

**System of financing by the European Agricultural Guarantee Fund \*\*\*I**

**European Parliament legislative resolution of 4 July 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 485/2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund (COM(2010)0761 – C7-0002/2011 – 2010/0366(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0761),
  - having regard to Article 294(2) and Article 42 and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0002/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 4 May 2011<sup>1</sup>,
  - having regard to Rules 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A7-0204/2011),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 218, 23.7.2011, p. 126.

**P7\_TC1-COD(2010)0366**

**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 485/2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund**

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>,

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<sup>1</sup> OJ C 218, 23.7.2011, p.126.

<sup>2</sup> Position of the European Parliament of 4 July 2012.

Whereas:

- (1) Council Regulation (EC) No 485/2008<sup>1</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 on the Commission under Regulation (EC) No 485/2008 need to be aligned to Articles 290 and 291 of the Treaty on the Functioning of the European Union (the Treaty).
- (3) ~~The Commission should have~~ ***In order to ensure the proper functioning of the regime established by Regulation (EC) No 485/2008*** the power to adopt delegated acts in accordance with Article 290 of the Treaty ~~in order to supplement or amend certain non-essential elements of Regulation (EC) No 485/2008. 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.~~ ***on the Functioning of the European Union should be delegated to the Commission in respect of establishing a list of measures, which are by their nature unsuited for ex-post control by way of scrutiny of commercial documents, to which this Regulation is not to apply. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. [Am. 1]***

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<sup>1</sup> OJ L 143, 3.6.2008, p. 1.

(4) In order to ~~guarantee a uniform application~~ ***ensure uniform conditions for the implementation*** of Regulation (EC) No 485/2008 ~~in all Member States, the Commission should be empowered to adopt implementing acts in accordance with Article 291 of the Treaty. The Commission should in particular be empowered to adopt uniform rules on the exchange of information. The Commission should adopt those implementing acts with the assistance of the Committee on the Agricultural funds established by Article 41d(1) of Council Regulation (EC) 1290/2005 of 21 June 2005 on the financing of the common agricultural policy<sup>1</sup> in accordance with the provisions of Regulation (EU) No XX/XXXX of the European Parliament and the Council on...[to be completed following the adoption of the regulation on control mechanisms, as referred to in Article 291(3) of the TFEU, currently the subject of discussion by the European Parliament and the Council],~~ ***implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of 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>2</sup>. [Am. 2]***

(5) Regulation (EC) No 485/2008 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

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<sup>1</sup> ~~OJ L 209, 11.8.2005, p. 1.~~

<sup>2</sup> ***OJ L 55, 28.2.2011, p. 13.***

## Article 1

Regulation (EC) No 485/2008 is amended as follows:

- (1) In Article 1, paragraph 2, ~~the second sentence~~ is replaced by the following:

"2. ***This Regulation shall not apply to measures covered by the integrated administration and control system falling within 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***\*.

In order to exclude from the application of this Regulation those measures which are by their nature unsuited for ex-post control by way of scrutiny of commercial documents, the Commission may, by means of delegated acts in accordance with the conditions referred to in ~~Articles~~ **Article** 13a, ~~13b and 13e~~ of this Regulation, establish a list of other measures to which this Regulation does not apply.

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\* *OJ L 30, 31.1.2009, p. 16.*"

[Am. 3].

(2) Article 7 is amended as follows:

- (a) in the second subparagraph of paragraph 1, the second sentence is deleted;
- (b) paragraph 5 is deleted.

(3) Article 13 is deleted.

(4) The following Articles are inserted:

"Article 13a

**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.~~**

**2. *The delegation of power referred to in Article 1(2) 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 no 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 months before the end of each period.***

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

3. *The delegation of power referred to in Article 1(2) may be revoked at any time by the European Parliament or by the Council. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. *A delegated act adopted pursuant to Article 1(2) 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 of the Council. [Am. 4]*

## ~~Article 13b~~

~~The delegation of power referred to in Article 13a may be revoked by the European Parliament or by the Council.~~

~~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.~~

~~The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.~~ **[Am. 5]**



#### ~~Article 13e~~

~~The European Parliament and the Council may object to the 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 one month.~~

~~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, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.~~ **[Am. 6]**

## Article 13d

The Commission shall, ~~where necessary, by means of implementing acts in accordance with the procedure referred to in Article 42d(2) of Regulation (EC) No 1290/2005, adopt the provisions aiming at reaching a uniform application of this Regulation in the Union, in particular~~ ***adopt the specific provisions*** relating to the following:

- (a) the coordination of joint actions referred to in Article 7(1);
- (b) details and specifications regarding the content, form and way of submission of requests, the content, form and way of notification and the submission and exchange of information required in the framework of this Regulation;
- (c) conditions and means of publication or specific rules and conditions for the diffusion or making available by the Commission to the competent authorities of the Member States of the information needed in the framework of this Regulation.

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13e(2). [Am. 7]*

*Article 13e*

- 1. The Commission shall be assisted by the Committee on the Agricultural Funds established by Article 41 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy\*. That committee is a committee within the meaning of Regulation (EU) No 182/2011.*
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

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*\* OJ L 209, 11.8.2005, p. 1."*

**[Am. 8]**

Article 2

This Regulation shall enter into force on the twentieth 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*