond to the total public funding, including both the Union and the national ***contribution***.

2. As regards the payments corresponding to the measures financed by the EAFRD as referred to in paragraph 1, the amounts to be published shall correspond to the total public funding, including both the Union and the national ***contributions***.

Or. fr



**Amendment 810**  
**Eric Andrieu**

**Proposal for a regulation**  
**Article 110 b**

*Text proposed by the Commission*

*Amendment*

**Article 110b**  
**Threshold**

**deleted**

*Where the amount of aid received in one year by a beneficiary is equal or less than the amount fixed by a Member State pursuant to Article 49 of Regulation (EU) No DP/xxx that Member State shall not publish the name of that beneficiary as provided for in point (a) of the first subparagraph of Article 110a(1) of this Regulation.*

*The amounts fixed by a Member State pursuant to Article 49 of Regulation (EU) No DP/xxx and notified to the Commission under that Regulation shall be made public by the Commission in accordance with the rules adopted under Article 110d.*

*Where the first paragraph of this Article applies the Member States shall publish the information referred to in points (b), (c) and (d) of the first subparagraph of Article 110a(1) and the beneficiary shall be identified by a code. Member States shall decide on the form of that code.*

Or. fr

**Amendment 811**  
**Albert Deß, Peter Jahr, Hans-Peter Mayer**

**Proposal for a regulation**

## Article 110 b

*Text proposed by the Commission*

*Amendment*

### **Article 110b Threshold**

*deleted*

*Where the amount of aid received in one year by a beneficiary is equal or less than the amount fixed by a Member State pursuant to Article 49 of Regulation (EU) No DP/xxx that Member State shall not publish the name of that beneficiary as provided for in point (a) of the first subparagraph of Article 110a(1) of this Regulation.*

*The amounts fixed by a Member State pursuant to Article 49 of Regulation (EU) No DP/xxx and notified to the Commission under that Regulation shall be made public by the Commission in accordance with the rules adopted under Article 110d.*

*Where the first paragraph of this Article applies the Member States shall publish the information referred to in points (b), (c) and (d) of the first subparagraph of Article 110a(1) and the beneficiary shall be identified by a code. Member States shall decide on the form of that code.*

Or. en

## Amendment 812

George Lyon, Marit Paulsen, Sylvie Goulard

### Proposal for a regulation

#### Article 110 b

*Text proposed by the Commission*

*Amendment*

### **Article 110b Threshold**

*deleted*

*Where the amount of aid received in one year by a beneficiary is equal or less than*

*the amount fixed by a Member State pursuant to Article 49 of Regulation (EU) No DP/xxx that Member State shall not publish the name of that beneficiary as provided for in point (a) of the first subparagraph of Article 110a(1) of this Regulation.*

*The amounts fixed by a Member State pursuant to Article 49 of Regulation (EU) No DP/xxx and notified to the Commission under that Regulation shall be made public by the Commission in accordance with the rules adopted under Article 110d.*

*Where the first paragraph of this Article applies the Member States shall publish the information referred to in points (b), (c) and (d) of the first subparagraph of Article 110a(1) and the beneficiary shall be identified by a code. Member States shall decide on the form of that code.*

Or. en

#### **Amendment 813**

**Albert Deß, Peter Jahr, Hans-Peter Mayer**

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

#### **Article 110 c**

*Text proposed by the Commission*

*Amendment*

#### **Article 110 c**

*deleted*

#### **Information of the beneficiaries**

*Member States shall inform the beneficiaries that their data will be made public in accordance with Article 110a and that the data may be processed by auditing and investigating bodies of the Union and the Member States for the purpose of safeguarding the Union's financial interests.*

*In accordance with the requirements of Directive 95/46/EC, where personal data*

*is concerned, the Member States shall inform the beneficiaries of their rights under the data protection rules and of the procedures applicable for exercising those rights.*

Or. en

**Amendment 814**  
**Eric Andrieu**

**Proposal for a regulation**  
**Article 110 c**

*Text proposed by the Commission*

*Amendment*

*Article 110c*  
*Information of the beneficiaries*

*deleted*

*Member States shall inform the beneficiaries that their data will be made public in accordance with Article 110a and that the data may be processed by auditing and investigating bodies of the Union and the Member States for the purpose of safeguarding the Union's financial interests.*

*In accordance with the requirements of Directive 95/46/EC, where personal data is concerned, the Member States shall inform the beneficiaries of their rights under the data protection rules and of the procedures applicable for exercising those rights.*

Or. fr

**Amendment 815**  
**Eric Andrieu**

**Proposal for a regulation**

**Article 110 d — subparagraph 1 — point a**

*Text proposed by the Commission*

(a) on the form, including the way of presentation ***by measure***, and the calendar of the publication foreseen in ***Articles 110a and 110b***;

*Amendment*

(a) on the form, including the way of presentation, and the calendar of the publication foreseen in ***Article 110a***;

Or. fr

**Amendment 816**

**Eric Andrieu**

**Proposal for a regulation**

**Article 110 d — subparagraph 1 — point b**

*Text proposed by the Commission*

***(b) for the uniform application of Article 110c;***

*Amendment*

***deleted***

Or. fr