



2016/0282(COD)

12.5.2017

OPINION

of the Committee on Agriculture and Rural Development

for the Committee on Budgets

on the proposal for a regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and amending Regulation (EC) No 2012/2002, Regulations (EU) No 1296/2013, (EU) 1301/2013, (EU) No 1303/2013, EU No 1304/2013, (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, (EU) No 652/2014 of the European Parliament and of the Council and Decision No 541/2014/EU of the European Parliament and of the Council (COM(2016)0605 – C8-0372/2016 – 2016/0282(COD))

Rapporteur (*): Albert Deß

(*) Associated committee – Rule 54 of the Rules of Procedure

PA_Legam

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on Budgets and the Committee on Budgetary Control, as the committees responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 253 a (new)

Text proposed by the Commission

Amendment

(253a) Agricultural markets should be transparent and information about prices should be accessible and useful to all those involved. It is a part of the Union's role to facilitate transparency in the Union market. For that purpose, the next CAP reform should enhance market transparency through agricultural price observatories for each sector to provide on-going, segment-by-segment analysis of agricultural markets, with the involvement of economic stakeholders, and to make relevant data and forecasts available at regular intervals.

Amendment 2

Proposal for a regulation Recital 253 b (new)

Text proposed by the Commission

Amendment

(253b) In accordance with Article 42 and Article 43(2) of the Treaty on the Functioning of the European Union, the objectives of the Common Agricultural Policy are to take precedence over all Union competition rules.

Amendment 3

Proposal for a regulation

Article 62 – paragraph 1

Text proposed by the Commission

1. Where the budget is implemented under shared implementation the Commission and the Member States shall respect the principles of sound financial management, transparency and non-discrimination and shall ensure the visibility of Union action. To this end, the Commission and the Member States shall fulfil their respective control and audit obligations and assume the resulting responsibilities laid down in this Regulation. Complementary provisions shall be laid down in sector-specific rules.

Amendment

1. Where the budget is implemented under shared implementation the Commission and the Member States shall respect the principles of sound financial management, transparency and non-discrimination and shall ensure the visibility of Union action. To this end, the Commission and the Member States shall fulfil their respective control and audit obligations and assume the resulting responsibilities laid down in this Regulation. Complementary provisions shall be laid down in sector-specific rules. ***The sector-specific rules provide the framework for ensuring that the principles of subsidiarity and of proportionality are applied. The principle of proportionality is to be strengthened by setting minimum requirements and enhancing flexibility, by providing for the use of discretion and the accountability of the Member States. Member States shall provide for the detail of the funding procedures in accordance with the framework laid down in this Regulation.***

Amendment 4

Proposal for a regulation

Article 62 – paragraph 2 – subparagraph 4

Text proposed by the Commission

As part of its risk assessment and in accordance with sector-specific rules, the Commission shall monitor the management and control systems established in the Member States. The Commission shall, in its audit work, respect the principle of proportionality and shall take into account the level of assessed risk in accordance

Amendment

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with the sector-specific rules.

with the sector-specific rules. *The materiality threshold for a tolerable risk shall be 4%.*

Amendment 5

Proposal for a regulation

Article 267 – paragraph 1 – point 1 – point a

Regulation (EU) No 1305/2013

Article 2 – paragraph 1 – subparagraph 2 – point n

Text proposed by the Commission

(n) "young farmer" means a person who is no more than 40 years of age at the moment of submitting the application, possesses adequate occupational skills and competence and is setting up for the first time in an agricultural holding as head of that holding; setting up may be done solely or jointly with other farmers;

Amendment

(n) "young farmer" means a person who is no more than 40 years of age at the moment of submitting the application, possesses adequate occupational skills and competence and is setting up for the first time in an agricultural holding as head of that holding; setting up may be done solely or jointly, *under any legal form*, with other farmers. *The person in question will be identified as the owner of an associative farm enterprise when included among the shareholders. In this case, any assistance will be limited to the share percentage in the enterprise;*

By way of derogation from the first paragraph and in duly justified circumstances, Member States may apply the provisions of this point to young farmers who are no more than 40 years of age at the moment of submitting their application, that possesses adequate occupational skills and competence, even though they are already farming on their own right in an agricultural holding as head of that holding. If they have not been in receipt of specific support for young farmers in the 2006-2013 CAP programme or in the current CAP programme 2013-2020, the support should continue for a maximum of five years;

Amendment 6

Proposal for a regulation

Article 267 – paragraph 1 – point 1 – point c

Regulation (EU) No 1305/2013

Article 2 – paragraph 1 – subparagraph 2 – point s

Text proposed by the Commission

(s) "date of setting up" means the date when the ***setting up process begins by means of*** (an) action(s) ***to be performed by the applicant.***;

Amendment

(s) "date of setting up" means the date when the ***applicant performs or completes*** (an) action(s) ***related to the setting up referred to in point (n).***;

Amendment 7

Proposal for a regulation

Article 267 – paragraph 1 – point 2 a (new)

Regulation (EU) No 1305/2013

Article 11 – paragraph 1 – point a – point i

Present text

“(a) The Commission shall decide, by means of implementing acts, on requests to amend programmes that concern ***one or more of the following***:

(i) ***a change in the programme strategy through a change of more than 50 % in the quantified target linked to a focus area;***

(ii) ***a change in the EAFRD contribution rate of one or more measures;***

(iii) ***a change of the entire Union contribution or its annual distribution at programme level;***”

Amendment

2a. in Article 11, point (a) is replaced by the following:

“(a) The Commission shall decide, by means of implementing acts, on requests to amend programmes that concern ***an increase in the EAFRD contribution rate of one or more measures.***”

(In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Amendment 8

Proposal for a regulation

Article 267 – paragraph 1 – point 2 b (new)

Regulation (EU) No 1305/2013

Article 14 – paragraph 4

Present text

"4. Eligible costs under this measure shall be the costs of organising and delivering the knowledge transfer or information action. In the case of demonstration projects, support may also cover relevant investment costs. Costs for travel, accommodation and per diem expenses of participants as well as the cost of the replacement of farmers shall also be eligible for support. All costs identified under this paragraph shall be paid to the beneficiary."

Amendment

2b. In Article 14, paragraph 4 is replaced by the following;

"4. Eligible costs under this measure shall be the costs of organising and delivering the knowledge transfer or information action. ***Infrastructure installed as a result of demonstration may be used after the operation is completed.*** In the case of demonstration projects, support may also cover relevant investment costs. Costs for travel, accommodation and per diem expenses of participants as well as the cost of the replacement of farmers shall also be eligible for support. All costs identified under this paragraph shall be paid to the beneficiary."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&rid=1>)

Amendment 9

Proposal for a regulation

Article 267 – paragraph 1 – point 2 c (new)

Regulation (EU) No 1305/2013

Article 15 – paragraph 2

Present text

"2. The beneficiary of support provided in paragraph 1(a) and (c) shall be the provider of advice or training. Support under paragraph 1(b) shall be granted to the authority or body selected to set up the farm management, farm relief, farm advisory or forestry advisory service."

Amendment

2c. In Article 15, paragraph 2 is replaced by the following:

"2. The beneficiary of support provided in paragraph 1(a) and (c) shall be ***either*** the provider of advice or training ***or the public body responsible for the selection of the provider.*** Support under paragraph 1(b) shall be granted to the authority or body selected to set up the farm management, farm relief, farm advisory or forestry advisory service."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>. In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Amendment 10

Proposal for a regulation

Article 267 – paragraph 1 – point 2 d (new)

Regulation (EU) No 1305/2013

Article 15 – paragraph 3 – subparagraph 1

Present text

"The authorities or bodies selected to provide advice shall have appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields in which they advise. The **beneficiaries** under this measure shall be chosen through **calls for tenders**. **The selection procedure shall be governed by public procurement law and shall be** open to both public and private bodies. It shall be objective and shall exclude candidates with conflicts of interest."

Amendment

2d. In Article 15(3), subparagraph 1 is replaced by the following:

"The authorities or bodies selected to provide advice shall have appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields in which they advise. The **providers** under this measure shall be chosen through **a** selection procedure open to both public and private bodies. It shall be objective and shall exclude candidates with conflicts of interest."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>. In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Amendment 11

Proposal for a regulation

Article 267 – paragraph 1 – point 2 e (new)

Regulation (EU) No 1305/2013

Article 16 – paragraph 1 – introductory part

"1. Support under this measure shall cover new participation by farmers and groups of farmers in:"

2e. In Article 16(1), the introductory part is replaced by the following:

"1. Support under this measure shall cover new participation by farmers and groups of farmers, **or participation by farmers or groups of farmers in the five preceding years**, in:"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>. In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Amendment 12

Proposal for a regulation

Article 267 – paragraph 1 – point 2 f (new)

Regulation (EU) No 1305/2013

Article 16 – paragraph 3 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

2f. In Article 16(3), the following subparagraph is inserted after the first subparagraph:

“In the case of initial participation prior to the application for support under paragraph 1, the maximum duration of five years shall be reduced by the number of years which have elapsed between the initial participation in a quality scheme and the time of the application for the support.”.

(In Article 267(1) of the COM proposal, there is no point 3 as such. In point 2, the text of the basic act is incorrectly numbered as point 3. This means that the subsequent numbering of the points in that paragraph is also incorrect)

Amendment 13

Proposal for a regulation

Article 267 – paragraph 1 – point 4

Text proposed by the Commission

(b) concern the processing, marketing and/or development of agricultural products covered by Annex I to the TFEU or cotton, except fishery products; the output of the production process may be a product not covered by that Annex; ***where support is provided in the form of financial instruments, the input may also be a product not covered by Annex I to the TFEU on condition that the investment contributes to one or more of the Union priorities for rural development;***

Amendment

(b) concern the processing, marketing and/or development of agricultural products covered by Annex I to the TFEU or cotton, except fishery products; the output of the production process may be a product not covered by that Annex;

Amendment 14

Proposal for a regulation

Article 267 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1305/2013

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

4 a. In Article 17, the following paragraph is inserted:

“2a. Support under points (a), (b), (c) and (d) of paragraph 1, which leads in its application to fall below of the minimum appropriation of 25%, shall not be approved”.

Amendment 15

Proposal for a regulation

Article 267 – paragraph 1 – point 5 – point a

Regulation (EU) No 1305/2013

Article 19 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The application for support under point (a)(i) of paragraph 1 shall be submitted ***within*** 24 months ***from*** the date of setting

The application for support under point (a)(i) of paragraph 1 shall be submitted ***at the latest*** 24 months ***after*** the date of

up.

setting up.

Amendment 16

Proposal for a regulation

Article 267 – paragraph 1 – point 5 – point a

Regulation (EU) No 1305/2013

Article 19 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Member States shall define upper and lower thresholds *per beneficiary* for allowing access to support under points (a)(i) and (a)(iii) of paragraph 1. The lower threshold for support under point (a)(i) of paragraph 1 shall be higher than the upper threshold for support under point (a)(iii) of paragraph 1. Support shall be limited to holdings coming under the definition of micro and small enterprises.

Amendment

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Amendment 17

Proposal for a regulation

Article 267 – paragraph 1 – point 5 – point c

Regulation (EU) No 1305/2013

Article 19 – paragraph 5

Text proposed by the Commission

5. Support under point (a) of paragraph 1 shall be paid in at least two instalments. Instalments may be degressive. The payment of the last instalment under points (a)(i) and (a)(ii) of paragraph 1 shall be conditional upon the correct implementation of the business plan.;

Amendment

5. Support under point (a) of paragraph 1 shall be paid in at least two instalments. Instalments may be degressive. The payment of the last instalment under points (a)(i) and (a)(ii) of paragraph 1 shall be conditional upon the correct implementation of the business plan ***and shall be paid, in any event, within one year following the full implementation of the business plan.***

Amendment 18

Proposal for a regulation

Article 267 – paragraph 1 – point 6 a (new)

Regulation (EU) No 1305/2013
Article 23 – title

Present text

Amendment

"Establishment of agroforestry systems"

6a. the title of Article 23 is replaced by the following:

"Establishment, **regeneration or renovation** of agroforestry systems"

(<http://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:02013R1305-20150523&qid=1489594815838&from=ES>)

Amendment 19

Proposal for a regulation

Article 267 – paragraph 1 – point 6 b (new)

Regulation (EU) No 1305/2013

Article 23 – paragraph 1

Present text

Amendment

"1. Support under point (b) of Article 21(1) shall be granted to private landholders, municipalities and their associations and shall cover the costs of establishment and an annual premium per hectare to cover the costs of maintenance for a maximum period of five years."

6b. in Article 23, paragraph 1 is replaced by the following:

"1. Support under point (b) of Article 21(1) shall be granted to private landholders, municipalities and their associations and shall cover the costs of establishment, **regeneration and/or renovation** and an annual premium per hectare to cover the costs of maintenance for a maximum period of five years."

(<http://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:02013R1305-20150523&qid=1489594815838&from=ES>)

Amendment 20

Proposal for a regulation

Article 267 – paragraph 1 – point 6 c (new)

Regulation (EU) No 1305/2013

Article 27 – title

Present text

Amendment

6c. In Article 27, the title is replaced

"Setting -up of producer groups **and** organisations"

by the following:

"Setting -up of producer groups, **producer organisations and bargaining** organisations"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 21

Proposal for a regulation

Article 267 – paragraph 1 – point 6 d (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 1 – introductory part

Present text

"1. Support under this measure shall be granted in order to facilitate the setting up of producer groups **and** organisations in the agriculture and forestry sectors for the purpose of:"

Amendment

6d. In Article 27(1), the introductory part is replaced by the following:

"1. Support under this measure shall be granted in order to facilitate the setting up of producer groups, **producer organisations and bargaining** organisations in the agriculture and forestry sectors for the purpose of:"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 22

Proposal for a regulation

Article 267 – paragraph 1 – point 6 e (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 1 – point d

Present text

"(d) other activities that may be carried out by producer groups **and** organisations, such as the development of business and marketing skills and the organisation and facilitation of the innovation processes."

Amendment

6e. In Article 27(1), point (d) is replaced by the following:

"(d) other activities that may be carried out by producer groups, **producer organisations and bargaining** organisations, such as the development of business and marketing skills and the organisation and facilitation of the

innovation processes."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 23

Proposal for a regulation

Article 267 – paragraph 1 – point 6 f (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 2 – subparagraph 1

Present text

"Support shall be granted to producer groups **and** organisations which are officially recognised by a Member State's competent authority on the basis of a business plan. It shall be limited to producer groups **and** organisations that are SMEs."

Amendment

6f. In Article 27(2), the first subparagraph is replaced by the following:

"Support shall be granted to producer groups, **producer organisations and bargaining** organisations which are officially recognised by a Member State's competent authority on the basis of a business plan. It shall be limited to producer groups, **producer organisations and bargaining** organisations that are SMEs."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 24

Proposal for a regulation

Article 267 – paragraph 1 – point 6 g (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 2 – subparagraph 2

Present text

"Member States shall verify that the objectives of the business plan have been reached within five years after recognition of the producer group **or organisation**."

Amendment

6g. In Article 27(2), the second subparagraph is replaced by the following:

"Member States shall verify that the objectives of the business plan have been reached within five years after recognition of the producer group, **producer**

organisations or bargaining organisations."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 25

Proposal for a regulation

Article 267 – paragraph 1 – point 6 h (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 3 – subparagraph 2

Present text

"In the first year Member States may pay support to the producer group ***or organisation*** calculated on the basis of the average annual value of the marketed production of its members over the three years before they entered the group or organisation. In the case of producer groups ***and*** organisations in the forestry sector, support shall be calculated on the basis of the average marketed production of the members of the group or organisation over the last five years before the recognition, excluding the highest and the lowest value."

Amendment

6h. In Article 27(3), the second subparagraph is replaced by the following:

"In the first year Member States may pay support to the producer group, ***producer organisations and bargaining organisations*** calculated on the basis of the average annual value of the marketed production of its members over the three years before they entered the group or organisation. In the case of producer groups, ***producer organisations and bargaining*** organisations in the forestry sector, support shall be calculated on the basis of the average marketed production of the members of the group or organisation over the last five years before the recognition, excluding the highest and the lowest value."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 26

Proposal for a regulation

Article 267 – paragraph 1 – point 6 i (new)

Regulation (EU) No 1305/2013

Article 27 – paragraph 5

Present text

"5. States may continue support for setting up of producer groups even after they have been recognised as producer organisations under the conditions of Regulation (EU) No 1308/2013 (24)."

Amendment

6i. In Article 27, paragraph 5 is replaced by the following:

"5. **Member** States may continue support for setting up of producer groups even after they have been recognised as producer organisations **or as bargaining organisations** under the conditions of Regulation (EU) No 1308/2013 (1)."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 27

Proposal for a regulation

Article 267 – paragraph 1 – point 6 j (new)

Regulation (EU) No 1305/2013

Article 28 – paragraph 9

Present text

"9. Support may be provided for the conservation and for the sustainable use and development of genetic resources in agriculture for operations not covered by the provisions under paragraphs 1 to 8. Such commitments may be carried out by beneficiaries other than those referred to in paragraph 2."

Amendment

6j. In Article 28, paragraph 9 is replaced by the following:

"9. Support may be provided for the conservation and for the sustainable use and development of genetic resources in agriculture for operations not covered by the provisions under paragraphs 1 to 8. **That support may not be limited to indigenous resources.** Such commitments may be carried out by beneficiaries other than those referred to in paragraph 2."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&rid=1>)

Amendment 28

Proposal for a regulation

Article 267 – paragraph 1 – point 6 k (new)

Regulation (EU) No 1305/2013

Article 29 – paragraph 1

Present text

Amendment

"1. Support under this measure shall be granted, per hectare of agricultural area, to farmers or groups of farmers who undertake, on a voluntary basis, to convert to or maintain organic farming practices and methods as defined in Regulation (EC) No 834/2007 and who are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013."

6k. in Article 29, paragraph 1 is replaced by the following:

"1. Support under this measure shall be granted, per hectare of agricultural area **and if duly justified also per livestock unit** to farmers or groups of farmers who undertake, on a voluntary basis, to convert to or maintain organic farming practices and methods as defined in Regulation (EC) **No 834/2007** and who are active farmers within the meaning of Article 9 of Regulation (EU) **No 1307/2013**"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&rid=1>)

Amendment 29

Proposal for a regulation

Article 267 – paragraph 1 – point 6 l (new)

Regulation (EU) No 1305/2013

Article 31 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

6l. In Article 31(2), the following subparagraph is added:

"Member States may define additional objective and non-discriminatory criteria from 2018. They shall notify such a decision to the Commission before 1 January 2018."

Amendment 30

Proposal for a regulation

Article 267 – paragraph 1 – point 7 – point a – point -i (new)

Regulation (EU) No 1305/2013

Article 36 – paragraph 1 – point a

Present text

Amendment

"(a) financial contributions to premiums for crop, animal and plant insurance against economic losses to farmers caused

(-i) In Article 36(1), point (a) is replaced by the following:

"(a) financial contributions to premiums for crop, animal and plant insurance against economic losses to farmers

by adverse climatic events, animal or plant diseases, pest infestation, **or** an environmental incident;"

applying good agricultural practices caused by adverse climatic events, animal or plant diseases, pest infestation, an environmental incident, ***market-related hazard or to cover revenue variations;***"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&rid=1>)

Amendment 31

Proposal for a regulation

Article 267 – paragraph 1 – point 7 – point a – point ii

Regulation (EU) No 1305/2013

Article 36 – paragraph 1 – point d

Text proposed by the Commission

(d) ***an*** income stabilisation tool, in the form of financial contributions to mutual funds, providing compensation to farmers of a specific sector for a severe drop in their income.;

Amendment

(d) ***a sector-specific*** income stabilisation tool, in the form of financial contributions to mutual funds, providing compensation to farmers of a specific sector for a severe drop in their income.;

Amendment 32

Proposal for a regulation

Article 267 – paragraph 1 – point 7 – point c

Regulation (EU) No 1305/2013

Article 36 – paragraph 5 – subparagraph 2

Text proposed by the Commission

(c) ***in paragraph 5, the second subparagraph is deleted.***

Amendment

deleted

Amendment 33

Proposal for a regulation

Article 267 – paragraph 1 – point 7 a (new)

Regulation (EU) No 1305/2013

Article 37 – paragraph 1 – introductory part

Present text

Amendment

7a. In Article 37(1), the introductory part is replaced by the following:

"1. Support under point (a) of Article 36(1) shall only be granted for insurance contracts which cover for loss caused by an adverse climatic event, or by an animal or plant disease, or a pest infestation, or an environmental incident or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease, or pest which destroys more than **30** % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year."

"1. Support under point (a) of Article 36(1) shall only be granted for insurance contracts which cover for loss caused by an adverse climatic event, or by an animal or plant disease, or a pest infestation, or an environmental incident or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease, or pest which destroys more than **20** % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 34

Proposal for a regulation

Article 267 – paragraph 1 – point 7 b (new)

Regulation (EU) No 1305/2013

Article 37 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

7b. In Article 37(1), the following point is added:

“(ba) economic indexes (production level and prices).”

Amendment 35

Proposal for a regulation

Article 267 – paragraph 1 – point 7 c (new)

Regulation (EU) No 1305/2013

Article 38 – paragraph 3 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

7c. In the first subparagraph of Article 38(3), the following point is added:
“(ba) supplementing the annual payments into the fund.”

Amendment 36

Proposal for a regulation

Article 267 – paragraph 1 – point 7 d (new)

Regulation (EU) No 1305/2013

Article 38 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

7d. In Article 38(3), the following subparagraph is inserted after the first subparagraph:

“The financial contributions under points (b) and (ba) of the first subparagraph may be cumulated or mutually exclusive provided that the total amount of contribution is limited to the maximum support rate laid down in Annex II.”

Amendment 37

Proposal for a regulation

Article 267 – paragraph 1 – point 7 e (new)

Regulation (EU) No 1305/2013

Article 38 – paragraph 3 – subparagraph 2

Present text

Amendment

"Support under point (b) of Article 36(1) shall only be granted to cover for loss caused by the outbreak of adverse climatic events, an animal or plant disease, a pest infestation, or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease or pest or an environmental incident, which destroy more than **30** % of the average annual production of the farmer in the preceding three-year period or a three-year

7e. In Article 38(3), subparagraph 2 is replaced by the following:

"Support under point (b) of Article 36(1) shall only be granted to cover for loss caused by the outbreak of adverse climatic events, an animal or plant disease, a pest infestation, or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease or pest or an environmental incident, which destroy more than **20** % of the average annual production of the farmer in the preceding three-year period or a three-year

average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year."

average based on the preceding five-year period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given year."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 38

Proposal for a regulation

Article 267 – paragraph 1 – point 9 – point a a (new)

Regulation (EU) No 1305/2013

Article 39 – paragraph 1

Present text

"1. Support under point (c) of Article 36(1) shall only be granted where the drop of income exceeds **30** % of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (c) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance."

Amendment

(aa) In Article 39, paragraph 1 is replaced by the following:

"1. Support under point (c) of Article 36(1) shall only be granted where the drop of income exceeds **20** % of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (c) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance. ***Indexes may be used to calculate the annual loss of income of the farmer.***"

(<http://www.at4am.ep.parl.union.eu/at4am/ameditor.html?documentID=20338&locale=en#stv!lCnt=1&langISO0=en&crCnt=1&crID0=96891>)

Amendment 39

Proposal for a regulation

Article 267 – paragraph 1 – point 9 – point b a (new)

Regulation (EU) No 1305/2013

Article 39 – paragraph 4 – point ba (new)

Text proposed by the Commission

Amendment

(ba) In Article 39(4), the following point is added:

“(ba) supplementing the annual payments into the fund.”

Amendment 40

Proposal for a regulation

Article 267 – paragraph 1 – point 10

Regulation (EU) No 1305/2013

Article 39a – paragraph 1

Text proposed by the Commission

Amendment

1. Support under point (d) of Article 36(1) shall only be granted in duly justified cases and where the drop of income exceeds 20 % of the average annual income of the individual farmer in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (d) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance.

1. Support under point (d) of Article 36(1) shall only be granted in duly justified cases and where the drop of income ***related to the specific production for which the income stabilisation tool has been set up*** exceeds 20 % of the average annual income of the individual farmer ***for that specific production*** in the preceding three-year period or a three-year average based on the preceding five-year period excluding the highest and lowest entry. Income for the purposes of point (d) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market ***for that specific production***, including any form of public support, deducting input costs ***associated with that specific production***. Payments by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the year the producer becomes eligible to receive this assistance. ***Indexes may be used to calculate the annual loss of income of the farmer. The index calculation method used shall permit the fair estimation of the actual loss of income of an individual farmer of a***

specific sector in a given year.

Amendment 41

Proposal for a regulation

Article 267 – paragraph 1 – point 11 – point a

Regulation (EU) No 1035/2013

Article 45 – paragraph 5

Text proposed by the Commission

5. ***Working capital that is ancillary to, and linked to a new investment, which receives EAFRD support*** through a financial instrument established in accordance with Article 37 of Regulation (EU) No 1303/2013, may be eligible expenditure. Such eligible expenditure shall not exceed **30 %** of the total amount of the eligible expenditure for the investment. ***The relevant request shall be duly substantiated.***

Amendment

5. ***Where support is provided*** through a financial instrument established in accordance with Article 37 of Regulation (EU) No 1303/2013, ***working capital*** may be eligible expenditure. Such eligible expenditure shall not exceed ***EUR 200 000 or 30 %*** of the total amount of the eligible expenditure for the investment, ***whichever is the higher.***

Amendment 42

Proposal for a regulation

Article 267 – paragraph 1 – point 11 – point b a (new)

Regulation (EU) No 1305/2013

Article 45 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(ba) in Article 45, the following paragraph is added:

"7a. Financial instruments under shared management shall comply with high standards of transparency, accountability and democratic scrutiny."

Amendment 43

Proposal for a regulation

Article 267 – paragraph 1 – point 12 a (new)

Regulation (EU) No 1305/2013

Article 58 – paragraph 1

"1. Without prejudice to paragraphs 5, 6 and 7 of this Article, the total amount of Union support for rural development under this Regulation for the period from 1 January 2014 to 31 December 2020 shall be EUR 84 936 million, in 2011 prices, in accordance with the multiannual financial framework for the years 2014 to 2020."

12a. In Article 58, paragraph 1 is replaced by the following:

"1. Without prejudice to paragraphs 5, 6 and 7 of this Article, the total amount of Union support for rural development under this Regulation for the period from 1 January 2014 to 31 December 2020 shall be EUR 84 936 million, in 2011 prices, in accordance with the multiannual financial framework for the years 2014 to 2020.

Without prejudice to a redefinition of the total amount of Union support for rural development, the current rural development programmes, approved in accordance with Article 10(2), shall continue to apply until 2024 or until a new reform is adopted."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 44

Proposal for a regulation

Article 267 – paragraph 1 – point 14 – point a

Regulation (EU) No 1305/2013

Article 60 – paragraph 1

Text proposed by the Commission

Amendment

(a) paragraph 1 is replaced by the following:

deleted

1. By way of derogation from Article 65(9) of Regulation (EU) No 1303/2013, in cases of emergency measures due to natural disasters, catastrophic events or adverse climatic events or a significant and sudden change in the socio-economic conditions of the Member State or region, including significant and sudden demographic changes resulting from migration or reception of refugees, the rural development programmes may provide that eligibility of expenditure

relating to programme changes may start from the date when the event occurred.

Amendment 45

Proposal for a regulation

Article 267 – paragraph 1 – point 15 a (new)

Regulation (EU) No 1305/2013

Article 66 – paragraph 1 – point b

Text proposed by the Commission

Amendment

15a. In Article 66(1), point (b) is deleted.

Amendment 46

Proposal for a regulation

Article 267 – paragraph 1 – point 16

Regulation (EU) No 1305/2013

Article 74 – point a

Text proposed by the Commission

Amendment

16. in Article 74, point (a) is replaced by the following: **deleted**

(a) be consulted and shall issue an opinion, before publication of the relevant call for proposals, on the selection criteria for financed operations, which shall be revised according to programming needs;.

Amendment 47

Proposal for a regulation

Article 267 – paragraph 1 – point 16 a (new)

Regulation (EU) No 1305/2013

Annex II – Article 17 – paragraph 3

Present text

Amendment

16a. In Annex II, Article 17(3), column 4, Processing and marketing of products listed in Annex I to the TFEU, line 4 is replaced by the following:

Of the amount of eligible investment in other regions

The above rates may be increased by an additional 20 percentage points, provided that maximum combined support does not exceed 90 %, for operations supported in the framework of the EIP or those linked to a merger of producer organisations"

Of the amount of eligible investment in other regions

The above rates may be increased by an additional 20 percentage points, provided that maximum combined support does not exceed 90 %, for operations supported in the framework of the EIP, ***for collective investments and integrated projects*** or those linked to a merger of producer organisations"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&rid=1>)

Amendment 48

Proposal for a regulation

Article 267 – paragraph 1 – point 16 b (new)

Regulation (EU) No 1305/2013

Annex II – Article 37 – paragraph 5

Present text

"Article 37(5)

Crop, animal and plant insurance

Maximum amount in EUR or rate : **65** %
of the insurance premium due"

Amendment

16b. In Annex II, Article 37(5) is replaced by the following:

"Article 37(5)

Crop, animal and plant insurance

Maximum amount in EUR or rate : **70** %
of the insurance premium due"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1305&from=EN>)

Amendment 49

Proposal for a regulation

Article 267 – paragraph 1 – point 16 c (new)

Regulation (EU) No 1305/2013

Annex II – Article 38 – paragraph 5

Present text

"Article 38(5)

Amendment

16c. In Annex II, Article 38(5) is replaced by the following:

"Article 38(5)

Mutual funds for adverse climatic events,
animal and plant diseases, pest infestations
and environmental incidents

Maximum amount in EUR or rate : **65** %
of the eligible costs"

Mutual funds for adverse climatic events,
animal and plant diseases, pest infestations
and environmental incidents

Maximum amount in EUR or rate : **70** %
of the eligible costs"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 50

Proposal for a regulation

Article 267 – paragraph 1 – point 16 d (new)

Regulation (EU) No 1305/2013

Annex II – Article 39 – paragraph 5

Present text

"Article 39(5)

Income stabilisation tool

Maximum amount in EUR or rate : **65** %
of the eligible costs"

Amendment

***16d. In Annex II, Article 39(5) is
replaced by the following:***

"Article 39(5)

Income stabilisation tool

Maximum amount in EUR or rate : **70** %
of the eligible costs"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 51

Proposal for a regulation

Article 268 – paragraph 1 – point -1 (new)

Regulation (EU) No. 1306/2013

Article 9 – paragraph 1 – subparagraph 1

Present text

"The certification body shall be a public or
private audit body designated by the
Member State. Where it is a private audit
body, and the applicable Union or national
law so requires, it shall be selected by the
Member State by means of a public

Amendment

***-1. In Article 9(1), subparagraph 1 is
replaced by the following:***

"The certification body shall be a public or
private audit body designated by the
Member State. Where it is a private audit
body, and the applicable Union or national
law so requires, it shall be selected by the
Member State by means of a public

tendering procedure. It shall provide an opinion, drawn up in accordance with internationally accepted audit standards, on the completeness, accuracy and veracity of the annual accounts of the paying agency, on the proper functioning of its internal control system and on the legality and regularity of the expenditure for which reimbursement has been requested from the Commission. That opinion shall also state whether the examination puts in doubt the assertions made in the management declaration."

tendering procedure. It shall provide an opinion, drawn up in accordance with internationally accepted audit standards, on the completeness, accuracy and veracity of the annual accounts of the paying agency, on the proper functioning of its internal control system and on the legality and regularity of the expenditure for which reimbursement has been requested from the Commission. That opinion shall also state whether the examination puts in doubt the assertions made in the management declaration. ***The certification body shall only check compliance with Union law.***"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1306&qid=1490106989808&from=DE>)

Amendment 52

Proposal for a regulation

Article 268 – paragraph 1 – point -1 a (new)

Regulation (EU) No 1306/2013

Article 9 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

-1a. In Article 9(1), the following subparagraph is inserted after the first subparagraph:

“The paying agency shall comply with law and shall be responsible for the implementation of the funding programmes. It shall comply with Union law, in accordance with internationally recognised standards, and it shall exercise its discretionary powers accordingly. In its assessments, the certifying body shall ensure that it complies with law and good practice, as well as with the control systems relevant to the decisions concerned.”

Amendment 53

Proposal for a regulation

Article 268 – paragraph 1 – point -1 b (new)
Regulation (EU) No 1306/2013
Article 9a (new)

Text proposed by the Commission

Amendment

-1b. The following Article is inserted:

"Article 9a

Materiality threshold

Checks by paying agencies and certifying authorities shall allow for a materiality threshold for a tolerable risk of error. The materiality threshold shall be 4 %."

Amendment 54

Proposal for a regulation

Article 268 – paragraph 1 – point 1 – point b
Regulation (EU) No 1306/2013
Article 26 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall reimburse the appropriations carried over in accordance with Article 12(2)(d) of the Financial Regulation *to the final recipients who are subject*, in the financial year *to which the appropriations are carried over, to the adjustment rate*.

The appropriations carried over in accordance with Article 12(2)(d) of the Financial Regulation ***if were not used*** in the ***current*** financial year ***shall be transferred to the reserve for crises in the agricultural sector of the next financial year***.

Amendment 55

Proposal for a regulation

Article 268 – paragraph 1 – point 1 – point b
Regulation (EU) No 1306/2013
Article 26 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

The reimbursement referred to in the first subparagraph shall only apply to final beneficiaries in those Member States where financial discipline applied in the preceding financial year.

deleted

Amendment 56

Proposal for a regulation

Article 268 – paragraph 1 – point 1 a (new)

Regulation (EU) No 1306/2013

Article 26 – paragraph 6

Present text

"6. *The Commission may adopt implementing acts, laying down the terms and conditions applicable to appropriations carried over in accordance with Article 169(3) of Regulation (EU, Euratom) No 966/2012 in order to finance the expenditure referred to in Article 4(1)(b) of this Regulation. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 116(2).*"

Amendment

1a. In Article 26, paragraph 6 is replaced by the following:

"6. *By way of derogation from paragraph 5, if the reserve for crises in the agricultural sector is not used in the current financial year, appropriations shall be carried over to the following year in accordance with Article 12 of the Financial Regulation and shall be available for the agricultural sector in the event of a crisis.*

If the Commission foresees that crisis reserve annual amount in the current financial year will exceed appropriations which are carried over, the Commission shall apply the reduction to direct payments with the financial discipline mechanism set out in this Article."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1306&rid=1>)

Amendment 57

Proposal for a regulation

Article 268 – paragraph 1 – point 1 b (new)

Regulation (EU) No 1306/2013

Article 26 – paragraph 7

Present text

"7. When applying this Article, the amount of the reserve for crises in the agricultural sector referred to in Article 25 shall be included in the determination of the

Amendment

1b. In Article 26, paragraph 7 is replaced by the following:

"7. When applying this Article, the amount of the reserve for crises in the agricultural sector referred to in Article 25 shall be included in the determination of the

adjustment rate. Any amount not made available for crisis measures by the end of the financial year shall be ***disbursed in accordance with paragraph 5 of this Article.***"

adjustment rate, ***if the crisis reserve is used, or shall be adjusted to the current financial year.*** Any amount not made available for crisis measures by the end of the financial year shall be ***carried over to the next financial year.***"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1306&rid=1>)

Amendment 58

Proposal for a regulation

Article 268 – paragraph 1 – point 1 c (new)

Regulation (EU) No 1306/2013

Article 26 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

1c. In Article 26, the following paragraph is added:

7a. The reimbursement referred to in the first and sixth subparagraph shall only apply to final beneficiaries in the financial year 2021 in those Member States where financial discipline applied in the preceding financial years.

Final reimbursement will be applied at the end of financial period for those beneficiaries who applied for the direct support in 2020 (financial year 2021)."

Amendment 59

Proposal for a regulation

Article 268 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1306/2013

Article 52 a (new)

Text proposed by the Commission

Amendment

3a. The following Article is inserted:

Article 52a

Consideration of existing assessments (single-audit)

1. In relation to programmes in which the Commission comes to the conclusion that the endorsement of the certifying body is reliable, it shall come to an agreement with the certifying body, to limit their own on-the-spot checks on the review of the activities of the certifying body, unless there is evidence of shortcomings in the work of the certifying body for a given financial year, for which the Commission has already adopted the accounts.

2. The Commission may, to evaluate the activities of the certifying body, control the audit trail of any certifying body or participate in on-the-spot checks of the certifying body, and, if necessary in accordance with international auditing standards, initiate audits of projects, to provide assurance of the effective functioning of the certifying body.

Amendment 60

Proposal for a regulation

Article 268 – paragraph 1 – point 4

Regulation (EU) No 1306/2013

Article 54 – paragraph 2

Text proposed by the Commission

Amendment

4. in Article 54, paragraph 2 is replaced by the following:

deleted

‘2. If recovery has not taken place within four years from the date of the recovery request, or within eight years where recovery is taken in the national courts, the financial consequences of the 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 58.

Where, in the context of the recovery procedure, the absence of any irregularity

is recorded by an administrative or legal instrument of a final nature, the Member State concerned shall declare as expenditure to the Funds the financial burden borne by it under the first subparagraph.

However, if for reasons not attributable to the Member State concerned, it is not possible for recovery to 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 period of up to half of the original period.'

Amendment 61

Proposal for a regulation

Article 268 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1306/2013

Article 54 – paragraph 3 – subparagraph 1

Present text

"3. On duly justified grounds, Member States may decide not to pursue recovery. A decision to this effect may be taken **only** in the following cases:

(a) where the costs already and likely to be effected total more than the amount to be recovered, which condition shall be considered to have been met if:

(i) the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, does not exceed EUR **100**; **or**

Amendment

4a. In Article 54(3), the first subparagraph is replaced by the following:

"3. On duly justified grounds, Member States may decide not to pursue recovery. A decision to this effect may be taken in the following cases:

(a) where the costs already and likely to be effected total more than the amount to be recovered, which condition shall be considered to have been met if the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, does not exceed EUR **250**;

(ii) the amount to be recovered from the beneficiary in the context of an individual payment for an aid scheme or support measure, not including interest, falls between EUR 100 and EUR 150 and the Member State concerned applies a threshold equal to or higher than the amount to be recovered under its national law for not pursuing national debts.

(b) where recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity.

(b) if a Member State follows best practice for updating LPIS in a 3-year cycle and has implemented the geo-spatial aid application, in which case there shall be no requirement of recovery of undue payments to small areas under 1 ha"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1306&rid=1>)

Amendment 62

Proposal for a regulation

Article 268 – paragraph 1 – point 4 b (new)

Regulation (EU) No 1306/2013

Article 54 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

4b. In Article 54(3) the following point is added:

(ba) by way of derogation from Article 97(3), Member States may decide not to pursue recovery based on cross-compliance non-compliances in accordance with point (a).

Amendment 63

Proposal for a regulation

Article 268 – paragraph 1 – point 5 a (new)

Regulation (EU) No 1306/2013

Article 72 – paragraph 2

Present text

Amendment

5a. In Article 72, paragraph 2 is replaced by the following:

"2. By way of derogation from point (a) of paragraph 1, Member States may decide that agricultural parcels of an area of up to 0,1 ha on which an application for payment is not made, do not need to be declared, provided that the sum of such parcels does not exceed 1 ha, and/or may decide that a farmer who does not apply for any area-based direct payment does not have to declare his agricultural parcels in the case where the total area does not exceed 1 ha. In all cases, the farmer shall, indicate in his application that he has agricultural parcels at his disposal and at the request of the competent authorities, shall indicate their location."

"2. By way of derogation from point (a) of paragraph 1, Member States may decide that:

(a) agricultural parcels of an area of up to 0,1 ha on which an application for payment is not made, do not need to be declared, provided that the sum of such parcels does not exceed 1 ha, and/or may decide that a farmer who does not apply for any area-based direct payment does not have to declare his agricultural parcels in the case where the total area does not exceed 1 ha. In all cases, the farmer shall, indicate in his application that he has agricultural parcels at his disposal and at the request of the competent authorities, shall indicate their location;

(b) farmers participating in the small farmer scheme do not need to declare the agricultural parcels on which an application for payment is not made, unless such a declaration is required for the purpose of other aid or support."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1306&rid=1>)

Amendment 64

Proposal for a regulation

Article 268 – paragraph 1 – point 5 b (new)

Regulation (EU) No 1306/2013

Article 75 – paragraph 1 – subparagraph 4

"With regard to support granted under rural development, as referred to in Article 67(2), this paragraph shall apply in respect of the aid applications or payment claims submitted from claim year **2018**, except as regards the payment of advances of up to 75 % provided for in the third subparagraph of this paragraph."

5b. In Article 75(1), subparagraph 4 is replaced by the following:

"With regard to support granted under rural development, as referred to in Article 67(2), this paragraph shall apply in respect of the aid applications or payment claims submitted from claim year **2020**, except as regards the payment of advances of up to 75 % provided for in the third subparagraph of this paragraph."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1306&rid=1>)

Amendment 65

Proposal for a regulation

Article 268 – paragraph 1 – point 5 c (new)

Regulation (EU) No 1306/2013

Article 118 a (new)

Text proposed by the Commission

Amendment

5c. The following Article is inserted:

“Article 118a

Retroactive ban

1. Changes to the regulations as well as to the guidelines, working tools, or any other documents of the Commission with direct and indirect external effects, as well as previous interpretations of provisions by institutions and bodies of the Union as well as of the certifying body and paying agencies of the Commission may have effect only for the future.

2. Retroactive effect may be allowed only in exceptional cases. In that case a compelling public interest in the retroactivity shall be given and the legitimate expectations of those concerned in relation to legal certainty shall be duly respected. The possibility of transitional arrangements without sanctions shall duly be considered.”

Amendment 66

Proposal for a regulation

Article 268 – paragraph 1 – point 5 d (new)

Regulation (EU) No 1306/2013

Article 118 b (new)

Text proposed by the Commission

Amendment

5d. The following Article is inserted after the Article 118:

“Article 118b

Restriction of documents of the Commission

Guidelines, tools or other documents of the Commission with direct and indirect external effects shall be limited to a minimum as regards their size and volume. The documents shall in the first place ensure a uniform act and shall comply with the requirements of the regulations.”

Amendment 67

Proposal for a regulation

Article 269 – paragraph 1 – point -1 (new)

Regulation (EU) No 1307/2013

Article 4 – paragraph 1 – point c – point i

Present text

Amendment

“production, rearing ***or growing of*** agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,”

-1. In Article 4(1), point (i) of point (c) is replaced by the following:

“production, rearing, ***growing or storage of essential*** agricultural products ***and means of production***, including harvesting, milking, breeding animals, and keeping animals for farming purposes,”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=3>)

Amendment 68

Proposal for a regulation

Article 269 – paragraph 1 – point -1 a (new)

Regulation (EU) No 1307/2013

Article 4 – paragraph 1 – point f

Present text

“(f) “arable land” means land cultivated for crop production or areas available for crop production but lying fallow, including areas set aside in accordance with Articles 22, 23 and 24 of Regulation (EC) No 1257/1999, with Article 39 of Regulation (EC) No 1698/2005 and with Article 28 of Regulation (EU) No 1305/2013, irrespective of whether or not that land is under greenhouses or under fixed or mobile cover;”

Amendment

-1a. In Article 4(1), point (f) is replaced by the following:

“(f) “arable land” means land cultivated for crop production or areas available for crop production but lying fallow including areas set aside in accordance with Articles 22, 23 and 24 of Regulation (EC) No 1257/1999, with Article 39 of Regulation (EC) No 1698/2005 and with Article 28 of Regulation (EU) No 1305/2013, irrespective of whether or not that land is under greenhouses or under fixed or mobile cover; ***it may include, where Member States so decide, all areas lying fallow and covered by grasses or other herbaceous forage that were agricultural areas but not permanent grassland at the time of being left to lie fallow for the first time;***”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Amendment 69

Proposal for a regulation

Article 269 – paragraph 1 – point -1 b (new)

Regulation (EU) No 1307/2013

Article 4 – paragraph 1 – point h

Present text

“(h) “permanent grassland and permanent pasture” (together referred to as “permanent grassland”) means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been

Amendment

-1b. In Article 4(1), point (h) is replaced by the following:

“(h) “permanent grassland and permanent pasture” (together referred to as “permanent grassland”) means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been

included in the crop rotation of the holding for **five** years or more; it may include other species such as shrubs and/or trees which can be grazed provided that the grasses and other herbaceous forage remain predominant as well as, where Member States so decide, land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas;”

included in the crop rotation of the holding for **seven** years or more; it may include other species such as shrubs and/or trees which can be grazed provided that the grasses and other herbaceous forage remain predominant as well as, where Member States so decide, land which can be grazed and, ***where Member States so decide, other sources of non-forage animal feed provided that the grasses and other herbaceous forage remain predominant as well as, where Member States so decide:***

(i) ***land which can be grazed and*** which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas, ***and/or***

(ii) ***land which can be grazed where grasses and other herbaceous forage are not predominant, or absent, in grazing areas;***

For the purpose of this definition Member States may decide that the following practices are crop rotations:

(i) ***the seeding of grasses or other herbaceous forage on an area after removal of a prior cover of grass or other herbaceous forage if the new cover is established by species or a mix of species other than the prior cover, or***

(ii) ***the seeding of grasses or other herbaceous forage on an area directly or after removal of a prior cover of grass or other herbaceous forage;”***

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Amendment 70

Proposal for a regulation

Article 269 – paragraph 1 – point -1 c (new)

Regulation (EU) No 1307/2013

Article 4 – paragraph 1 – point i

Present text

"(i) "grasses or other herbaceous forage" means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the Member State, whether or not used for grazing animals;"

Amendment

-1c. In Article 4(1), point (i) is replaced by the following:

"(i) "grasses or other herbaceous forage" means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the Member State, whether or not used for grazing animals, ***including leguminous crops which are seeded pure;***"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Amendment 71

Proposal for a regulation

Article 269 – paragraph 1 – point 1 a (new)

Regulation (EU) No 1307/2013

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

1a. In Article 9, the following paragraph is inserted:

3a. "Member States may decide that natural or legal persons, or groups of natural or legal persons, who are registered as farmers in any national public register are to be identified as active farmers."

Amendment 72

Proposal for a regulation

Article 269 – paragraph 1 – point 2

Regulation (EU) No 1307/2013

Article 9 – paragraph 8

Text proposed by the Commission

Amendment

8. Member States may decide to stop applying the provisions of this Article

deleted

from 2018. They shall notify the Commission of such a decision by 1 August 2017.

Amendment 73

Proposal for a regulation

Article 269 – paragraph 1 – point 2 a (new)

Regulation (EU) No 1307/2013

Article 25 – paragraph 4

Present text

“In addition, Member States shall provide that, at the latest for claim year 2019, no payment entitlement shall have a unit value lower than 60 % of the national or regional unit value in 2019, unless this would, in Member States applying the threshold referred to in paragraph 7, result in a maximum decrease exceeding that threshold. In such cases, the minimum unit value shall be set at a level necessary to respect that threshold.”

Amendment

2a. In Article 25, paragraph 4 is replaced by the following:

“In addition, Member States shall provide that, at the latest for claim year 2019, no payment entitlement shall have a unit value lower than 60 % of the national or regional unit value in 2019 ***in all areas outside the delimited mountain area and lower than 80 % in the delimited mountain area***, unless this would, in Member States applying the threshold referred to in paragraph 7, result in a maximum decrease exceeding that threshold. In such cases, the minimum unit value shall be set at a level necessary to respect that threshold.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 74

Proposal for a regulation

Article 269 – paragraph 1 – point 2 b (new)

Regulation (EU) No 1307/2013

Article 30 – paragraph 7 – point f a (new)

Text proposed by the Commission

Amendment

2b. In the first subparagraph of Article 30(7), the following point is added:

“(fa) increase the value of the payment entitlements to the value of the national or regional average under the second subparagraph of paragraph 8 of this

Article following a severe natural disaster seriously affecting the holding and compromising the normal course of activities;"

Amendment 75

Proposal for a regulation

Article 269 – paragraph 1 – point 2 c (new)

Regulation (EU) No 1307/2013

Article 34 – paragraph 3 – subparagraph 1

Present text

"3. Member States not exercising the option in Article 23(1) may decide that payment entitlements may be transferred or activated only within the same region, except in the case of actual or anticipated inheritance."

Amendment

2c. In Article 34(3), the first subparagraph is replaced by the following:

"3. Member States not exercising the option in Article 23(1) may decide that payment entitlements may be transferred or activated only within the same region **or within the Member State's mountain area**, except in the case of actual or anticipated inheritance."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 76

Proposal for a regulation

Article 269 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1307/2013

Article 43 – paragraph 11 – subparagraph 2

Present text

"The first subparagraph shall apply only to the units of a holding that are used for organic production in accordance with Article 11 of Regulation (EC) No 834/2007."

Amendment

3a. In Article 43(11), the second subparagraph is replaced by the following:

"The first subparagraph shall apply only to the units of a holding that are used for organic production in accordance with Article 11 of Regulation (EC) No 834/2007 **or for those which apply agri-environmental schemes in accordance with Regulation (EU) No 1305/2013.**"

Amendment 77

Proposal for a regulation

Article 269 – paragraph 1 – point 3 b (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 1 – subparagraph 1

Present text

"Where the arable land of the farmer covers between **10** and 30 hectares and is not entirely cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle, there shall be at least two different crops on that arable land. The main crop shall not cover more than 75 % of that arable land."

Amendment

3b. In Article 44(1), the first subparagraph is replaced by the following:

"Where the arable land of the farmer covers between **15** and 30 hectares and is not entirely cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle, there shall be at least two different crops on that arable land. The main crop shall not cover more than 75 % of that arable land."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Amendment 78

Proposal for a regulation

Article 269 – paragraph 1 – point 3 c (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 2

Present text

"2. Without prejudice to the number of crops required pursuant to paragraph 1, the maximum thresholds set out therein shall not apply to holdings where grasses or other herbaceous forage or land lying fallow cover more than 75 % of the arable land. In such cases, the main crop on the remaining arable area shall not cover more than 75 % of that remaining arable land,

Amendment

3c. In Article 44, paragraph 2 is replaced by the following:

"2. Without prejudice to the number of crops required pursuant to paragraph 1, the maximum thresholds set out therein shall not apply to holdings where grasses or other herbaceous forage or land lying fallow **or cultivated with crops under water for a significant part of the year or for a significant part of the crop cycle** cover more than 75 % of the arable land. In

except where this remaining area is covered by grasses or other herbaceous forage or land lying fallow."

such cases, the main crop on the remaining arable area shall not cover more than 75 % of that remaining arable land, except where this remaining area is covered by grasses or other herbaceous forage or land lying fallow."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 79

Proposal for a regulation

Article 269 – paragraph 1 – point 3 d (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 3 – point a

Present text

"(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, or is subject to a combination of these uses, ***provided that the arable area not covered by these uses does not exceed 30 hectares***;"

Amendment

3d. In Article 44(3), point (a) is replaced by the following:

"(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, or is subject to a combination of these uses;"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Amendment 80

Proposal for a regulation

Article 269 – paragraph 1 – point 3 e (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 3 – point b

Present text

"(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for

Amendment

3e. In Article 44(3), point (b) is replaced by the following:

"(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for

the cultivation of crops under water for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of these uses, ***provided that the arable area not covered by these uses does not exceed 30 hectares;***"

the cultivation of crops under water for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of these uses;"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 81

Proposal for a regulation

Article 269 – paragraph 1 – point 3 f (new)

Regulation (EU) No 1307/2013

Article 44 – paragraph 4 – subparagraph 2

Present text

“Winter crop and spring crop shall be considered to be distinct crops even if they belong to the same genus.”

Amendment

3f. In Article 44(4), the second subparagraph is replaced by the following:

“Winter crop and spring crop shall be considered to be distinct crops even if they belong ***to the same genus. Triticum spelta shall be considered to be a distinct crop from crops belonging*** to the same genus.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 82

Proposal for a regulation

Article 269 – paragraph 1 – point 3 g (new)

Regulation (EU) No 1307/2013

Article 45 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

3g. In Article 45(1), the following subparagraph is added:

This paragraph shall not apply to grassland which was leased as arable land or for arable land which was contractually bound as grassland beyond a five-year period; Those may be returned

to their original status.

Amendment 83

Proposal for a regulation

Article 269 – paragraph 1 – point 3 h (new)

Regulation (EU) No 1307/2013

Article 45 – paragraph 1 – subparagraph 3 b (new)

Text proposed by the Commission

Amendment

3h. In Article 45(1), the following subparagraph is added:

Member States may decide that the obligation set out in the first subparagraph shall not apply to farmers who converted production mainly based on grass production to another type of production on a long-term basis after 1 January 2015. Member States may also decide that the obligation shall not apply to agricultural areas which have been sold or leased on a long-term basis since 1 January 2015 to a farmer who does not have production based on grass.

Amendment 84

Proposal for a regulation

Article 269 – paragraph 1 – point 3 i (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 1

Present text

Amendment

"1. Where the arable land of a holding covers more than 15 hectares, the farmer shall ensure that, from 1 January 2015, an area corresponding to at least 5 % of the arable land of the holding that the farmer declared in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013 and, if they

3i. In Article 46(1), the first subparagraph is replaced by the following:

"1. Where the arable land of a holding covers more than 15 hectares, the farmer shall ensure that, ***as from that hectare onwards*** from 1 January 2015, an area corresponding to at least 5 % of the arable land of the holding that the farmer declared in accordance with point (a) of the first subparagraph of Article 72(1) of

are considered to be ecological focus area by the Member State in accordance with paragraph 2 of this Article, including the areas mentioned in points (c), (d), (g) and (h) of that paragraph is ecological focus area."

Regulation (EU) No 1306/2013 and, if they are considered to be ecological focus area by the Member State in accordance with paragraph 2 of this Article, including the areas mentioned in points (c), (d), (g) and (h) of that paragraph is ecological focus area."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 85

Proposal for a regulation

Article 269 – paragraph 1 – point 3 j (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – point j a (new)

Text proposed by the Commission

Amendment

3j. In Article 46(2), the following point is added:

“(ja) areas with *Miscanthus*;”

Amendment 86

Proposal for a regulation

Article 269 – paragraph 1 – point 3 k (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – point j b (new)

Text proposed by the Commission

Amendment

3k. In Article 46(2), the following point is added:

“(jb) areas with *Silphium perfoliatum*;”

Amendment 87

Proposal for a regulation

Article 269 – paragraph 1 – point 3 l (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – point j c (new)

Text proposed by the Commission

Amendment

3l. In Article 46(2), the following point is added:
“(jc) land left fallow for melliferous plants (pollen and nectar rich species);”

Amendment 88

Proposal for a regulation

Article 269 – paragraph 1 – point 3 m (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – point j d (new)

Text proposed by the Commission

Amendment

3m. In Article 46(2), the following point is added:
“(jd) areas with wild grasses;”

Amendment 89

Proposal for a regulation

Article 269 – paragraph 1 – point 3 n (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – point j e (new)

Text proposed by the Commission

Amendment

3n. In Article 46(2), the following point is added:
“(je) White mustard;”

Amendment 90

Proposal for a regulation

Article 269 – paragraph 1 – point 3 o (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – point j f (new)

Text proposed by the Commission

Amendment

3o. In Article 46(2), the following point is added:
“(jf) Fodder Radish.”

Amendment 91

Proposal for a regulation

Article 269 – paragraph 1 – point 3 p (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

3p. In Article 46(2), the following subparagraph is inserted after the first subparagraph:

“The application of unused land shall not exclude activities on such land, which is required for the economical processing of the adjacent surfaces.”

Amendment 92

Proposal for a regulation

Article 269 – paragraph 1 – point 3 q (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 4 – point a

Present text

Amendment

"(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses, ***provided that the arable area not covered by those uses does not exceed 30 hectares;***"

3q. In Article 46(4), point (a) is replaced by the following:

"(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses;"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&from=EN>)

Amendment 93

Proposal for a regulation

Article 269 – paragraph 1 – point 3 r (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 4 – point b

Present text

"(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses, ***provided that the arable area not covered by these uses does not exceed 30 hectares.***"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 94

Proposal for a regulation

Article 269 – paragraph 1 – point 3 s (new)

Regulation (EU) No 1307/2013

Article 46 – paragraph 9 – point c

Text proposed by the Commission

Amendment 95

Proposal for a regulation

Article 269 – paragraph 1 – point 3 t (new)

Regulation (EU) No 1307/2013

Article 50 – paragraph 5

Present text

"5. The payment for young farmers shall be granted per farmer for a maximum period of five years. ***That period shall be reduced by the number of years elapsed***

Amendment

3r. In Article 46(4), point (b) is replaced by the following:

"(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses."

Amendment

3s. In Article 46(9), point (c) is deleted.

Amendment

3t. In Article 50, paragraph 5 is replaced by the following:

"5. The payment for young farmers shall be granted per farmer for a maximum period of five years."

between the setting up referred to in point (a) of paragraph 2 and the first submission of the application for the payment for young farmers.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 96

Proposal for a regulation

Article 269 – paragraph 1 – point 3 u (new)

Regulation (EU) No 1307/2013

Article 50 – paragraph 6 – point a

Present text

“(a) **25 %** of the average value of the owned or leased-in payment entitlements held by the farmer; or”

Amendment

3u. In Article 50(6), point (a) is replaced by the following:

“(a) **between 25 % up to a value not higher than 50 %** of the average value of the owned or leased-in payment entitlements held by the farmer; or”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 97

Proposal for a regulation

Article 269 – paragraph 1 – point 3 v (new)

Regulation (EU) No 1307/2013

Article 50 – paragraph 6 – point b

Present text

“(b) **25 %** of an amount calculated by dividing a fixed percentage of the national ceiling for the calendar year 2019 set out in Annex II by the number of all eligible hectares declared in 2015 in accordance with Article 33(1). That fixed percentage shall be equal to the share of the national ceiling remaining for the basic payment scheme in accordance with Article 22(1) for 2015.”

Amendment

3v. In Article 50(6), point (b) is replaced by the following:

“(b) **between 25 % up to a value not higher than 50 %** of an amount calculated by dividing a fixed percentage of the national ceiling for the calendar year 2019 set out in Annex II by the number of all eligible hectares declared in 2015 in accordance with Article 33(1). That fixed percentage shall be equal to the share of the national ceiling remaining for the basic payment scheme in accordance with

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 98

Proposal for a regulation

Article 269 – paragraph 1 – point 3 w (new)

Regulation (EU) No 1307/2013

Article 50 – paragraph 7

Present text

“7. Member States applying Article 36 shall each year calculate the amount of the payment for young farmers by multiplying a figure corresponding to **25 %** of the single area payment calculated in accordance with Article 36 by the number of eligible hectares that the farmer has declared in accordance with Article 36(2).”

Amendment

3w. In Article 50, paragraph 7 is replaced by the following:

“7. Member States applying Article 36 shall each year calculate the amount of the payment for young farmers by multiplying a figure corresponding to **a value between 25 % up to a value of no more than 50 %** of the single area payment calculated in accordance with Article 36 by the number of eligible hectares that the farmer has declared in accordance with Article 36(2).”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1307-20150603&qid=1489567595545&from=EN>)

Amendment 99

Proposal for a regulation

Article 269 – paragraph 1 – point 3 x (new)

Regulation (EU) No 1307/2013

Article 50 – paragraph 8 – subparagraph 1

Present text

“By way of derogation from the paragraphs 6 and 7, Member States may calculate each year the amount of the payment for young farmers by multiplying a figure corresponding to **25 %** of the national average payment per hectare by the

Amendment

3x. In Article 50(8), the first subparagraph is replaced by the following:

“By way of derogation from the paragraphs 6 and 7, Member States may calculate each year the amount of the payment for young farmers by multiplying a figure corresponding to **a value between 25 % up to a value not higher than 50 %** of the

number of entitlements that the farmer has activated in accordance with Article 32(1), or by the number of eligible hectares that the farmer has declared in accordance with Article 36(2).”

national average payment per hectare by the number of entitlements that the farmer has activated in accordance with Article 32(1), or by the number of eligible hectares that the farmer has declared in accordance with Article 36(2).”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 100

Proposal for a regulation

Article 269 – paragraph 1 – point 4

Regulation (EU) No 1307/2013

Article 50 – paragraph 9

Text proposed by the Commission

Amendment

4. in Article 50, paragraph 9 is deleted;

deleted

Amendment 101

Proposal for a regulation

Article 269 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1307/2013

Article 50 – paragraph 10 – subparagraph 1

Present text

Amendment

“Instead of applying paragraphs 6 to 9, Member States may allocate an annual lump sum amount per farmer calculated by multiplying a fixed number of hectares by a figure corresponding to **25 %** of the national average payment per hectare, as established in accordance with paragraph 8.”

4a. In Article 50(10), the first paragraph is replaced by the following:

“Instead of applying paragraphs 6 to 9, Member States may allocate an annual lump sum amount per farmer calculated by multiplying a fixed number of hectares by a figure corresponding to **a value between 25 % up to a value of no more than 50 %** of the national average payment per hectare, as established in accordance with paragraph 8.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1307-20150603&qid=1489567595545&from=EN>)

Amendment 102

Proposal for a regulation

Article 269 – paragraph 1 – point 4 b (new)

Regulation (EU) No 1307/2013

Article 50 – paragraph 11

Present text

“11. In order to guarantee the protection of the rights of beneficiaries and to avoid discrimination among them, the Commission shall be empowered to adopt delegated acts in accordance with Article 70 concerning the conditions under which a legal person may be considered to be eligible to receive the payment for young farmers.”

Amendment

4b. In Article 50, paragraph 11 is replaced by the following:

“11. Notwithstanding paragraph 10, Member States shall ensure that young farmers who join an agricultural cooperative with a legal personality do not lose their payment entitlements. They shall therefore undertake to identify the proportional share corresponding to the young farmer in the cooperative in order to apportion payment entitlements due to the young farmer, in accordance with this Article.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1307-20150603&qid=1489567595545&from=EN>)

Amendment 103

Proposal for a regulation

Article 269 – paragraph 1 – point 5

Regulation (EU) No 1307/2013

Article 51 – paragraph 3

Text proposed by the Commission

5. in Article 51, paragraph 3 is replaced by the following:

“3. Where the total amount of the payment for young farmers applied for in a Member State in a particular year exceeds the maximum of 2% laid down in paragraph 1 of this Article, Member States shall set a maximum limit applicable to the number of payment entitlements activated by the farmer or to the number of eligible hectares declared by the farmer in order to comply with the maximum of 2% laid down in the paragraph 1 of this Article. Member

Amendment

deleted

States shall respect that limit when applying Article 50(6), (7) and (8).

Member States shall notify the Commission of any limits applied pursuant to the first subparagraph at the latest by 15 September of the year following the year in which the aid applications in respect of which the limits were applied were lodged.”

Amendment 104

Proposal for a regulation

Article 269 – paragraph 1 – point 5 a (new)

Regulation (EU) No 1307/2013

Article 52 – paragraph 5

Present text

(5) Coupled support may only be granted to the extent necessary to create an incentive to maintain current levels of production in the sectors or regions concerned.

Amendment

5a. In Article 52, paragraph 5 is replaced by the following:

(5) *With the exception of protein crops,* coupled support may only be granted to the extent necessary to create an incentive to maintain current levels of production in the sectors or regions concerned.

(<http://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 105

Proposal for a regulation

Article 269 – paragraph 1 – point 6 a (new)

Regulation (EU) No 1307/2013

Article 52 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

6a. In Article 52, the following paragraph is added:

“ 9a. The Commission shall by 31 December 2018 publish a “protein plan”, aiming to increase own-grown vegetable protein production in the Union and reduce import dependency.”

Amendment 106

Proposal for a regulation

Article 269 – paragraph 1 – point 6 b (new)

Regulation (EU) No 1307/2013

Article 53 – paragraph 6

Present text

“6. Member States may, by 1 August **2016**, review their decision pursuant to **paragraphs 1 to 4** and decide, with effect from **2017**:

(a) to leave unchanged, increase or decrease the percentage fixed pursuant to paragraphs 1, 2 and 3, within the limits laid down therein where applicable, or to leave unchanged or decrease the percentage fixed pursuant to paragraph 4;

(b) to modify the conditions for granting the support;

(c) to cease granting the support under this Chapter.”

Amendment

6b. In Article 53, paragraph 6 is replaced by the following:

“6. Member States may, by 1 August *of any given year*, review their decision *taken* pursuant to *this Chapter* and decide, with effect from *the following year*:

(a) to leave unchanged, increase or decrease the percentage fixed pursuant to paragraphs 1, 2 and 3, within the limits laid down therein where applicable, or to leave unchanged or decrease the percentage fixed pursuant to paragraph 4;

(b) to modify the conditions for granting the support;

(c) to cease granting the support under this Chapter.

Member States shall notify the Commission of any such decision by the date referred to in the first subparagraph.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 107

Proposal for a regulation

Article 269 – paragraph 1 – point 6 c (new)

Regulation (EU) No 1307/2013

Article 63 – paragraph 1 – subparagraph 2

Present text

Amendment

6c. In Article 63(1), the second subparagraph is replaced by the following:

“The amount referred to in points (a) or (b) of the first subparagraph shall not be lower than EUR 500 and shall not be higher than EUR **1 250**.”

“The amount referred to in points (a) or (b) of the first subparagraph shall not be lower than EUR 500 and shall not be higher than EUR **2500**.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 108

Proposal for a regulation

Article 269 – paragraph 1 – point 6 d (new)

Regulation (EU) N° 1307/2013

Article 64 – paragraph 1 – point a

Present text

“(a) keep at least a number of eligible hectares corresponding to the number of owned or leased-in payment entitlements held, or to the number of eligible hectares declared in 2015 in accordance with Article 36(2)

Amendment

6d. Article 64(1), point (a) is replaced by the following:

“(a) keep at least a number of eligible hectares corresponding to the number of owned or leased-in payment entitlements held, or to the number of eligible hectares declared in 2015 in accordance with Article 36(2) **with a tolerance of 0,5 ha or, if lower, 25 % of the owned or leased-in payments entitlements held or the number of eligible hectares declared in 2015.**”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1307&rid=1>)

Amendment 109

Proposal for a regulation

Article 269 – paragraph 1 – point 6 e (new)

Regulation (EU) N° 1307/2013

Annex X – Areas with short rotation coppice

Present text

“Features : Areas with short rotation coppice (per 1 m2)

Conversion factor : n.a.

Amendment

6e. In Annex X, the line “Areas with short rotation coppice” is replaced by the following:

“Features : Areas with short rotation coppice (per 1 m2)

Conversion factor : n.a.

Weighting factor : **0,3**
Ecological focus area : **0,3 m²**

Weighting factor : **1**
Ecological focus area : **1 m²**

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1307-20150603&qid=1490178318614&from=EN>)

Amendment 110

Proposal for a regulation

Article 269 – paragraph 1 – point 6 f (new)

Regulation (EU) N° 1307/2013

Annex X – Areas with nitrogen fixing crops

Present text

“Features : Areas with nitrogen fixing crops (per 1 m²)

Conversion factor : n.a.

Weighting factor : **0,7**

Ecological focus area : **0,3 m²**”

Amendment

6f. In Annex X, the line “Areas with nitrogen fixing crops” is replaced by the following:

“Features : Areas with nitrogen fixing crops (per 1 m²)

Conversion factor : n.a.

Weighting factor : **1**

Ecological focus area : **1 m²**”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1307-20150603&qid=1490178318614&from=EN>)

Amendment 111

Proposal for a regulation

Article 269 – paragraph 1 – point 6 g (new)

Regulation (EU) No 1307/2013

Annex X – Areas with Miscanthus – Line 20 a (new)

Text proposed by the Commission

Amendment

6g. In Annex X, the following line is added :

“Features: Areas with Miscanthus

Conversion factor: n/a

Weighting factor: 1

Ecological focus area: 1m²”

Amendment 112

Proposal for a regulation

Article 269 – paragraph 1 – point 6 h (new)

Regulation (EU) No 1307/2013

Annex X – Area with *Silphium perfoliatum* – Line 20 b (new)

Text proposed by the Commission

Amendment

6h. In Annex X, the following line is added :

“Features: Areas with *Silphium perfoliatum*

Conversion factor: n/a

Weighting factor: 1

Ecological focus area: 1m²”

Amendment 113

Proposal for a regulation

Article 269 – paragraph 1 – point 6 i (new)

Regulation (EU) No 1307/2013

Annex X – Land left fallow for melliferous plants – Line 20 c (new)

Text proposed by the Commission

Amendment

6i. In Annex X, the following line is added :

“Features: Land left fallow for melliferous plants (pollen and nectar rich species)

Conversion factor: n/a

Weighting factor: 2

Ecological focus area: 2 m²”

Amendment 114

Proposal for a regulation

Article 270 – paragraph 1 – point 1 – point a

Regulation (EU) No 1308/2013

Article 33 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) crisis prevention and management, including providing coaching to other producer organisations, associations of producer organisations, producer groups or individual producers;

(f) crisis prevention and management, including providing coaching to other producer organisations, associations of producer organisations, producer groups or individual producers, ***actions and activities aimed at diversification and consolidation of export markets in third countries;***

Amendment 115

Proposal for a regulation

Article 270 – paragraph 1 – point 1 – point b

Regulation (EU) No 1308/2013

Article 33 – paragraph 3 – point i

Text proposed by the Commission

(i) coaching to other producer organisations, associations of producer organisations, producer groups or individual producers

Amendment

(i) coaching to other producer organisations, associations of producer organisations, producer groups or individual producers; ***actions aimed at diversification and consolidation of export markets in third-countries, including for instance export credit insurance, costs related to the negotiation and management of phytosanitary protocols or market studies and evaluations;***

Amendment 116

Proposal for a regulation

Article 270 – paragraph 1 – point 1 a (new)

Regulation (EU) No 1308/2013

Article 33 – paragraph 5

Present text

“Environmental actions shall respect the requirements for agri-environment-climate payments laid down in **Article 28(3)** of Regulation (EU) No 1305/2013.”

Amendment

1a. In Article 33(5), subparagraph 2 is replaced by the following

“Environmental actions shall respect the requirements for agri-environment-climate ***or organic farming*** payments laid down in ***Article 28(3) and Article 29(2) and (3)*** of Regulation (EU) No 1305/2013.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 117

Proposal for a regulation

Article 270 – paragraph 1 – point 1 b (new)

Regulation (EU) No 1308/2013

Article 33 – paragraph 5 – subparagraph 2

Present text

“Where at least 80 % of the producer members of a producer organisation are subject to one or more identical agri-environment-climate commitments provided for in Article 28(3) of Regulation (EU) No 1305/2013, then each one of those commitments shall count as an environmental action as referred to in point (a) of the first subparagraph of this paragraph.”

Amendment

1b. In Article 33(5), subparagraph 3 is replaced by the following:

“Where at least 80 % of the producer members of a producer organisation are subject to one or more identical agri-environment-climate ***or organic farming*** commitments provided for in Article 28(3) ***and Article 29(2) and (3)*** of Regulation (EU) No 1305/2013, then each one of those commitments shall count as an environmental action as referred to in point (a) of the first subparagraph of this paragraph.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 118

Proposal for a regulation

Article 270 – paragraph 1 – point 1 c (new)

Regulation (EU) No 1308/2013

Article 34 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

1c. In Article 34(2), the following subparagraph is added:

In the case of an association of producer organisations, whose members are Union producer organisations and their associations operating in different Member States, that percentage may be increased to 5,2 % of the value of the marketed production, provided that the amount in excess of 4,7 % of the value of the marketed production is used solely for crisis prevention and management

measures implemented by the association of producer organisations on behalf of its members.

Amendment 119

Proposal for a regulation

Article 270 – paragraph 1 – point 2

Regulation (EU) No 1308/2013

Article 34 – paragraph 4 – point b

Text proposed by the Commission

(b) actions related to coaching of other producer organisations, producer groups or individual producers from Member States referred to in Article 35(1).

Amendment

(b) actions related to coaching of other producer organisations, producer groups or individual producers from *regions of* Member States referred to in Article 35(1);

Amendment 120

Proposal for a regulation

Article 270 – paragraph 1 – point 2 a (new)

Regulation (EU) No 1308/2013

Article 34 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

2a. In paragraph 4, the following point is added:

“(ba) actions and activities aimed at diversification and consolidation of export markets in third countries.”

Amendment 121

Proposal for a regulation

Article 270 – paragraph 1 – point 3

Regulation (EU) No 1308/2013

Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. *Bulgaria, Croatia, Cyprus, Estonia, Finland, Greece, Hungary, Lithuania, Luxemburg, Malta, Poland,*

1. *In regions of Member States in which the degree of organisation of producers in the fruit and vegetables*

Romania, Slovakia and Slovenia may grant producer organisations **on their request** national financial assistance equal to a maximum of **1 % of their** value of marketed production. That assistance shall be additional to the operational fund.

sector is particularly low, Member States may grant producer organisations national financial assistance equal to a maximum of **80 % of the financial contributions referred to in point (a) of Article 32(1) and of up to 10 % of the** value of the marketed production **of any such producer organisation**. That assistance shall be additional to the operational fund.

Amendment 122

Proposal for a regulation

Article 270 – paragraph 1 – point 3

Regulation (EU) No 1308/2013

Article 35 – paragraph 2

Text proposed by the Commission

2. The **Commission is empowered to adopt delegated acts in accordance with Article 227 amending paragraph 1 to add Member States where** the degree of organisation **of producers** in the fruit and vegetable **sector is particularly low and to delete** Member States **where that is no longer the case**.

Amendment

2. The **degree of organisation of producers in a region of a Member State shall be considered particularly low where the average degree of organisation has been less than 20 % for three consecutive years preceding the date of request for national financial assistance. Such** the degree of organisation **shall be calculated as the value of fruit and vegetable production that was obtained in the region concerned and marketed by producer organisations, associations of producer organisations and producer groups, divided by the total value of the** fruit and vegetable **production that was obtained in that region**.

The Commission shall adopt implementing acts defining the average degree of organisation in the Union and also the degree of organisation in Member States and regions and laying down further detailed rules on the calculation of the degree of organisation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

Amendment 123

Proposal for a regulation

Article 270 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1308/2013

Article 62 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

3a. In Article 62, the following paragraph is added:

4a. Member states may apply this Chapter to areas producing wine suitable for producing wine spirits with a geographical indication as registered in accordance with Annex III of Regulation (EC) No 110/2008 of the European Parliament and of the Council. For the purposes of this Chapter, those areas may be treated as areas where wines with a protected designation of origin or protected geographical indication may be produced.

Amendment 124

Proposal for a regulation

Article 270 – paragraph 1 – point 3 b (new)

Regulation (EU) No 1308/2013

Article 64

Present text

Amendment

Article 64

Granting of authorisations for new plantings

1. If the total area covered by the eligible applications in a given year does not exceed the area made available by the Member State, all such applications shall be accepted.

Member States may, for the purpose of this Article, apply one or more of the following objective and non-discriminatory eligibility

3b. Article 64 is replaced by the following:

“Article 64

Granting of authorisations for new plantings

1. If the total area covered by the eligible applications in a given year does not exceed the area made available by the Member State, all such applications shall be accepted.

Member States may, for the purpose of this Article, apply one or more of the following objective and non-discriminatory eligibility

criteria:

- (a) the applicant shall have an agricultural area which is not smaller than the area for which he requests the authorisation;
- (b) the applicant shall possess adequate occupational skills and competence;
- (c) the application shall not pose a significant risk of misappropriation of the reputation of specific protected designations of origin, which shall be presumed unless the existence of such risk is demonstrated by the public authorities;

(d) where duly justified, one or more of the criteria referred to in paragraph 2, provided that they are applied in an objective and non-discriminatory manner.

2. If the total area covered by the eligible applications referred to in paragraph 1 in a given year exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the basis of the area for which they have requested the authorisation. Such granting may also be partially or completely made according to one or more of the following objective and non-discriminatory priority criteria:

- (a) producers who are setting up vine plantings for the first time, and who are established as the head of the holding (new entrants);
- (b) areas where vineyards contribute to the preservation of the environment;
- (c) areas to be newly planted in the framework of land consolidation projects;

criteria:

- (a) the applicant shall have an agricultural area which is not smaller than the area for which he requests the authorisation;
- (b) the applicant shall possess adequate occupational skills and competence;
- (c) the application shall not pose a significant risk of misappropriation of the reputation of specific protected designations of origin, which shall be presumed unless the existence of such risk is demonstrated by the public authorities;

(ca) the applicant does not have vines planted without authorisation as referred to in Article 71 of Regulation (EU) No 1308/2013 or without a planting right as referred to in Articles 85a and 85b of Regulation (EC) No 1234/2007.

(d) where duly justified, one or more of the criteria referred to in paragraph 2, provided that they are applied in an objective and non-discriminatory manner.

2. If the total area covered by the eligible applications referred to in paragraph 1 in a given year exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the basis of the area for which they have requested the authorisation. Such granting may ***establish a minimum and/or a maximum of area to be granted per applicant*** and also be partially or completely made according to one or more of the following objective and non-discriminatory priority criteria:

- (a) producers who are setting up vine plantings for the first time, and who are established as the head of the holding (new entrants);
- (b) areas where vineyards contribute to the preservation of the environment;
- (c) areas to be newly planted in the framework of land consolidation projects;

- (d) areas facing natural or other specific constraints;
- (e) the sustainability of projects of development or replantations on the basis of an economic evaluation;
- (f) areas to be newly planted which contribute to increasing the competitiveness at farm holding and regional level;
- (g) projects with the potential to improve the quality of products with geographical indications;
- (h) areas to be newly planted in the framework of increasing the size of small and medium-sized holdings.

3. Member States shall make public the criteria referred to in paragraphs 1 and 2 that they apply and shall notify them forthwith to the Commission.

Amendment 125

Proposal for a regulation

Article 270 – paragraph 1 – point 3 c (new)

Regulation (EU) No 1308/2013

Article 148 – paragraph 1 a (new)

Text proposed by the Commission

- (d) areas facing natural or other specific constraints;
- (e) the sustainability of projects of development or replantations on the basis of an economic evaluation;
- (f) areas to be newly planted which contribute to increasing the competitiveness at farm holding and regional level;
- (g) projects with the potential to improve the quality of products with geographical indications;
- (h) areas to be newly planted in the framework of increasing the size of small and medium-sized holdings.

2a. If the Member State applies one or more of the criteria referred to in paragraph 2, it may decide to add the condition that the applicant is to be a natural person not older than 40 years in the time of submission of the application.

3. Member States shall make public the criteria referred to in paragraphs 1, **2 and 2a** that they apply and shall notify them forthwith to the Commission.”

Amendment

3c. In Article 148, the following paragraph is inserted :

“1a. If Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, producer organisation, a bargaining organisation, or their associations may require that any delivery in raw milk to a processor of raw milk be the subject of a written contract between the parties and/or be the subject

of a written offer of a contract from the first purchasers, under the same conditions laid down in paragraphs 4 to 6 of this Article.

If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory, unless the inter-branch organisation of the sector recognised under Article 163, has drawn up a standard contract compatible with the rules of the Union.”

Amendment 126

Proposal for a regulation

Article 270 – paragraph 1 – point 3 d (new)

Regulation (EU) No 1308/2013

Article 148 – paragraph 2 – introductory part

Present text

“2. The contract and/or the offer for a contract referred to in *paragraph 1* shall:”

Amendment

3d. *in Article 148(2), the introductory part is replaced by the following:*

“2. The contract and/or the offer for a contract referred to in *paragraphs 1 and 1a* shall:”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1490086023420&uri=CELEX:32013R1308>)

Amendment 127

Proposal for a regulation

Article 270 – paragraph 1 – point 3 e (new)

Regulation (EU) No 1308/2013

Article 148 – paragraph 3

Present text

“3. By way of derogation from *paragraph 1*, a contract and/or an offer for a contract shall not be required where raw milk is

Amendment

3e. *In Article 148, paragraph 3 is replaced by the following:*

“3. By way of derogation from *paragraphs 1 and 1a*, a contract and/or an offer for a contract shall not be required where raw

delivered by a farmer to a co-operative of which the farmer is a member if the statutes of that cooperative or the rules and decisions provided for in or derived from these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 2.”

milk is delivered by a farmer to a co-operative of which the farmer is a member if the statutes of that cooperative or the rules and decisions provided for in or derived from these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 2.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1490086023420&uri=CELEX:32013R1308>)

Amendment 128

Proposal for a regulation

Article 270 – paragraph 1 – point 3 f (new)

Regulation (EU) No 1308/2013

Article 149

Text proposed by the Commission

Amendment

3 f. Article 149 is deleted.

Amendment 129

Proposal for a regulation

Article 270 – paragraph 1 – point 3 g (new)

Regulation (EU) No 1308/2013

Article 152

Present text

Amendment

3g. Article 152 is replaced by the following:

"Article 152

"Article 152

Producer organisations

Producer organisations

1. Member States **may**, on request, recognise producer organisations, which:"

1. Member States **shall**, on request, recognise producer organisations, which:"

(a) are constituted, and controlled in accordance with point (c) of Article 153(2), by producers in a specific sector listed in Article 1(2);

(a) are constituted, and controlled in accordance with point (c) of Article 153(2), by producers in a specific sector listed in Article 1(2);

(b) are formed on the initiative of the producers;

(b) are formed on the initiative of the producers **and which carry out, whether or not there is a transfer of ownership by the**

(c) pursue a specific aim which may include at least one of the following objectives:

- (i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;
- (ii) concentration of supply and the placing on the market of the products produced by its members, including through direct marketing;
- (iii) optimising production costs and returns on investments in response to environmental and animal welfare standards, and stabilising producer prices;
- (iv) carrying out research and developing initiatives on sustainable production methods, innovative practices, economic competitiveness and market developments;
- (v) promoting, and providing technical assistance for, the use of environmentally sound cultivation practices and production techniques, and sound animal welfare practices and techniques;
- (vi) promoting, and providing technical assistance for, the use of production standards, improving product quality and

farmers to the producer organisation, at least one of the following activities:

- (i) joint processing;*
- (ii) joint distribution, including joint selling platform or joint transportation;*
- (iii) joint packaging, labelling or promotion;*
- (iv) joint organising of quality control;*
- (v) joint use of equipment or storage facilities;*
- (vi) joint management of waste directly related to the production;*
- (vii) joint procurement of inputs;*
- (viii) any other joint activities of services pursuing one of the objectives listed in point (c) of this paragraph;*

(c) pursue a specific aim which may include at least one of the following objectives:

- (i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;
- (ii) concentration of supply and the placing on the market of the products produced by its members, including through direct marketing;
- (iii) optimising production costs and returns on investments in response to environmental and animal welfare standards, and stabilising producer prices;
- (iv) carrying out research and developing initiatives on sustainable production methods, innovative practices, economic competitiveness and market developments;
- (v) promoting, and providing technical assistance for, the use of environmentally sound cultivation practices and production techniques, and sound animal welfare practices and techniques;
- (vi) promoting, and providing technical assistance for, the use of production standards, improving product quality and

developing products with a protected designation of origin, with a protected geographical indication or covered by a national quality label;

(vii) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;

(viii) contributing to a sustainable use of natural resources and to climate change mitigation;

(ix) developing initiatives in the area of promotion and marketing;

(x) managing of the mutual funds referred to in operational programmes in the fruit and vegetables sector referred to in Article 31(2) of this Regulation and under Article 36 of Regulation (EU) No 1305/2013.

(xi) providing the necessary technical assistance for the use of the futures markets and of insurance schemes.

developing products with a protected designation of origin, with a protected geographical indication or covered by a national quality label;

(vii) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;

(viii) contributing to a sustainable use of natural resources and to climate change mitigation;

(ix) developing initiatives in the area of promotion and marketing;

(x) managing of the mutual funds referred to in operational programmes in the fruit and vegetables sector referred to in Article 31(2) of this Regulation and under Article 36 of Regulation (EU) No 1305/2013.

(xi) providing the necessary technical assistance for the use of the futures markets and of insurance schemes.

1a. Notwithstanding Article 101(1) TFEU, a producer organisation, which is recognised under paragraph 1 of this Article, may plan production, optimising the production costs, place on the market and negotiate contracts for the supply of the agricultural products, on behalf of its members for all or part of their total production.

Negotiations may take place provided that:

(a) the activities carried out under point b of paragraph 1 are significant in terms of quantity concerned and in terms of cost of the production and placing of the product on the market;

(b) for the volume or the quantity of agricultural products covered by such negotiations, the producer organisations concentrates supply;

(c) the producers concerned are not members of any other producer organisation which also negotiates such

contracts on their behalf; however, Member States may derogate from this condition in duly justified cases where farmers hold two distinct production units located in different geographic areas;

(d) the agricultural product is not covered by an obligation to deliver arising from the farmer's membership of a cooperative, which is not itself a member of the producer organisations concerned, in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from those statutes;

1b. For the purposes of this Article, references to producer organisations shall also include associations of producer organisations recognised under Article 156(1) if such associations of producer organisations meet the requirements set out in paragraph 1 of this Article.

1c. The competition authority may decide in individual cases that a particular negotiation by the producer organisation should either be reopened or should not take place at all if it considers that this is necessary in order to prevent competition from being excluded or if it considers that the objectives referred to in Article 39 TFEU are threatened. For the purposes of this Article, a "national competition authority" means the authority referred to in Article 5 of Council Regulation (EC) No 1/2003.

For negotiations covering more than one Member State, the decision referred to in the first subparagraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3). In other cases, that decision shall be taken by the national competition authority of the Member State to which the negotiations relate.

When acting under the first subparagraph, the competition authority shall inform the Commission in writing before or without delay after initiating the

2. A producer organisation recognised under paragraph 1 may continue to be recognised if it engages in the marketing of products falling within CN code ex 2208 other than those referred to in Annex I to the Treaties, provided that the proportion of such products does not exceed 49 % of the total value of marketed production of the producer organisation and that such products do not benefit from Union support. Those products do not count, for producer organisations in the fruit and vegetables sector, towards the calculation of the value of marketed production for the purposes of Article 34(2).

3. *By way of derogation from paragraph 1, Member States shall recognise producer organisations, constituted by producers in the milk and milk products sector, which:*

(a) are formed on the initiative of the producers;

(b) pursue a specific aim which may include one or more of the following objectives:

first formal measure of the investigation and shall notify the Commission of the decisions adopted without delay after their adoption.

2. A producer organisation recognised under paragraph 1 may continue to be recognised if it engages in the marketing of products falling within CN code ex 2208 other than those referred to in Annex I to the Treaties, provided that the proportion of such products does not exceed 49 % of the total value of marketed production of the producer organisation and that such products do not benefit from Union support. Those products do not count, for producer organisations in the fruit and vegetables sector, towards the calculation of the value of marketed production for the purposes of Article 34(2).

2a. Member States may decide that producer organisations which, prior to ...[the date of entry into force of this Regulation], have been recognised in accordance with national law and which satisfy the conditions laid down in paragraph 1 shall be deemed to be recognised as producers organisations in accordance with this Article.

2b. For producer organisations, which have been recognised before ...[the date of entry into force of this Regulation] but do not fulfil the conditions set out in paragraph 1 of this Article, Member States shall withdraw their recognition no later than ...[three years after the date of entry into force of this Regulation].

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members;

(iii) optimising production costs and stabilising producer prices.

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 130

Proposal for a regulation

Article 270 – paragraph 1 – point 3 h (new)

Regulation (EU) No 1308/2013

Article 152 a (new)

Text proposed by the Commission

Amendment

3h. The following Article is inserted:

“Article 152a

Bargaining organisations

1. Member States may, on request, recognise bargaining organisations in one of the specific sectors listed in Article 1(2) which:

(a) are formed on the initiative of the producers;

(b) pursue a specific aim which may include one or more of the following objectives:

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members;

(iii) optimising production costs and stabilising producer prices.

2. Without prejudice to Article 125 concerning the sugar sector, a recognised bargaining organisation may negotiate

contracts for the supply of the agricultural products in one of the specific sectors listed in Article 1(2), on behalf of its members for all or part of their total production.

3. The negotiations may take place:

(a) whether or not there is a transfer of ownership of agricultural products by the producers to the producer organisation;

(b) whether or not the price negotiated is the same as regards the aggregate production of some or all of the members;

(c) provided that, for a particular bargaining organisation, all of the following conditions are fulfilled:

(i) the volume or the quantity of agricultural products covered by such negotiations does not exceed 3,5 % of total Union production;

(ii) the volume or the quantity of agricultural products covered by such negotiations which is produced or delivered in any particular Member State does not exceed 33 % of the total national production of that Member State;

(d) provided that, for the volume or the quantity of agricultural products covered by such negotiations, the bargaining organisation concentrates supply;

(e) provided that the producers concerned are not members of any other bargaining organisation which also negotiates such contracts on their behalf; however, Member States may derogate from this condition in duly justified cases where farmers hold two distinct production units located in different geographical areas;

(f) provided that the agricultural product is not covered by an obligation to deliver arising from the farmer's membership of a cooperative, which is not itself a member of the concerned bargaining organisations, in accordance with the conditions set out in the cooperative's statutes or the rules and decisions

provided for in or derived from those statutes; and

(g) provided that the bargaining organisation notifies the competent authorities of the Member State or Member States in which it operates of the volume or quantities of agricultural products covered by such negotiations.

4. For the purposes of this Article, references to bargaining organisations shall also include associations of bargaining organisations recognised under Article 156(2) if such associations of bargaining organisations meet the requirements set out in paragraph 1 of this Article.

5. Notwithstanding the conditions set out in of point (ii) of point (c) of paragraph 3, in the milk sector, a bargaining organisation may negotiate pursuant to paragraph 1 provided that, with regard to that bargaining organisation, the volume or quantities of agricultural products covered by the negotiations which is produced in or delivered in a Member State having a total annual raw milk production of less than 500 000 tonnes does not exceed 45 % of the total national production of that Member State.

6. For the purposes of applying point (c) of paragraph 3 and paragraph 4, the Commission shall publish, by such means as it considers appropriate, the amounts of production in the Union and the Member States using the most up-to-date information available.

7. By way of derogation from point (c) of paragraph 3 and paragraph 4, the competition authority may decide in individual cases that a particular negotiation by the bargaining organisation should either to be reopened or should not take place at all if it considers that this is necessary in order to prevent competition from being excluded or if it considers that the objectives referred to in Article 39 TFEU are

threatened.

For the milk sector, the competition authority may intervene when it deems it necessary to prevent competition from being excluded or in order to avoid seriously damaging SME processors of raw milk in its territory.

For negotiations covering more than one Member State, the decision referred to in the first subparagraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3). In other cases, that decision shall be taken by the national competition authority of the Member State to which the negotiations relate.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.

8. When acting under paragraph 7, the competition authority shall inform the Commission in writing before or without delay after initiating the first formal measure of the investigation and shall notify the Commission of the decisions adopted pursuant to paragraph 7 without delay after their adoption.

9. For the purposes of this Article:

(a) a “national competition authority” means the authority referred to in Article 5 of Council Regulation (EC) No 1/2003;

(b) an “SME” means a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC.

10. The Member States in which negotiations take place in accordance with this Article shall notify the Commission.

11. Member States may decide that producer organisations which, prior to ... [the date of entry into force of this Regulation], have been recognised in accordance with national law and which

satisfy the conditions laid down in paragraph 1 shall be deemed to be recognised as bargaining organisations in accordance with this Article.”

Amendment 131

Proposal for a regulation

Article 270 – paragraph 1 – point 3 i (new)

Regulation (EU) No 1308/2013

Article 152 b (new)

Text proposed by the Commission

Amendment

3i. The following Article is inserted:

“Article 152b

Value-sharing

Without prejudice to Article 125 in the sugar sector, producers of agricultural products in one of the specific sectors listed in Article 1(2), through their producer organisations recognised under Article 152 of this Regulation, their bargaining organisations recognised under Article 152a of this Regulation or their associations recognised under Article 156 of this Regulation and undertakings marketing or processing such products may agree on value-sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices or other commodity markets is to be allocated between them.”.

Amendment 132

Proposal for a regulation

Article 270 – paragraph 1 – point 3 j (new)

Regulation (EU) No 1308/2013

Article 154 – paragraph 1 – introductory part

"1. *In order to be recognised by a Member State, the producer organisation applying for such recognition shall be a legal entity or clearly defined part of a legal entity* which:"

3j. *In Article 154(1), the introductory part is replaced by the following:*

"1. *Member States shall recognise as producer organisations all legal entities or clearly defined parts of legal entities applying for such recognition and* which:"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 133

Proposal for a regulation

Article 270 – paragraph 1 – point 3 k (new)

Regulation (EU) No 1308/2013

Article 154 a (new)

Text proposed by the Commission

Amendment

3k. *The following Article is inserted:*

“Article 154a

Recognition of bargaining organisations

1. In order to be recognised by a Member State, the bargaining organisation applying for such recognition shall be a legal entity or clearly defined part of a legal entity which:

(a) fulfils the requirements laid down in points (a) and (b) of Article 152a(1)

(b) has a minimum number of members and/or covers a minimum volume or value of marketable production, to be laid down by the Member State concerned, in the area where it operates;

(c) provides sufficient evidence that it can carry out its activities properly, both over time and in terms of effectiveness, provision of human, material and technical support to its members, and as appropriate concentration of supply;

(d) has statutes that are consistent with

points (a), (b) and (c) of this paragraph.

2. Member States shall:

(a) decide whether to grant recognition to a bargaining organisation within four months of the lodging of an application, accompanied by all the relevant supporting evidence; that application shall be lodged with the Member State where the organisation has its headquarters;

(b) carry out, at intervals to be determined by them, checks to verify that recognised bargaining organisations and associations of bargaining organisations are complying with this Chapter;

(c) in the event of non-compliance or irregularities in the application of the measures provided for in this Chapter, impose on those organisations and their associations the applicable penalties they have laid down and, if necessary, decide whether recognition should be withdrawn;

(d) inform the Commission, by 31 March of each year, of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.”

Amendment 134

Proposal for a regulation

Article 270 – paragraph 1 – point 3 l (new)

Regulation (EU) No 1308/2013

Article 156 – title

Present text

“Associations of producer organisations”

Amendment

3l. In Article 156, the title is replaced by the following:

“Associations of producer **organisations and associations of bargaining** organisations”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1490086023420&uri=CELEX:32013R1308>)

Justification

This amendment intends to adapt the Single CMO text to the creation of the bargaining organisations, introduced by the Rapporteur with AM 69, and allow them to create associations of bargaining organisations.

Amendment 135

Proposal for a regulation

Article 270 – paragraph 1 – point 3 m (new)

Regulation (EU) No 1308/2013

Article 156 – paragraph 2

Present text

“2. *By way of derogation from paragraph 1*, Member States may, on request, recognise an association of recognised **producer** organisations **in the milk and milk products sector** if the Member State concerned considers that the association is capable of carrying out effectively any of the activities of a recognised **producer** organisation, and that it fulfils the conditions laid down in Article **161(1)**.”

Amendment

3m. In Article 156, paragraph 2 is replaced by the following:

“2. Member States may, on request, recognise an association of recognised **bargaining** organisations if the Member State concerned considers that the association is capable of carrying out effectively any of the activities of a recognised **bargaining** organisation, and that it fulfils the conditions laid down in Article **154a(1)**”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1490086023420&uri=CELEX:32013R1308>)

Amendment 136

Proposal for a regulation

Article 270 – paragraph 1 – point 3 n (new)

Regulation (EU) No 1308/2013

Article 157 – paragraph 1 – introductory part

Present text

“1. Member States may, on request, recognise interbranch organisations in **a specific sector** listed in Article 1(2) which.”

Amendment

3n. In Article 157(1), the introductory part is replaced by the following:

“1. Member States may, on request, recognise interbranch organisations in **one or more sectors** listed in Article 1(2) which.”

Amendment 137

Proposal for a regulation

Article 270 – paragraph 1 – point 3 o (new)

Regulation (EU) No 1308/2013

Article 157 – paragraph 1 – point xiv a (new)

Text proposed by the Commission

Amendment

3o. *In point (c) of Article 157(1), the following point is added:*

“(xiv a) agreeing on standard value sharing clauses including market bonuses and losses, determining how any evolution of relevant market prices or other commodity markets is to be allocated between them.”

Amendment 138

Proposal for a regulation

Article 270 – paragraph 1 – point 3 p (new)

Regulation (EU) No 1308/2013

Article 157 – paragraph 1 – point c – point xiv b (new)

Text proposed by the Commission

Amendment

3p. *In point (c) of Article 157(1), the following point is added:*

“(xiv b) implementing collective measures to prevent and manage the health, plant-protection and environmental risks and uncertainties linked to the production and, where applicable, to the processing and/or marketing and/or distribution of agricultural and food products.”

Amendment 139

Proposal for a regulation

Article 270 – paragraph 1 – point 3 q (new)

Regulation (EU) No 1308/2013

Article 157 – paragraph 3 – point c – point xi a (new)

Text proposed by the Commission

Amendment

3 q. *In point (c) of Article 157(3), the following point is inserted:*

“(xi a) agreeing on standard value sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices or other commodity markets is to be allocated between them.”

Amendment 140

Proposal for a regulation

Article 270 – paragraph 1 – point 3 r (new)

Regulation (EU) No 1308/2013

Article 157 – paragraph 3 – point c – point xi b (new)

Text proposed by the Commission

Amendment

3 r. *In point (c) of Article 157(3), the following point is inserted:*

“(xi b) implementing collective measures to prevent and manage the health and environmental risks and uncertainties linked to the production and, where applicable to the processing and/or marketing and/or distribution of agricultural and food products.”

Amendment 141

Proposal for a regulation

Article 270 – paragraph 1 – point 3 s (new)

Regulation (EU) No 1308/2013

Article 158 a (new)

Text proposed by the Commission

Amendment

3s. *The following Article is inserted:*

“Article 158a

Recognition of transnational interbranch

organisations

It shall be the Member State in which the headquarters of a transnational interbranch organisation is located that decides on recognition of that organisation.

The Member State that is to decide on recognition shall establish the necessary contacts for administrative cooperation with the other Member States where members of that organisation are based, for the purposes of verifying compliance with the conditions for recognition.

The other Member States where members of a transnational interbranch organisation are based shall provide the Member State that is to decide on recognition with all administrative assistance necessary.

The Member State that is to decide on recognition shall provide all relevant information whenever another Member State where members of the organisation are based so requests.”

Amendment 142

Proposal for a regulation

Article 270 – paragraph 1 – point 3 t (new)

Regulation (EU) No 1308/2013

Article 159 – title

Present text

Amendment

"Obligatory recognition"

3 t. *In Article 159, the title is replaced by the following:*

"Mandatory recognition"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 143

Proposal for a regulation

Article 270 – paragraph 1 – point 3 u (new)

Present text

"By way of derogation from Articles **152** to 158, Member States shall, **on** request, **recognise**:"

Amendment

3 u. In Article 159, the introductory part is replaced by the following:

"By way of derogation from Articles **152a** to 158, Member States shall **recognise**, **upon** request:"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 144

Proposal for a regulation

Article 270 – paragraph 1 – point 3 v (new)

Regulation (EU) No 1308/2013

Article 159 – point a

Present text

"(a) **producer organisations in:**

(i) **the fruit and vegetables sector in respect of one or more products of that sector and/or such products solely intended for processing,**

(ii) **the olive oil and table olives sector,**

(iii) **the silkworm sector,**

(iv) **the hops sector;"**

Amendment

3 v. In Article 159, point (a) is replaced by the following:

"(a) **bargaining organisations in the milk and milk products sector;"**

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 145

Proposal for a regulation

Article 270 – paragraph 1 – point 3 w (new)

Regulation (EU) No 1308/2013

Article 161

3 w. Article 161 is deleted

Amendment 146

Proposal for a regulation

Article 270 – paragraph 1 – point 3 x (new)

Regulation (EU) No 1308/2013

Article 168 – paragraph 1a (new)

Text proposed by the Commission

Amendment

3x. In Article 168, the following paragraph is inserted:

“1a. If Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, producer organisation or their association, in respect of agricultural products in a sector listed in Article 1(2) other than the milk, milk products and sugar sector may require that any delivery of its products to a processor or distributor be the subject of a written contract between the parties and/or be the subject of a written offer of a contract from the first purchasers, under the same conditions laid down in paragraph 4 to 6 of this Article.

If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory, unless the inter-branch organisation of the sector recognised under Article 157 has drawn up a standard contract compatible with the rules of the Union.”

Amendment 147

Proposal for a regulation

Article 270 – paragraph 1 – point 3 y (new)

Regulation (EU) No 1308/2013

Article 168 – paragraph 4 – introductory part

Present text

Amendment

"4. Any contract or offer for a contract referred to in **paragraph 1** shall:"

3y. In Article 168(4), the introductory part is replaced by the following:

"4. Any contract or offer for a contract referred to in **paragraphs 1 and 1a** shall:"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 148

Proposal for a regulation

Article 270 – paragraph 1 – point 3 z (new)

Regulation (EU) No 1308/2013

Article 168 – paragraph 5

Present text

Amendment

"5. By way of derogation from **paragraph 1**, a contract or an offer for a contract shall not be required where the products concerned are delivered by a producer to a purchaser which is a cooperative of which the producer is a member if the statutes of that cooperative or the rules and decisions provided for in, or derived from, these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 4."

3z. In Article 168, paragraph 5 is replaced by the following:

"5. By way of derogation from **paragraphs 1 and 1a**, a contract or an offer for a contract shall not be required where the products concerned are delivered by a producer to a purchaser which is a cooperative of which the producer is a member if the statutes of that cooperative or the rules and decisions provided for in, or derived from, these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 4."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 149

Proposal for a regulation

Article 270 – paragraph 1 – point 3 za (new)

Regulation (EU) No 1308/2013

Article 169

Text proposed by the Commission

Amendment

3za. Article 169 is deleted.

Amendment 150

Proposal for a regulation

Article 270 – paragraph 1 – point 3 zb (new)

Regulation (EU) No 1308/2013

Article 170

Text proposed by the Commission

Amendment

3zb. Article 170 is deleted.

Amendment 151

Proposal for a regulation

Article 270 – paragraph 1 – point 3 zc (new)

Regulation (EU) No 1308/2013

Article 171

Text proposed by the Commission

Amendment

3zc. Article 171 is deleted.

Amendment 152

Proposal for a regulation

Article 270 – paragraph 1 – point 3 zd (new)

Regulation (EU) No 1308/2013

Chapter III a – Article 175 a (new)

Text proposed by the Commission

Amendment

3zd. In Title II, a new Chapter is added:

“CHAPTER IIIa

Relations with the supply chain

Article 175a

Unfair trading practices

Before 30 June 2018, the European Commission shall propose to the European Parliament and to the Council a legislative proposal on a Union-level framework to combat practices that

grossly deviate from good commercial practice and are contrary to good faith and fair treatment in transactions between farmers, including their organisations and processing SMEs, and their trading partners downstream of the supply chain.”

Amendment 153

Proposal for a regulation

Article 270 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1308/2013

Article 209 – paragraph 1 – subparagraph 2

Present text

“Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of farmers, farmers’ associations, or associations of such associations, or producer organisations recognised under Article 152 of this Regulation, or **associations of producer organisations** recognised under Article 156 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, unless the objectives of Article 39 TFEU are jeopardised.”

Amendment

4a. In Article 209(1), subparagraph 2 is replaced by the following:

“Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of farmers, farmers’ associations, or associations of such associations, or producer organisations recognised under Article 152 of this Regulation, or **bargaining organisations recognised under Article 152a of this Regulation, or their associations** recognised under Article 156 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, unless the objectives of Article 39 TFEU are jeopardised.”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1490086023420&uri=CELEX:32013R1308>)

Amendment 154

Proposal for a regulation

Article 270 – paragraph 1 – point 4 b (new)

Regulation (EU) No 1308/2013

Article 209 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

4b. In Article 209(1), the following subparagraph is inserted after the second subparagraph:

“For the sale of agricultural products, agreements, decisions and concerted practices on value sharing clauses and on a determinable, price formula, based in particular on objective market criteria, is considered necessary for the achievement of the objectives set out in Article 39 of the Treaty on the Functioning of the European Union.”

Amendment 155

Proposal for a regulation

Article 270 – paragraph 1 – point 4 c (new)

Regulation (EU) No 1308/2013

Article 209 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

4c. In Article 209(1), the third subparagraph is deleted.

Amendment 156

Proposal for a regulation

Article 270 – paragraph 1 – point 4 d (new)

Regulation (EU) No 1308/2013

Article 209 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

4d. In Article 209(2), the following subparagraph is inserted after the first subparagraph:

“However, farmers, farmers’ associations, or associations of such associations, or producer organisations recognised under Article 152 of this Regulation, or bargaining organisations recognised under Article 152a, or their associations recognised under Article 156 of this Regulation may request an opinion from the Commission on the compatibility of

those agreements, decisions and concerted practices with the objectives set out in Article 39 TFEU. Requests for opinions shall be dealt with promptly and the Commission shall send the applicant its opinion within two months of receipt of the request. In the event of non-response by the Commission within that period, the opinion shall be deemed positive.”

Amendment 157

Proposal for a regulation

Article 270 – paragraph 1 – point 4 e (new)

Regulation (EU) No 1308/2013

Article 209 – paragraph 2 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

4e. In Article 209(2), the following subparagraph is inserted after the first subparagraph:

“The Commission may, at its own initiative or at the request of a Member State, change the content of opinion, in particular if the applicant has provided inaccurate information or abused the opinion.”

Amendment 158

Proposal for a regulation

Article 270 – paragraph 1 – point 4 f (new)

Regulation (EU) No 1308/2013

Article 209 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

4f. In Article 209(1), the third subparagraph is deleted.

Amendment 159

Proposal for a regulation

Article 270 – paragraph 1 – point 4 g (new)

Present text

"Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or provide for export refunds, **or** suspend import duties in whole or in part including for certain quantities or periods as necessary."

Amendment

4g. In Article 219(1), the fourth subparagraph is replaced by the following:

"Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or provide for export refunds, suspend import duties in whole or in part including for certain quantities or periods as necessary **or propose any appropriate supply management measures.**"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 160

Proposal for a regulation

Article 270 – paragraph 1 – point 4 h (new)

Regulation (EU) No 1308/2013

Article 220 a (new)

Text proposed by the Commission

Amendment

4h. The following Article is inserted:
Article 220a

Voluntary production reduction scheme

1. In the event of serious imbalances on the market and where production techniques permit, the Commission may decide to grant aid to producers in a specific sector listed in Article 1(2), who, over a defined period, voluntarily reduce their delivery compared to the same period the previous year.

2. The aid shall be granted on the principle of an application by producers submitted within the Member State in which the producers are established, using the method laid down by the

Member State concerned.

Member States may decide that applications for reduction aid are to be submitted on behalf of producers by recognised organisations or by cooperatives established under national law. In this case, Member States shall ensure that the aid is fully transmitted to producers who have effectively reduced their delivery.

3. In order to ensure that this scheme is implemented effectively and appropriately, the Commission is empowered to adopt, in accordance with Article 227, delegated acts establishing:

(a) the maximum total volume or quantity of delivery to be reduced at Union level in the framework of the reduction scheme;

(b) the duration of the reduction period and, if necessary, its prolongation;

(c) the amount of aid in accordance with the reduced volume or quantity and its financing arrangements;

(d) the criteria for applicants to be eligible for the aid and for applications for aid to be admissible;

(e) the specific conditions for the implementation of this scheme.

Amendment 161

Proposal for a regulation

Article 270 – paragraph 1 – point 4 i (new)

Regulation (EU) n°1308/2013

Article 222 – paragraph 1 - introductory part

Present text

“1. During periods of severe imbalance in markets, the Commission may adopt implementing acts to the effect that Article

Amendment

4i. In Article 222(1), the introductory part is replaced by the following:

“1. During periods of severe imbalance in markets, the Commission may adopt implementing acts to the effect that Article

101(1) TFEU is not to apply to agreements and decisions of recognised producer organisations, their associations and recognised interbranch organisations in any of the sectors referred to in Article 1(2) of this Regulation, provided that such agreements and decisions do not undermine the proper functioning of the internal market, strictly aim to stabilise the sector concerned and fall under one or more of the following categories:”

101(1) TFEU is not to apply to agreements and decisions of ***farmers, farmers’ associations, or associations of such associations or*** recognised producer ***organisations, recognised bargaining*** organisations, their associations and recognised interbranch organisations in any of the sectors referred to in Article 1(2) of this Regulation, provided that such agreements and decisions do not undermine the proper functioning of the internal market, strictly aim to stabilise the sector concerned and fall under one or more of the following categories:”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1490086023420&uri=CELEX:32013R1308>)

Amendment 162

Proposal for a regulation

Article 270 – paragraph 1 – point 4 j (new)

Regulation (EU) No 1308/2013

Article 222 – paragraph 2

Text proposed by the Commission

Amendment

4k. In Article 222, paragraph 2 is deleted.

Amendment 163

Proposal for a regulation

Article 270 – paragraph 1 – point 4 k (new)

Regulation (EU) No 1308/2013

Article 222 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

4k. In Article 222(3), the following subparagraph is inserted after the first subparagraph:

"The agreements and decisions referred to in paragraph 1 may be extended in accordance with the conditions laid down

in Article 164."

Amendment 164

Proposal for a regulation

Article 270 – paragraph 1 – point 4 l (new)

Regulation (EU) No 1308/2013

Article 232 – paragraph 2

Text proposed by the Commission

Amendment

4l. In Article 232, paragraph 2 is deleted.

Amendment 165

Proposal for a regulation

Article 270 – paragraph 1 – point 4 m (new)

Regulation (EU) No 1308/2013

Annex VII – Part II – point 1 – point c – indent 2

Present text

Amendment

“– the upper limit for the total alcoholic strength may exceed 15 % volume for wines with a protected designation of origin which have been produced without enrichment;”

4 m. In Annex VII, Part II, paragraph I, point c, the second indent is replaced by the following:

“– the upper limit for the total alcoholic strength may exceed 15 % volume for wines with a protected designation of origin which have been produced without enrichment, **with the exception of the partial concentration procedures listed in Annex VIII, Part I, Section B, paragraph 1;**”

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Amendment 166

Proposal for a regulation

Article 270 – paragraph 1 – point 4 n (new)

Regulation (EU) No 1308/2013

Annex VIII – Part 1 – point A – paragraph 2

Present text

Amendment

"2. The increase in natural alcoholic strength by volume shall be achieved by means of the oenological practices referred to in Section B and shall not exceed the following limits:

- (a) 3 % volume in wine-growing zone A;
- (b) 2 % volume in wine-growing zone B;
- (c) 1,5 % volume in wine-growing zones C."

4 n. In Annex VII, Part I, point A, paragraph 2 is replaced by the following:

"2. The increase in natural alcoholic strength by volume shall be achieved by means of the oenological practices referred to in Section B and shall not exceed the following limits:

- (a) 3,5 % volume in wine-growing zone A;
- (b) 2,5 % volume in wine-growing zone B;
- (c) 2 % volume in wine-growing zones C."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&rid=1>)

Justification

The amendment, while not modifying the limits foreseen by the current legislation, aims at simplifying the procedure for the authorisation of enrichment, by devolving to Member States the whole competence to authorise such oenological practice.

Amendment 167

Proposal for a regulation

Article 270 – paragraph 1 – point 4 o (new)

Regulation (EU) No 1308/2013

Annex VIII – Part 1 – point A – paragraph 3

Text proposed by the Commission

Amendment

4o. In Annex VIII, Part I, point, paragraph 3 is deleted.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Financial rules applicable to the general budget of the Union
References	COM(2016)0605 – C8-0372/2016 – 2016/0282(COD)
Committees responsible Date announced in plenary	BUDG CONT 21.11.2016 21.11.2016
Opinion by Date announced in plenary	AGRI 21.11.2016
Associated committees - date announced in plenary	19.1.2017
Rapporteur Date appointed	Albert Deß 25.1.2017
Rule 55 – Joint committee procedure Date announced in plenary	19.1.2017
Discussed in committee	13.3.2017
Date adopted	3.5.2017
Result of final vote	+: 34 –: 10 0: 1
Members present for the final vote	John Stuart Agnew, Clara Eugenia Aguilera García, Eric Andrieu, Richard Ashworth, José Bové, Daniel Buda, Nicola Caputo, Viorica Dăncilă, Michel Dantin, Paolo De Castro, Jean-Paul Denanot, Albert Deß, Diane Dodds, Jørn Dohrmann, Herbert Dorfmann, Norbert Erdős, Edouard Ferrand, Luke Ming Flanagan, Beata Gosiewska, Martin Häusling, Anja Hazekamp, Esther Herranz García, Jan Huitema, Peter Jahr, Ivan Jakovčić, Jarosław Kalinowski, Elisabeth Köstinger, Zbigniew Kuźmiuk, Philippe Loiseau, Mairead McGuinness, Nuno Melo, Ulrike Müller, Maria Noichl, Marijana Petir, Laurențiu Rebega, Jens Rohde, Bronis Ropė, Maria Lidia Senra Rodríguez, Ricardo Serrão Santos, Czesław Adam Siekierski, Tibor Szanyi, Marc Tarabella, Marco Zullo
Substitutes present for the final vote	Bas Belder, Franc Bogovič, Rosa D’Amato, Stefan Eck, Jens Gieseke, Norbert Lins

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
ALDE	Jan Huitema, Ivan Jakovčić, Ulrike Müller, Jens Rohde
ECR	Richard Ashworth, Bas Belder, Jørn Dohrmann, Beata Gosiewska, Zbigniew Kuźmiuk
ENF	Edouard Ferrand, Philippe Loiseau, Laurențiu Rebeca
NI	Diane Dodds
PPE	Daniel Buda, Michel Dantin, Albert Deß, Herbert Dorfmann, Norbert Erdős, Esther Herranz García, Peter Jahr, Jarosław Kalinowski, Elisabeth Köstinger, Mairead McGuinness, Nuno Melo, Marijana Petir, Czesław Adam Siekierski
S&D	Clara Eugenia Aguilera García, Eric Andrieu, Nicola Caputo, Paolo De Castro, Jean-Paul Denanot, Viorica Dăncilă, Ricardo Serrão Santos, Tibor Szanyi

10	-
EFDD	John Stuart Agnew, Rosa D'Amato
GUE/NGL	Stefan Eck, Luke Ming Flanagan, Anja Hazekamp, Maria Lidia Senra Rodríguez
S&D	Marc Tarabella
Verts/ALE	José Bové, Martin Häusling, Bronis Ropé

1	0
S&D	Maria Noichl

Key to symbols:

+ : in favour

- : against

0 : abstention