



Council of the
European Union

Brussels, 3 October 2023
(OR. en)

13328/23

**Interinstitutional File:
2018/0216(COD)**

**AGRI 536
AGRILEG 196
AGRIFIN 112
AGRISTR 50
CODEC 1663
AGRIORG 112**

NOTE

From: Presidency
To: Delegations
Subject: Simplification - CAP Strategic Plans
- Information from the Presidency

Delegations will find in the Annex a Presidency note on simplifying the procedure for amending the CAP Strategic Plans.

Simplifying the CAP Strategic Plans amendment procedure

Member States' CAP Strategic Plans are the cornerstone of the 2021 CAP reform. In 2022, all Strategic Plans were approved and 2023 has been the first year of their application. In the meantime, Member States and the Commission have made their first experience with modifying the Plans.

In 2023, many Member States were faced with the need to make minor adjustments that did not affect the approved intervention strategies but were aimed at improving the application and uptake of the measures.

Even though the technical work with the Commission services has been intense and smooth, it has been generally agreed that the amendment process is excessively complex and time-consuming. The information required for the scope of the modification proposal has been disproportionate. This means that the cost/efficiency ratio of the process is not affordable in the long term, neither for the Commission's staff nor for the staff of the national administrations.

Member States also reported about difficulties derived from the information exchange system SFC2021, specially in the case of large Plans with a great number of interventions and unit amounts. This problem is particularly frequent in the case of regionalised Member States. SFC2021 makes it quite difficult to record the information required and to analyse it by the Commission services.

The Strategic Plans contain all the details of how the CAP is applied in each Member State. Every year, Member States launch calls for applications, receive applications including many data, quantitative and qualitative information from the different stakeholders, etc. All these inputs allow Member States to understand to what extent the planned strategy is being fulfilled or adjustments must be made to ensure its achievement. The CAP Strategic Plans Regulation (EU) 2021/2115 allows the Plans to be amended just once per year, plus three additional amendments during the whole period. All these difficulties encountered make any modification of the CAP Strategic Plans a very challenging a time consuming process.

It is also very difficult to explain to stakeholders the slow pace of adjusting the CAP Strategic Plans. Currently it is not possible to modify an intervention after knowing its results before its next call: a whole financial year is lost before the intervention can be modified. Such a delay is not understandable for our farmers in a 5-year horizon plan, considering also that the CAP support is fundamental for the maintenance of their farms.

There is therefore an urgent need to make the amendment procedure much more agile.

It is necessary to think about the possibilities of introducing elements of flexibility and simplification, based on the principle of subsidiarity that is a core element of the last CAP reform. Opinions expressed by Member States helped to identify three areas in which the procedure could be improved:

1. Issues affecting the CAP Strategic Plans Regulation: The agility in the amendment procedure could be improved by modifying Regulation 2021/2115, such as by extending the concept of "notifications" (Art. 119(9)) to 1st pillar interventions or allowing to keep two modification proposals open when they do not affect the same elements.

2. Issues related to the analysis of Strategic Plans' amendment proposals: Art.119(6) gives 3 months to the Commission to approve amendment proposals. Although this can be a very reasonable time for Member States, the process can take much more time if the Commission sends observation letters (Art.119(5)) that *stop the clock* (Art. 121). It seems necessary to strictly stick to the 3-month deadline when amendments do not interfere with the strategies approved.

Also, notifications (Art. 119(9)) and formal corrections (Art. 119(12)) must be ready to be applied. Member States have experienced a very restrictive interpretation by the legal services of DG AGRI, with very slow response times.

3. Issues related with improvements in SFC2021: SFC2021 could be a more useful tool allowing improvements such as enabling the establishment of regional nodes; transmission of information from national databases via web services; allowing to record tables for unit amounts in section 5.3.12; providing the tables with the indicative financial allocation in section 6.2; enabling a system to sort and filter the elements included in the justification of the changes to easily find the information; enabling options for a partial download of the Plan (i.e. per intervention); allowing comparison between different Plan versions.

The Presidency considers that in order to prepare the stocktaking of the first year of the implementation of the CAP Strategic Plans to be held in December, it would be useful to launch a debate about the CAP Strategic Plans modification procedure. In this respect, the Presidency proposes the following questions for discussion:

1. How to make the amendment procedure reasonable in terms of time and request for information?
 2. What do you consider most burdensome and problematic in the modification of the CAP Strategic Plans?
-