



Council of the
European Union

Brussels, 27 January 2021
(OR. en)

5654/21

LIMITE

AGRI 30
AGRILEG 9
AGRIFIN 4
AGRISTR 5
AGRIORG 5
CODEC 101
CADREFIN 40

Interinstitutional File:
2018/0216(COD)

NOTE

From: Presidency

To: Special Committee on Agriculture

No. Cion doc.: 9645/18 + COR 1 + ADD 1

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council
- Presidency note following the fourth trilogue on the CAP Strategic Plans Regulation

With a view to the meeting of the Special Committee on Agriculture on 1 February 2021, delegations will find in the Annex a Presidency note following the fourth trilogue on the CAP Strategic Plans Regulation to request guidance on the new delivery model.

The Portuguese Presidency has launched the trilogue discussion on the new delivery model (NDM), one of the key elements of the CAP reform.

The first trilogue on the CAP Strategic Plans Regulation (SPR) under the Portuguese Presidency - the fourth one since the beginning of the discussions with the European Parliament - was entirely dedicated to the NDM and took place on 22 January. Its outcome and achievements are reflected in the four-column document 5599/21.

The trilogue also showed that on some elements the positions of the Council, the European Parliament and the Commission are still apart, in particular on:

1) Article 89:

- in row 926a, the option for Member States to decide when the setting of uniform unit amounts for IACS interventions is impossible or inappropriate, as is reflected in the words "as determined by Member States"; the Commission fears that this would not leave any margin for discussion in the dialogue between Member States and the Commission for the approval of their Strategic Plans and would lead to average unit amounts that would hardly be comparable between Member States; in the same vein, the European Parliament suggested to delete "as determined by Member States"; progress has been achieved at a technical meeting on 26 January 2021: the Commission will prepare drafting suggestions on how to reflect the common understanding (i.e. need for average unit amounts to be determined by Member States and then to be approved by the Commission);
- in row 933, the type of the rural development interventions for which Member States would be allowed to set maximum planned average unit amounts (all interventions as asked for by the Council or only those under IACS as requested by the Commission and the European Parliament?);

- 2) Article 121: the benchmark for the performance clearance (the average unit amounts for operations for which payments have been made in line with the Council's position or the average unit amounts for the operations selected as requested by the Commission?); due to the links with the Horizontal Regulation work on this issue will continue in cooperation with the colleagues responsible for the Horizontal Regulation;
- 3) Article 121a: the periodicity of performance review (annually in line with the Commission or biennially as preferred by the Council and the European Parliament?) and the tolerance deviation levels that will trigger the need to provide justifications.

With a view to the next trilogue on the CAP SPR on 10 February, the Presidency would like to receive from the SCA of 1 February guidance to pursue the negotiation with the European Parliament.

The Presidency would be grateful if delegations could indicate the elements where they consider that some margin of manoeuvre exists to find agreement with the European Parliament, in particular with regard to the following questions:

- 1) Do you consider that the possibility for Member States to set maximum planned average unit amounts for rural development in Article 89 (row 933) could be limited to IACS interventions?
- 2) Could you accept that the tolerance deviation levels in Article 121a (row 1246c) are reduced if the performance review is done biennially? Would 35% and 30%, which would be halfway to the 25% requested by the European Parliament, be appropriate for 2025 and 2027 respectively?