



**2018/0217(COD)**

30.10.2018

# **DRAFT OPINION**

of the Committee on Regional Development

for the Committee on Agriculture and Rural Development

on the proposal for a regulation of the European Parliament and of the Council  
on the financing, management and monitoring of the common agricultural  
policy and repealing Regulation (EU) No 1306/2013  
(COM(2018)0393 – C8-0247/2018 – 2018/0217(COD))

Rapporteur for opinion: Franc Bogovič

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## SHORT JUSTIFICATION

The proposals for the future Common Agriculture Policy (CAP) set a new delivery model for the CAP post 2020. The reform package proposed by the European Commission includes the proposal for a resolution on the financing, management and monitoring of the CAP (aiming at replacing the current Horizontal Regulation (EU) No. 1306/2013).

Mr Bogovič has been appointed by the REGI committee as rapporteur for the REGI Opinion on this file. The rapporteur agrees with the concept of the proposed CAP delivery model, which reflects more subsidiarity and flexibility for MS in implementing the policy, so that the CAP is closer to the beneficiaries (in majority constituted of farmers).

Moreover, the rapporteur welcomes the continuation of the current funding structure of the CAP, which is divided into two pillars, i.e. the European Agriculture Guarantee Fund (EAGF) and the European Agriculture Fund for Rural Development (EAFRD) and the stability proposed by the Commission regarding the structure of the governance bodies.

Nevertheless, the rapporteur is not certain whether the new delivery model provides simplification and less bureaucracy. There will be probably various simplification elements for the CAP beneficiaries, but **simplification** is not certain for regional and national administrations, which will have to implement a new performance-based policy. Mr Bogovič is also worried that **performance indicators** will be challenging to define and to monitor and their strategic role might be seen more as a control tool, especially at the moment of the **annual performance clearance** (Article 52).

As a result, the rapporteur proposes among other important aspects, the following amendments to the Commission's proposal:

- as monitoring performance and logically the reliability of available data might as well add complexity to the implementation of the CAP and change the role of some of the governance bodies; the rapporteur considers that it is important for the **European Parliament** to have a more prominent role in the discussions linked to the **implementation of certain provisions** (i.e. Articles 52 and 53);

- in order to ensure consistency, the rapporteur considers that **certain details should be part of the basic act** and not covered by implementing acts (Article 39);

- the new CAP delivery model cannot be applied in 2021, rather in 2023 and, therefore a **longer transitional period** between the current CAP regulations and the future ones is needed (Article 104);

- the death of the beneficiary, long-term professional incapacity of beneficiary and other justified cases defined by Member States in their CAP strategic plans should be included in the **exemptions in cases of force majeure and exceptional circumstances** (Article 3);

- since the **principle of proportionality** is one of the leading principles in the financial regulation, this principle needs to be preserved in the current proposals – mainly when linked

to administrative burdens on farmers, competent authorities and accreditation procedures (Recital 47, Article 9, Article 10);

Finally, Mr Bogovič believes that it is essential to maintain the synergies between the **EAFRD** and the structural funds for the benefit of the rural areas; complementarities have to be ensured and all legislative obstacles need to be avoided.

## AMENDMENTS

The Committee on Regional Development calls on the Committee on Agriculture and Rural Development, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 1

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

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'The Future of Food and Farming' of 29 November 2017 concludes that the Common Agricultural Policy (hereinafter 'CAP') should continue to step up its response to future challenges and opportunities, by boosting employment, growth and investment, fighting and adapting to climate change and bringing research and innovation out of the laboratories and onto fields and markets. The CAP should furthermore address citizens' concerns regarding sustainable agriculture production.

###### *Amendment*

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'The Future of Food and Farming' of 29 November 2017 concludes that the Common Agricultural Policy (hereinafter 'CAP') should continue to step up its response to future challenges and opportunities, by boosting employment, growth and investment, fighting and adapting to climate change and bringing research and innovation out of the laboratories and onto fields and markets. The CAP should furthermore address citizens' concerns regarding sustainable agriculture production **and rural development**.

Or. en

###### *Justification*

*Rural development as an integral part of the CAP should be included in the objectives that address citizens' concerns.*

## Amendment 2

### Proposal for a regulation

#### Recital 10

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

(10) Where a Member State accredits more than one paying agency, it should designate a single public coordinating body in order to ensure consistency in the management of Funds, to provide for a liaison between the Commission and the various accredited paying agencies, and to ensure that the information requested by the Commission concerning the operations of several paying agencies is provided promptly. The coordinating body should also take and coordinate actions with a view to resolving any deficiencies of a common nature encountered at national level and should keep the Commission informed of any follow-up.

##### *Amendment*

(10) Where a Member State accredits more than one paying agency, it should designate a single public coordinating body in order to ensure consistency in the management of Funds, to provide for a liaison between the Commission and the various accredited paying agencies, and to ensure that the information requested by the Commission concerning the operations of several paying agencies is provided promptly. The coordinating body should also take and coordinate actions with a view to resolving any deficiencies of a common nature encountered at national ***or regional*** level and should keep the Commission informed of any follow-up.

Or. en

##### *Justification*

*Paying agencies can also be at regional level, so this should be taken into account as well.*

## Amendment 3

### Proposal for a regulation

#### Recital 21

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

(21) In order to provide the Commission with, in particular, the means to manage agricultural markets, to facilitate the monitoring of agricultural expenditure and to monitor agricultural resources in the medium and long term, the use of the agrometeorological system and the acquisition and improvement of satellite data should be provided for.

##### *Amendment*

(21) In order to provide the Commission with, in particular, the means to manage agricultural markets, to facilitate the monitoring of agricultural expenditure, ***to assess and provide timely aid in the case of natural disasters*** and to monitor agricultural resources in the medium and long term, the use of the agrometeorological system and the acquisition and improvement of satellite data should

be provided for.

Or. en

#### **Amendment 4**

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

##### **Recital 28**

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

(28) Member States should send the annual accounts and an annual performance report on the implementation of the CAP Strategic Plan to the Commission by 15 **February** N+1. Where these documents are not sent, thus preventing the Commission from clearing the accounts for the concerned paying agency or checking the eligibility of the expenditure against reported outputs, the Commission should be empowered to suspend the monthly payments and to interrupt the quarterly reimbursement until the outstanding documents are received.

###### *Amendment*

(28) Member States should send the annual accounts and an annual performance report on the implementation of the CAP Strategic Plan to the Commission by 15 **April** N+1. Where these documents are not sent, thus preventing the Commission from clearing the accounts for the concerned paying agency or checking the eligibility of the expenditure against reported outputs, the Commission should be empowered to suspend the monthly payments and to interrupt the quarterly reimbursement until the outstanding documents are received.

Or. en

###### *Justification*

*The timeframe of four months for the completion, certification and the Monitoring Committee procedure of the performance report might be challenging. It will be shorter than the current timeframe for reporting under Pillar II, therefore 15 April N+1 is proposed as the date for sending the annual accounts and annual performance on the implementation of the CAP strategic plans.*

#### **Amendment 5**

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

##### **Recital 47**

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

(47) The existing main elements of the integrated system and, in particular, the provisions concerning a system for

###### *Amendment*

(47) The existing main elements of the integrated system and, in particular, the provisions concerning a system for

identifying agricultural parcels, a geo-spatial and an animal-based application system, a system for identifying and registering payment entitlements, a system for recording the identity of beneficiaries and a control and penalties system should be maintained. Member States should continue to use data or information products provided by the Copernicus programme, in addition to information technologies such as GALILEO and EGNOS in order to ensure that comprehensive and comparable data is available throughout the Union for the purposes of monitoring agri-environment-climate policy and for the purposes of boosting the use of full, free and open data and information captured by Copernicus Sentinels satellites and services. To this end, the integrated system should include also an area monitoring system.

identifying agricultural parcels, a geo-spatial and an animal-based application system, a system for identifying and registering payment entitlements, a system for recording the identity of beneficiaries and a control and penalties system should be maintained, ***at an appropriate level, while taking due account of the proportionality and the need not to impose undue administrative burdens on farmers and administrative bodies.*** Member States should continue to use data or information products provided by the Copernicus programme, in addition to information technologies such as GALILEO and EGNOS in order to ensure that comprehensive and comparable data is available throughout the Union for the purposes of monitoring agri-environment-climate policy and for the purposes of boosting the use of full, free and open data and information captured by Copernicus Sentinels satellites and services. To this end, the integrated system should include also an area monitoring system.

Or. en

#### *Justification*

*Since the principle of proportionality is one of the leading principles in the financial regulation, it needs to preserve this role in the HZR proposal as well. In this case regarding the administrative burdens on farmers and administrative bodies.*

### **Amendment 6**

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

#### **Article 2 – paragraph 1 – point b**

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

(b) "governance systems" means the governance bodies referred to in Chapter II of Title II of this Regulation and the basic Union requirements laid down in this Regulation and Regulation (EU) .../... [CAP Strategic Plan Regulation], including

##### *Amendment*

(b) "governance systems" means the governance bodies referred to in Chapter II of Title II of this Regulation, ***except the competent authority defined in Article 9*** and the basic Union requirements laid down in this Regulation and Regulation

the reporting system put in place for the purposes of the annual performance report referred to in Article 121 of Regulation (EU) .../... [CAP Strategic Plan Regulation];

(EU) .../... [CAP Strategic Plan Regulation], including the reporting system put in place for the purposes of the annual performance report referred to in Article 121 of Regulation (EU) .../... [CAP Strategic Plan Regulation];

Or. en

*Justification*

*Introduction of the term “governance system”, which has a wider coverage than “the management and control system” at the level of HzR goes beyond basic Union requirements. Governance is wider than management and so includes for example in the governance bodies the Competent Authority.*

**Amendment 7**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(d a) the death of the beneficiary;**

Or. en

*Justification*

*The current wording of Article 3 does not include as force majeure the death of the beneficiary or its long-term professional incapacity, which are currently recognized as force majeure in Regulation 1306/2013. Member States should have the possibility to extend the list of situations which will be recognised as force majeure in their CAP strategic plans approved by the Commission.*

**Amendment 8**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

**(d b) long-term professional incapacity of beneficiary.**



*Justification*

*The current wording of Article 3 does not include as force majeure the death of the beneficiary or its long-term professional incapacity, which are currently recognized as force majeure in Regulation 1306/2013. Member States should have the possibility to extend the list of situations which will be recognised as force majeure in their CAP strategic plans approved by the Commission.*

**Amendment 9****Proposal for a regulation****Article 3 – paragraph 1 – point d c (new)**

*Text proposed by the Commission*

*Amendment*

***(d c) other justified cases defined by Member States in their CAP strategic plans.***

Or. en

*Justification*

*The current wording of Article 3 does not include as force majeure the death of the beneficiary or its long-term professional incapacity, which are currently recognized as force majeure in Regulation 1306/2013. Member States should have the possibility to extend the list of situations which will be recognised as force majeure in their CAP strategic plans approved by the Commission.*

**Amendment 10****Proposal for a regulation****Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The EAFRD shall be implemented in shared management between the Member States and the Union. It shall finance the Union's financial contribution to the CAP Strategic Plan rural development interventions referred to in Chapter 4 of Title III of Regulation (EU) .../...[CAP Strategic Plan Regulation].

The EAFRD shall be implemented in shared management between the Member States and the Union. It shall finance the Union's financial contribution to the CAP Strategic Plan rural development interventions referred to in Chapter 4 of Title III **and actions under Article 112** of Regulation (EU) .../...[CAP Strategic Plan

Regulation].

Or. en

*Justification*

*EAFRD shall also finance actions related with technical assistance at the initiative of the Member States.*

**Amendment 11**

**Proposal for a regulation**

**Article 7 – paragraph 1 – point j a (new)**

*Text proposed by the Commission*

*Amendment*

***(j a) The Commission shall present a report on the implementation of this Article to the European Parliament and to the Council every two years.***

Or. en

*Justification*

*For the moment the reporting is foreseen only for paragraph (e) of this article (as detailed in Article 44).*

**Amendment 12**

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Paying agencies shall be departments or bodies of the Member States responsible for the management and control of expenditure referred in Article 5(2) and Article 6.

Paying agencies shall be departments or bodies of the Member States ***or regions*** responsible for the management and control of expenditure referred in Article 5(2) and Article 6.

Or. en

*Justification*

*Paying agencies can also be at regional level, so this should be taken into account as well.*

## Amendment 13

### Proposal for a regulation

#### Article 8 – paragraph 2 – subparagraph 1

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

Member States shall accredit, as paying agencies, departments or bodies which have an administrative organisation and a system of internal control which provide sufficient guarantees that payments are legal, regular and properly accounted for. To this end, paying agencies shall comply with minimum conditions for the accreditation with regard to the internal environment, control activities, information and communication and monitoring laid down by the Commission pursuant to point (a) of Article 10(1).

##### *Amendment*

Member States shall accredit, as paying agencies, departments or bodies which have an administrative organisation and a system of internal control which provide sufficient guarantees that payments are legal, regular and properly accounted for. To this end, paying agencies shall comply with minimum conditions for the accreditation with regard to the internal environment, control activities, information and communication and monitoring laid down by the Commission pursuant to point (a) of Article 10(1). ***Before the end of 2023, the Commission shall present a report to the European Parliament and to the Council on the operation of the system of paying agencies in the Union accompanied, where appropriate, by legislative proposals.***

Or. en

## Amendment 14

### Proposal for a regulation

#### Article 8 – paragraph 3 – subparagraph 1 – introductory part

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

For the purposes of Article 63(5) and (6) of Regulation (EU, Euratom) 2018/... [the new Financial Regulation] ('the Financial Regulation'), the person in charge of the accredited paying agency shall, by 15 ***February*** of the year following the financial year concerned, draw up and provide the Commission with the following:

##### *Amendment*

For the purposes of Article 63(5) and (6) of Regulation (EU, Euratom) 2018/... [the new Financial Regulation] ('the Financial Regulation'), the person in charge of the accredited paying agency shall, by 15 ***April*** of the year following the financial year concerned, draw up and provide the Commission with the following:

*Justification*

*The timeframe of four months for the completion, certification and the Monitoring Committee procedure of the performance report might be challenging. Therefore 15 April N+1 is proposed as the date of sending the annual accounts and annual performance, as well as management declaration.*

**Amendment 15****Proposal for a regulation****Article 8 – paragraph 3 – subparagraph 2***Text proposed by the Commission*

The deadline of 15 **February** referred to in the first subparagraph may be exceptionally extended by the Commission to 1 **March**, upon request by the Member State concerned, as provided for in the second subparagraph Article 63(7) of the Financial Regulation.

*Amendment*

The deadline of 15 **April** referred to in the first subparagraph may be exceptionally extended by the Commission to 1 **May**, upon request by the Member State concerned, as provided for in the second subparagraph Article 63(7) of the Financial Regulation.

Or. en

*Justification*

*Due to the change of the date from the first subparagraph, this date also needs to be changed.*

**Amendment 16****Proposal for a regulation****Article 9 – paragraph 1 – point d***Text proposed by the Commission*

(d) carrying out the tasks assigned to the competent authority under this **Chapter**.

*Amendment*

(d) carrying out the tasks assigned to the competent authority under this **Article**, **taking into account the principle of proportionality**.

Or. en

### *Justification*

*Since the principle of proportionality is one of the leading principles in the financial regulation, it needs to preserve this role in the HZR proposal as well.*

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 9 – paragraph 2**

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

2. The competent authority shall, by way of a formal act, decide on the issuing or, following a review, the withdrawal of the accreditation of the paying agency and the coordinating body on the basis of an examination of the accreditation criteria to be adopted by the Commission in accordance with point (a) of Article 10(1). The competent authority shall inform the Commission of accreditations and withdrawals of accreditations without delay.

##### *Amendment*

2. The competent authority shall, by way of a formal act, decide on the issuing or, following a review, the withdrawal of the accreditation of the paying agency and the coordinating body on the basis of an examination of the accreditation criteria to be adopted by the Commission in accordance with point (a) of Article 10(1), ***taking into account the principle of proportionality***. The competent authority shall inform the Commission of accreditations and withdrawals of accreditations without delay.

Or. en

### *Justification*

*Since the principle of proportionality is one of the leading principles in the financial regulation, it needs to preserve this role in the HZR proposal as well.*

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 10 – paragraph 2 – subparagraph 1 – point a**

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

(a) the procedures for issuing, withdrawing and reviewing accreditation of paying agencies and coordinating bodies, as well as the procedures for the supervision of the accreditation of paying agencies;

##### *Amendment*

(a) the procedures for issuing, withdrawing and reviewing accreditation of paying agencies and coordinating bodies, as well as the procedures for the supervision of the accreditation of paying agencies, ***taking into account the principle***

*of proportionality;*

Or. en

*Justification*

*Since the principle of proportionality is one of the leading principles in financial regulation, it needs to preserve this role in the HZR proposal as well.*

**Amendment 19**

**Proposal for a regulation  
Article 30 – paragraph 3**

*Text proposed by the Commission*

3. Where financial instruments are implemented in accordance with Article 52 of Regulation (EU).../... [CPR], the declaration of expenditure shall include the total amounts disbursed or, in the case of guarantees, the amounts set aside as agreed in guarantee contracts, by the managing authority, to final recipients as referred to in points (a), (b) and (c) of [Article 74(5) of Regulation (EU) .../... CAP Strategic Plan – eligibility rules or financial instruments].

*Amendment*

3. Where financial instruments are implemented in accordance with Article 53(1) of Regulation (EU).../... [CPR], the declaration of expenditure shall include the total amounts disbursed or, in the case of guarantees, the amounts set aside as agreed in guarantee contracts, by the managing authority, to final recipients as referred to in points (a), (b) and (c) of [Article 74(5) of Regulation (EU) .../... CAP Strategic Plan – eligibility rules or financial instruments].

Or. en

*Justification*

*Reference should be to Article 53(1) of the CPR on financial instruments managed by the managing authority.*

**Amendment 20**

**Proposal for a regulation  
Article 30 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Where financial instruments are implemented in accordance with Article 52 of Regulation (EU).../... [CPR],

*Amendment*

4. Where financial instruments are implemented in accordance with Article 53(2) of Regulation (EU).../... [CPR],

declarations of expenditures that include expenditure for financial instruments shall be submitted in accordance with the following conditions:

declarations of expenditures that include expenditure for financial instruments shall be submitted in accordance with the following conditions:

Or. en

*Justification*

*Reference should be to Article 53(2) of the CPR on financial instruments managed under the responsibility of the managing authority.*

**Amendment 21**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Where, in the framework of the annual performance clearance referred to in Article 52, the Commission establishes that the difference between the expenditure declared and the amount corresponding to the relevant reported output is more than 50% and the Member State cannot provide duly justified reasons, the Commission may adopt implementing acts suspending the monthly payments referred to in Article 19(3) or the interim payments referred to in Article 30.

*Amendment*

Where, in the framework of the annual performance clearance referred to in Article 52, the Commission establishes that the difference between the expenditure declared and the amount corresponding to the relevant reported output is more than 50% ***for interventions not covered by Article 68 of [CAP strategic plan regulation]*** and the Member State cannot provide duly justified reasons, the Commission may adopt implementing acts suspending the monthly payments referred to in Article 19(3) or the interim payments referred to in Article 30.

Or. en

*Justification*

*A 50 % certainly is serious and needs to be addressed somehow. However, special provisions for investments would seem necessary, given the likelihood of significant annual fluctuations.*

**Amendment 22**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

***The Commission is empowered to adopt delegated acts in accordance with Article 100 supplementing this Regulation with rules on the rate of suspension of payments.***

***deleted***

Or. en

*Justification*

*The rules concerning the rate of suspension of payments should be set in this Regulation. Therefore this subparagraph should be deleted.*

### **Amendment 23**

#### **Proposal for a regulation Article 39 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***The Commission may adopt implementing acts laying down further*** rules on the elements of action plans and the procedure for setting up the action plans. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 101(3).***

The rules on the elements of action plans and the procedure for setting up the action plans ***are as follows [to be detailed by the Commission].***

Or. en

*Justification*

*Rules on action plans should be in the basic act, not implementing acts.*

### **Amendment 24**

#### **Proposal for a regulation Article 39 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where the Member States fails to submit or to implement the action plan referred to in

Where the Member States fails to submit or to implement the action plan referred to in



paragraph 1 or if that action plan is manifestly insufficient to remedy the situation, the Commission may adopt implementing acts suspending the monthly payments referred to in Article 19(3) or the interim payments referred to in Article 30.

paragraph 1 or if that action plan is manifestly insufficient to remedy the situation, the Commission may adopt implementing acts suspending the monthly payments referred to in Article 19(3) or the interim payments referred to in Article 30.  
***The criteria for the sufficiency of action plans include: [to be detailed by the Commission].***

Or. en

*Justification*

*Criteria for sufficiency of action plans should be included in the basic act.*

**Amendment 25**

**Proposal for a regulation  
Article 39 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

***The Commission is empowered to adopt delegated acts in accordance with Article 100 supplementing this Regulation with rules on the rate and duration of suspension of payments and the condition for reimbursing or reducing those amounts with regard to the multi-annual performance monitoring.***

***deleted***

Or. en

*Justification*

*Criteria for the rate and the duration of suspension of payments should be included in the basic act. Therefore, this subparagraph should be deleted.*

**Amendment 26**

**Proposal for a regulation  
Article 40 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The suspension shall be applied in accordance with the principle of proportionality to the relevant expenditure effected by the Member State where the deficiencies exist, for a period *to be determined in the implementing acts referred to in the first subparagraph*, which shall not exceed 12 months. If the conditions for the suspension continue to be met, the Commission may adopt implementing acts prolonging that period for further periods not exceeding 12 months in total. The amounts suspended shall be taken into account when adopting the implementing acts referred to in Article 53.

*Amendment*

The suspension shall be applied in accordance with the principle of proportionality to the relevant expenditure effected by the Member State where the **serious** deficiencies exist, for a period which shall not exceed 12 months. If the conditions for the suspension continue to be met, the Commission may adopt implementing acts prolonging that period for further periods not exceeding 12 months in total. The amounts suspended shall be taken into account when adopting the implementing acts referred to in Article 53.

Or. en

*Justification*

*The word serious should be repeated in order to make clear that such suspension only may happen if serious deficiencies are at stake. The Commission also does not have the empowerment to determine a period for the suspension, as stated in paragraph 1. The empowerment from paragraph 1 is limited to elements and procedure for setting up of the action plan. Therefore the reference to paragraph 1 should be deleted.*

**Amendment 27**

**Proposal for a regulation**  
**Article 44 – paragraph 5**

*Text proposed by the Commission*

5. The Commission shall present a report on the implementation of this Article to the European Parliament and to the Council every two years.

*Amendment*

5. The Commission shall present a report on the implementation of this Article to the European Parliament and to the Council every two years **in accordance with Article 7**.

Or. en

## Amendment 28

### Proposal for a regulation

#### Article 45 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

The Commission is empowered to adopt delegated acts in accordance with Article 100 in order to supplement this Regulation concerning the conditions under which certain types of expenditure and revenue under the Funds are to be compensated.

*Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 100 in order to supplement this Regulation concerning the conditions ***of details of expenditure declarations*** under which certain types of expenditure and revenue under the Funds are to be compensated.

Or. en

*Justification*

*The proposed empowerment is too broad. It should be limited, for example, to the conditions of the declaration of expenditure, otherwise the empowerment would enable preventing all expenditure of aid measures in an approved CAP Strategic Plan.*

## Amendment 29

### Proposal for a regulation

#### Article 52 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***5 a. The Commission shall present a report on the implementation of this Article to the European Parliament and to the Council.***

Or. en

*Justification*

*As the new CAP delivery model is based on performance which might trigger financial corrections the EP and the Council should be regularly informed on the implementation of certain provisions.*

## Amendment 30

### Proposal for a regulation Article 53 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

**7 a. The Commission shall present a report on the implementation of this Article to the European Parliament and to the Council.**

Or. en

*Justification*

*As the new CAP delivery model is based on performance which might trigger financial corrections the EP and the Council should be regularly informed on the implementation of certain provisions.*

## Amendment 31

### Proposal for a regulation Article 58 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

Member States shall ensure a level of checks ***needed for*** an effective management of the risks.

Member States shall ensure a level of checks, ***which is financially and administratively proportionate to*** an effective management of the risks.

Or. en

## Amendment 32

### Proposal for a regulation Article 96 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**1. Member States shall ensure annual ex-post publication of the beneficiaries of the Funds in accordance with [Article 44(3)-(5) of Regulation (EU) .../...CPR Regulation] and paragraphs 2,**

***deleted***

*3 and 4 of this Article.*

Or. en

### **Amendment 33**

#### **Proposal for a regulation Article 96 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. [Article 44(3)-(5) of Regulation (EU) .../...CPR Regulation] shall apply in respect of beneficiaries of EAFRD and EAGF, where relevant; however, the amounts corresponding to the national contribution and the co-financing rate, as provided for in points (h) and (i) of Article 44(3) of that Regulation shall not apply to EAGF.** *deleted*

Or. en

### **Amendment 34**

#### **Proposal for a regulation Article 96 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. For the purposes of this Article:** *deleted*  
– **"operation" means measure or intervention;**  
– **"location" means the municipality where the beneficiary is resident or is registered and, where available, the postal code or the part thereof identifying the municipality".**

Or. en

## Amendment 35

### Proposal for a regulation Article 96 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**4. The information referred to in Article 44(3)-(5) of that Regulation shall be made available on a single website per Member State. It shall remain available for two years from the date of the initial publication.**

**deleted**

**Member States shall not publish the information referred to in points (a) and (b) of Article 44(3) of the Regulation (EU) .../...[CPR Regulation] if the amount of aid received in one year by a beneficiary is equal to or less than EUR 1 250.**

Or. en

## Amendment 36

### Proposal for a regulation Article 96 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 96 a*

##### ***Publication of beneficiaries***

**1. Member States shall ensure annual ex-post publication of the beneficiaries of the Funds. The publication shall contain:**

**(a) the name of the beneficiary, as follows:**

**(i) the first name and the surname where the beneficiary is a natural person;**

**(ii) the full legal name as registered where the beneficiary is a legal person with the autonomous legal personality pursuant to the legislation of the Member State concerned;**

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

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

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

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

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

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

**3. Member States shall not publish the name of a beneficiary as provided for in point (a) of the first subparagraph if the amount of aid received in one year by a beneficiary is equal to or less than EUR 1250.**

Or. en

#### *Justification*

*Due to an significant administrative burden that would occur from the proposed system, it would be better to keep the present system for the publication of EAGF and EAFRD beneficiaries (annual publication, PA's obligation to publish data, present list of data, single website for EAFRD and EAGF), based on HzR only.*

**Amendment 37**

**Proposal for a regulation**

**Article 104 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

It shall apply from 1 January **2021**.

*Amendment*

It shall apply from 1 January **2023**.

Or. en

*Justification*

*The application deadline of 2021 will be difficult to achieve, taking into account that implementing rules must be adopted in time, necessary funds are available and enough time is provided for the development of new IT systems (monitoring, recording of progress in achieving objectives using indicators etc.).*